

STRATEGIC DIRECTOR - ENVIRONMENT AND LEISURE AND EXECUTIVE HEAD OF PLANNING, TRANSPORTATION AND HIGHWAYS

1. The designated postholders, or any other officer duly authorised by those postholders, shall have delegated authority to determine or take any other appropriate action in respect of all matters relating to Town and Country Planning, Development Control, Conservation, Enforcement and all other matters related to the development of land and other related matters EXCEPT those in the categories listed below, where the decision making function lies with the relevant committees. Reference to the Town and Country Planning Act 1990 or other legislation or to the adopted UDP shall be taken to mean any subsequent or related legislation or Local Development Plan that may come into force from time to time: (556/05)

(i) Applications for planning permission which propose:-

- a. residential development comprising the erection of 10 or more dwellings or where the number of dwellings is not specified, a site area of 0.5ha (hectare);
- b. for all other uses, floor space of 1000m² or more;
- c. development including the change of use of 1ha or more of land

Other than where:

- i. the officer recommendation is that the application should be refused in accordance with the policies set out in the adopted Local Development Plan;
- ii. a similar application on the same site has already been determined by an appropriate committee, or refused under delegated powers (in accordance with para 1 above) and no additional issues are raised by the new application.

(ii) To determine an application which has been referred to committee under the Member's Referral Procedure (as set out in Part 9 of Section 4 of this Constitution).

(iii) To determine an application accompanied by an Environmental Impact Assessment.

(iv) To authorise the making of an Order under s.97 of the Town and Country Planning Act 1990 revoking or modifying planning permission and in cases where such an Order is unopposed, to advertise the making of the Order under s.99 of the said Act.

(v) To determine any matter of business referred to the committee by a designated officer.

(vi) To determine a planning application where the recommendation either for approval or refusal is opposed by the receipt of material planning considerations (**see definition in note below*) in writing from 10 or more persons, residing at separate addresses, or by way of a petition containing 50 or more signatures.

(vii) To confirm, with or without modification, Tree Preservation Orders, to which an objection has been received.

(viii) To decide whether to object / not object to a consultation from another authority on an application for planning permission for development of a type set out in paragraph (i), where there is a material effect on the London Borough of Sutton or its residents.

(ix) To determine an application that does not accord with one or more provisions of the Unitary Development Plan, where those matters cannot be resolved by the imposition of appropriate conditions: a Departure (or any other development plan relevant to s.54A of the Act).

(x) To grant permission for planning applications that are contrary to the Council's adopted planning policies and guidance and which cannot be remedied by the imposition of a planning condition.

(xi) To refuse planning permission for applications that comply with the Council's adopted planning policies and guidance.

(xii) To determine planning applications submitted by or on behalf of employees / consultants / Members of the London Borough of Sutton, or their families.

(xiii) To authorise the making of agreements under s.106 of the Town and Country Planning Act 1990 in connection with those applications not listed in paragraph (i), other than where the monies involved are as set out or otherwise specified in the adopted UDP.

**Note The following types of representation cannot be regarded as material:*

- *Disputes over boundaries*
- *Restrictive covenants, including ancient or other rights of light*
- *Loss of value*
- *Matters dealt with under other legislation*
- *Inconvenience or other problems caused by building works*
- *Opposition to business competition*
- *Opposition to the principle of development when this has been established by an extant planning permission*
- *The applicant's personal circumstances, unless in exceptional circumstances these could be shown to be material, e.g. disability*
- *Factual misrepresentation of the proposal.*

2. To designate Officers as the "appropriate person" for the purposes of Copyright, Designs and Patents Act 1988. (491/98)
3. To settle procedural details and forms required under the Wildlife and Countryside Act 1981. (491/98)
4. In conjunction with the Executive Head of Waste Management and Transport and in consultation with the Lead Councillor for the Environment, to carry out the siting of recycling facilities in suitable locations around the Borough and apply for planning permission where required. (491/98)
5. To lodge objections on environmental grounds to Goods Vehicle Licence Applications. (491/98)
6. To respond to consultations by neighbouring authorities on planning applications, except those which would:
 - (1) conflict with the policies of the Council's current development Plan as they are applied within Sutton; (491/98)
 - (2) have an adverse effect within the London Borough of Sutton; or (491/98)

PART 9 MEMBERS' REFERRAL PROCEDURE

A Member may require a planning application, within their ward, to be referred to the relevant Area Committee or to the Development Control Committee for determination where it is being recommended for approval. The definition of a 'Planning Application' is given below.

The effect of making such a referral will be that the application cannot be determined under delegated powers and will be referred to a Committee for decision. This is to be read in conjunction with the Constitution as it relates to the functions of each Committee. This procedure is intended to facilitate a full debate about the merits of an application and enables members of the public to attend and speak in accordance with the Committee rules and procedures.

A referral must be made in writing within 21 days of the publication of the weekly list of planning applications received (which is circulated to all members). Such referral must identify the application site and demonstrate that there is a valid planning reason why the application should not be determined under delegated powers.

In making use of this procedure members should avoid showing bias or pre-determination in advance of the matter being discussed at Committee.

The referral form must be sent to:-

The Development Control office, Environment and Leisure Group, 24 Denmark Road, Carshalton (E-mail: developmentcontrol@sutton.gov.uk), before a decision has been taken under delegated powers.

The referring Member will be advised of the Committee date.

Note:- For the purposes of this procedure a planning application shall include:-

- (1) An application for planning permission under Part III of the Town and Country Planning Act 1990 (as amended).
- (2) An application for planning permission under Regulation 3 of the Town and Country Planning Act 1990 (as amended).
- (3) An application for consent to display advertisements.
- (4) An application for consent to demolish or alter a listed building or a building in a Conservation Area.
- (5) A proposal by a Government department under Circular 18/84

A Planning application shall not include:-

- (1) an application for consent to carry out works to a tree which is the subject of a Tree Preservation Order.
- (2) A notice of intention to carry out tree works in a conservation Area
- (3) An application for approval of details required by condition attached to an outline planning permission (a "reserved matters application").

(This definition does not preclude members, at the time of deciding the outline application, from requesting to see the reserved matters details of specific applications where it would be in the public interest to do so).

- (4) An application for a Certificate of Lawfulness of existing or proposed use under section 191 or existing or proposed development under Section 192 of the Town and Country Planning Act 1990 (as amended).
- (5) An application for telecommunications development submitted under the “prior approval procedure”. (Such applications have to be determined within 56 days of receipt or consent is granted by default).