

CITY OF WESTMINSTER

SCHEDULE OF DELEGATIONS TO OFFICERS

**DELEGATED AUTHORITY TO
DIRECTOR OF PLANNING AND CITY DEVELOPMENT**

Previous Issue:
This Issue: November 2003

CITY OF WESTMINSTER**DELEGATED AUTHORITY TO DIRECTOR OF PLANNING & CITY DEVELOPMENT**

Subject	Last Delegated by:	To be Delegated by:	Executive/ Non-Executive	Reason For Change
<p>PLANNING ACTS</p> <p>1. To determine all applications for planning permission, advertisement consent, Conservation Area Consent, Listed Building Consent, application for the Council's own development and Hazardous Substances consent except where:</p> <p>(a) In the opinion of the Director the application is of a major controversial or sensitive nature or where in his/her opinion the decision would be contrary to approved planning policies.</p> <p>(b) It is proposed to grant permission, consent or approval and in the opinion of the Director, this would set a significant precedent or have a significant impact on the environment.</p> <p>(c) It is proposed to grant permission, consent or approval for an application which is the subject of objection on planning (or hazardous substances) grounds. Referral to the Planning Applications Sub Committee or Planning and City Development Committee will not be required where in the opinion of the Director:</p> <p>(1) The objection(s) are not specifically related to the application;</p> <p>OR</p> <p>(2) The objection(s) can be met by the imposition of conditions;</p> <p>OR</p> <p>(3) The proposal complies with adopted policies or standards.</p>	<p>Major Planning Applications Committee 30 January 2003</p>	<p>Planning and City Development Committee</p>	<p>Non - Executive</p>	<p>NEW DEPARTMENT. Functions transferred from former planning and transportation department</p>

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<p>(d) In the opinion of the Director it would be inappropriate to do so having regard to representations received from one or more Members of the Council or to the nature and extent or representations made in response to public consultation.</p> <p>(e) The application is for the Council's Own Development and the Director is minded to refuse permission or consent. If the Planning Applications Sub-Committee is minded to refuse the application shall be referred to the Planning and City Development Committee for determination.</p> <p>(f) The application has been submitted by or on behalf of a Councillor of the Authority (or their spouse/partner) or by any member of the Council's staff (or their spouse/partner).</p> <p>(g) A Member of the Council has requested that the application be determined by the Planning and City Development Committee or the Planning Applications Sub-Committee</p>				
<p>2. To determine applications under the Planning Acts which, before the expiry of the period allowed for the submission of observations by public advertisement or notice, have been considered by the Planning and City Development Committee or the Planning Sub-Committee, or where either Committee has deferred a decision but has authorised the Director of Planning and City Development to make the final decision.</p>	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	

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<p>3. To determine applications to discharge conditions imposed on a grant of planning permission, listed building consent, Conservation Area Consent or on permission for the Council's own development except in the latter case where the conditions relate to a listed building or conservation area consent.</p> <p>These will be dealt with by the Planning Applications Sub-Committee unless the Director is of the opinion that no significant issues are raised.</p>	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
<p>4. To deal with applications where it is found that permission is not required in that they do not constitute development or relate to development.</p>	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
<p>5. To issue a "screening opinion" (to determine whether a project requires an Environmental Impact assessment) and/or a "scoping opinion" (on the impacts and issues that the EIA should address) as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 except where:</p> <p>a) in the opinion of the Director the proposed project is of a major controversial or sensitive nature</p> <p>b) in the opinion of the Director it would be inappropriate to do so having regard to representations received from one or more Members of the Council or to the nature and extent of representations made in response to public consultation.</p>	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	

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6. To deal with applications under Tree Preservation Orders for the thinning and lopping of trees and for the removal of trees and the grant or refusal of consent for such work on other trees in conservation areas.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
7. To determine applications for certificates of Lawful use or development made under Sections 191 and 192 of the Town and Country Planning Act 1990 as substituted by Section 10 of the Planning and Compensation Act 1991 after consultation where necessary with the Director of Legal and Administrative Services.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
8. To take action under Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 to deal with dangerous trees.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
9. To authorise the making of Tree Preservation Orders under Sections 198-201 of the Town and Country Planning Act 1990 and to authorise the confirmation of Tree Preservation Orders where there has been no objection to them.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
10. To authorise agreements and Undertakings under Section 106 of the Town and Country Planning Act 1990, Section 16 of the GLC (General Powers) Act 1974, Section 278 of the Highways Act 1980 and Section 33 of the Local Government Act 1972, the release of such obligations and the modification or discharge of planning obligations, but only where in the opinion of the Director no major, controversial or sensitive issues are raised.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	

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Subject	Last Delegated by:	To be Delegated by:	Executive/ Non-Executive	Reason For Change
11. To authorise unopposed orders revoking or modifying planning permissions, Listed Building consents, Advertisement consents and consents for Works to Preserved Trees (Sections 97 and 198(4) of the Town and Country Planning Act 1990, Sections 23 and 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990) and where claims for compensation are not anticipated.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
12. To determine whether planning permission is required, after consultation where necessary with the Director of Legal Administrative Services.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
13. To make representations in respect of developments notified (including applications under the Planning (Hazardous Substances) Act 1990) to the Council by another London Borough, Government Department or Statutory Undertaker.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
14. To issue directions requiring further information, plans, drawings or evidence pursuant to Regulations made under the Town and Country Planning Act.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
15. To determine applications under the Metropolitan District Railway Act 1919, the London and North Eastern Railway (General Powers) Act 1930 and any other similar private Acts of Parliament, where building works have already been granted planning permission or where no development is involved.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	
16. To deal with 'in principle' decisions on cases where after acquisition the City Council will carry out residential conversion schemes provided that such decisions will be followed by the formal submission and approval of detailed schemes under the appropriate regulations.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	

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17. To agree the revised wording to a condition or the wording of an additional condition or the wording of reasons for refusal as requested by the Planning Sub-Committee or the Planning and City Development Committee.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
18. To submit a request to the Secretary of State for the listing of a property and to comment on behalf of the City Council on applications for certificates of immunity from listing, except where the City Council owns an interest in the property.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	
19. To determine whether or not applications received under the Planning Acts are valid, whether or not development for which a planning application is received would constitute a departure from any relevant Development Plan and to undertake any procedures required before a decision can be made on any applications.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
20. To exercise the functions of the City Council as Local Planning Authority under the Pastoral Measure 1983 and to authorise responses to consultations to faculty procedures and pastoral measures relating to alterations to ecclesiastical buildings or schemes for redundancy.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	
21. To authorise such action as the Director deems necessary to protect the Council's position or avoid an adverse award of costs, in connection with appeals to the Secretary of State under the Planning Acts.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	

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22. To authorise the release under Section 106A of the Town and Country Planning Act 1990 of agreements or undertakings where the planning obligations concerned have been implemented and such agreements or undertakings contain no ongoing obligations.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
23. To exercise the function under Section 70A of the Town and Country Planning Act 1980 of declining to determine applications for planning permission for development where similar applications have been the subject of decisions by the Secretary of State within the previous two years.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
24. To authorise or give notice that planning permission is being sought on behalf of the Council.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
25. To agree the details of highway works that are linked by legal agreement to a development scheme where in the opinion of the Director no significant issues are raised.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
26. To agree minor variations and alterations to the text of development briefs, design and planning guidelines that have been approved by the Planning Applications Sub-Committee or Planning and City Development Committee.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	
27. To authorise or refuse grants under Sections 57 and 77 to 80 of the Planning (Listed Buildings and Conservation Areas) Act 1990, including Conservation Area Partnership Grants (or any replacement of such grants) made by English Heritage, together with publicising and operating these grants.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	

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28. To authorise the service of notices by the Director of Legal Services under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (seeking information as to ownership, use and similar matters) in those cases where the Director considers that enforcement action under the Planning Acts could be recommended.	General Purposes Committee 12 February 2003	General Purposes Committee	Non-Executive	
29. To decide that no further action be taken at the time where, following investigation and on the evidence then available, it appears that no planning contravention has taken place or enforcement action is not expedient.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
30. To authorise Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
31. To consider offers or representations made under Section 171C(4) in response to Planning Contravention Notices.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
32. To rescind authority to issue an Enforcement Notice or serve a breach of Condition Notice where the breach of planning control has been remedied, or where it has been remedied in part and in the opinion of the Director it would be inexpedient to enforce further requirements.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	

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33. Pursuant to Section 173A or 187A of the Town and Country Planning Act 1990 to give authority for Enforcement Notices or Breach of Condition Notices to be withdrawn or for any requirement of an Enforcement Notice to be waived or relaxed where the breach of planning control has been remedied or where in the opinion of the Director it would be expedient to waive or relax the requirements of the Enforcement Notice.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
34. To rescind authority to issue a Listed Building/Conservation Area Enforcement Notice when the contravention of Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been remedied or has been remedied in part or in the opinion of the Director it would be expedient to enforce further requirements.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
35. Pursuant to Section 38(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to authorise the withdrawal of a Listed Building/Conservation Area Enforcement Notice, or for any requirement of such a Notice to be waived or relaxed where the contravention of Section 9 of the Act has been remedied or where, in the opinion of the Director it would be expedient to waive or relax any requirements.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
36. To give authority in writing for persons to enter land under Section 196A of the Town and Country Planning Act 1990 and to authorise applications to justices for warrants under Section 196B for such purposes or to give authority for persons to enter land under Section 88 of the Planning (Listed Building and Conservation Areas) Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	

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TO DEAL WITH THE FOLLOWING FUNCTIONS EXCEPT WHERE, IN THE OPINION OF THE DIRECTOR, ISSUES OF A MAJOR, CONTROVERSIAL OR SENSITIVE NATURE ARE RAISED:				
37. To authorise Building Preservation Notices under Sections 3 and 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
38. To authorise notices in respect of urgent works for the preservation of unoccupied listed buildings and, subject to an appropriate direction from the Secretary of State, unlisted buildings in conservation areas under Sections 54 and 76 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
39. To authorise Hazardous Substances Contravention Notices under Section 24 of the Planning (Hazardous Substances) Act 1990 after consultation where necessary with the Director of Legal Services.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
40. To authorise notices under Section 215 of the Town and Country Planning Act 1990 requiring steps to be taken to remedy the condition of land or buildings that has an adverse effect on amenity.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
41. To authorise the service of notices under the London Local Authorities Act 1995 to secure the removal of unauthorised advertisement hoardings, and entry to the land, removal and disposal of the advert hoardings and recovery of expenses if required.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	

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42. To authorise and secure the removal or obliteration of any placard or poster in accordance with the Town and Country Planning Act 1990 or London Local Authorities Act 1995.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
43. To authorise directions under Article 4 of the Town and Country Planning (General Permitted Development Order) 1995.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	
44. To authorise Enforcement Notices under Section 172 of the Town and Country Planning Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
45. To authorise Stop Notices under Section 183 of the Town and Country Planning Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
46. To authorise Listed Building/Conservation Area Enforcement Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
47. To authorise Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
48. To authorise applications for the High Court or the County Court for injunctions under Section 187B of the Town and Country Planning Act 1990.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
49. To authorise applications to the High Court or County Court for injunctions to prevent or stop contraventions of the Planning Acts or orders/notices served under the Acts where in the opinion of the Director the threatened contravention is such that other statutory procedures are inadequate to prevent irreparable harm to buildings or the environment or the continuation of a serious detriment to the amenity of the locality.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	

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50. To authorise the carrying out of works and the recovery of costs in default of compliance with enforcement Notices, Listed Building Enforcement Notices, and Notices requiring abatement of injury to amenity (Sections 178 and 219 of the Town and Country Planning Act 1990 and Section 42 of the Planning (Listed Buildings and Conservation Areas) Act 1990).	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
51. To authorise Notices in relation to unauthorised works to trees (Section 207 of the Town and Country Planning Act 1990).	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
52. To authorise Discontinuance Notices relating to advertisements.	Major Planning Applications Committee 30 January 2003	Planning and City Development Committee	Non - Executive	
53. To exercise powers under Section 11 (Part III) of the General London Council (General Powers) Act 1969 including powers related to the provision and declaration of walkways.	General Purpose Committee 12 February 2003	General Purpose Committee	Non-Executive	
GENERAL				
54. To authorise notices under the Highways Act 1980, the Housing Acts, the Public Health Act 1936 and the Planning Acts requiring the provision of information as to the ownership of premises where the Council has authorised action under the appropriate Acts.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	
55. To request information as to persons having an interest in land pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	

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Subject	Last Delegated by:	To be Delegated by:	Executive/ Non-Executive	Reason For Change
56. To appoint and brief consultants in connection with the carrying out of works on behalf of the Cabinet Member or Cabinet.	Cabinet Urgency Committee 12 February 2003	Cabinet	Executive	