

Management Arrangements and Scheme of Delegations

HEAD OF PLANNING SERVICES

1. Environmental Assessment: To determine, as appropriate, the division of planning applications into the categories identified in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and to require the submission of such environmental information as may be necessary in respect of Schedule 2 development (6/TP/13.11.90/381).

2. Planning and Compensation Act 1991 (references below to 1990 Act are to the Town and Country Planning Act 1990):

(a) Emergency Enforcement/Stop action: to approve in consultation with the Chairman the taking of enforcement and Stop Action in an emergency;

(b) Breach of Condition Notices: to approve the issue of Notices alleging a breach of condition (Section 187A of the 1990 Act);

(c) Certificates of Lawful Use or Development: to determine applications for Certificates of Lawfulness of existing or proposed use or Development (Sections 191/2 of the 1990 Act) in consultation with the Corporate Services Manager (6/TP/10.9.91/200); and

(d) Temporary Stop Notices: to approve the service of Notices under Section 171E of the 1990 Act (this authority shall also extend to the Borough Planning Officer's authorised Deputy and such other Planning Officers, Arboricultural Officers and Planning Enforcement Officers as may be authorised from time to time).

3. Planning Applications, etc.: There shall be delegated to the Head of Planning Services or in his/her absence, an authorised Deputy, power to determine the following categories of planning applications and other matters:

(a) householder applications, i.e. developments falling within the curtilage of residential properties which require planning consent and are not a change of use;

(b) change of use applications which in the opinion of the Head of Planning Services do not raise significant planning issues;

(c) minor applications proposing extensions and/or alterations to non-residential properties;

(d) applications for approval of samples of building materials and/or landscaping schemes;

(e) applications for the renewal of period consent (unless there has been a material change of circumstances);

(f) applications for the renewal of time expired consents where there has been no material change in circumstances;

(g) applications submitted under the Advertisement Regulations;

(h) the location of equipment by statutory undertakers;

(i) responses to consultations by Surrey County Council, neighbouring authorities, utility companies or other statutory authorities which in the opinion of the Head of Planning Services do not raise significant

planning issues;

- (j) the making of Tree Preservation Orders after consultation with Chairman or Vice-Chairman (Ward Member(s) for information) and the subsequent confirmation of the TPO within 6 months where no objections have been received; the revocation of Area TPOs where they are being replaced by new TPOs or where they no longer meet the Council's agreed selection criteria, in consultation with the Chairman or Vice-Chairman (Ward Member(s) for information) and no objections have been received (these authorities extend to nominated deputies – Planning Committee 7.12.04);
- (k) applications to fell, lop or top trees subject to Tree Preservation Orders or which fall within Conservation Areas (this authority extends to nominated deputies – Planning Committee 7.12.04);
- (l) relaxation and/or minor variations to conditions or agreements subject to which planning permission was granted;
- (m) applications which involve minor amendments to previously approved proposals;
- (n) refusal of applications which are clearly contrary to Development Plan policy, and where there are no special circumstances which might justify a departure from policy;
- (o) the refusal of applications which have attracted a recommendation to refuse from the Highway Authority;
- (p) shop front applications;
- (q) the serving of a Building Preservation Notice in emergency after consultation with the Chairman or Vice-Chairman (Ward Member(s) for information);
- (r) decisions that a proposed amendment to an approved scheme is insufficient to require the submission of a further planning application;
- (s) applications for Conservation Area Consent to demolish buildings or structures and which do not require planning consent;
- (t) reserved matters applications which are considered by the Head of Planning Services to be consistent with an outline consent and which do not raise significant planning issues;
- (u) applications in respect of Listed Buildings which in the opinion of the Head of Planning Services do not raise significant planning issues;
- (v) reserved matters applications where siting has been agreed in an outline consent and which in the opinion of the Head of Planning Services do not raise significant planning issues;
- (w) applications for a determination of whether the prior approval of the Local Planning Authority would be required pursuant to the Town and Country Planning General Permitted Development Order 1995; and
- (x) in consultation with the Chairman, applications that the Planning Committee has resolved should be approved subject to the prior completion of a Section 106 Agreement where such Agreement has not been completed within a time-scale considered reasonable by the Head of Planning Services.
- (y) 'High Hedges': The Borough Planning Officer (or his/her appointed officers) is authorised to determine applications of complaint over high hedges under the Anti-Social Behaviour Act 2003 (29.04.05/Standing Order 23.2).
- (z) Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 and Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009:

- Extensions to the time limits for implementing existing planning permissions and consents (including applications submitted by Woking Borough Council and Thameswey Group companies);
- Non-material amendments to existing planning permissions and consents (including applications submitted by Woking Borough Council and Thameswey Group companies), and
- Minor material amendments to existing planning permissions and consents (including applications submitted by Woking Borough Council and Thameswey Group companies).

NOTE: (1) These delegations will not apply insofar as an application:

- i) involves an elected Member of the Council; or
- ii) involves a member of the Council's staff; or
- iii) has been submitted by Woking Borough Council (save in respect of the delegation at paragraph 3(z) above).

(2) The Head of Planning Services (or in his/her absence an authorised Deputy) shall determine applications at weekly meetings. The officers shall refer, at their discretion, particular applications to the Planning Committee for determination.

(3) No decision shall be made on any delegated application until 21 days have elapsed from the date of the neighbour notification letter.

(4) It is intended that the delegation at paragraph 3(x) above will be exercised where the Head of Planning Services is satisfied that there is no reasonable prospect of the Section 106 Agreement being completed within a reasonable timescale.

4. Protection and Preservation of Trees and Hedgerows: To determine notifications within intended hedgerow removal; to approve or refuse consent as appropriate within the prescribed six week period; to issue or withdraw Hedgerow retention notices in respect of hedgerows classified as "important" within the statutory criteria; to issue Hedgerow replacement notices in appropriate cases; to take all necessary steps in connection with appeals (5/P&E/12.6.97/68).

5. Building Regulations: To determine applications, issue formal notices and decide on any type of relaxation of the Building Regulations.

6. Community Projects Grants: To approve Community Projects Grants up to the value of £100, in consultation with the Chairman and Ward Councillors (21/P&E/10.11.94/317).

7. Historic Building Repair and Community Projects Grants: To approve grants in accordance with the agreed criteria, in consultation with the Chairman and the appropriate Ward Councillors (18/P&E/14.3.96/626).

8. Urgent Works Notice: To serve any Urgent Works Notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the urgent protection of all listed Buildings in the Borough, in consultation with the Chairman and all Ward Councillors (10/P&E/12.3.98/548).

9. Village Centres Environmental Action Programme: To give grant aid of up to £1,000 for minor improvements, in consultation with the Chairman and local Ward Members (9/P&E/9.11.95/345).

10. Village Centre and Community Project Grants: To give grant aid of up to £2,000 for minor improvements, in consultation with the Chairman and local Ward Members (16/P&E/12.9.96/280).

11. Licensing Act 2003: The Head of Planning Services (or an authorised deputy in his/her absence) is authorised to object to a proposed licence application on Planning Grounds (5/Council/16.12.04/196).

Public Participation at Planning Committee

(Fourth Edition)

1.0. PRINCIPLES

1.1. The Council resolved to introduce public participation at Development Control Sub-Committee which was brought into operation on 25 February 1997. The principles now apply to the Planning Committee which was established in May 2000 as a result of the introduction of new Council democratic structures at that time.

1.2. It is first necessary to clarify the criteria which will determine which planning applications should be the subject of representations to be made in person.

1.3. The number of objectors required before a planning application qualifies for public speaking at the Planning Committee is 10.

2.0. DEFINITIONS

2.1. Applications on Which the Public May Speak:

The public speaking scheme applies only to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders.

Any application which attracts 10 (see paragraph 1.3. above) or more individual objections (a petition will be regarded as one objection) prior to the designated cut-off date which will be 14 DAYS prior to the meeting or, if later, the expiry of the 21 day period for receipt of representations.

In addition the public will have the right to address the Committee on any of the following types of applications (see (i) - (iv)) irrespective of the number of objections made:

(i) Any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are

raised.

(ii) Any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and any subsequent amending regulations.

(iii) Applications for major commercial (retail, industrial or business development) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters.

(iv) Applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters.

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(NOTE: Council applications are also subject to the same criteria set out above.)

2.2. Applications which officers will normally give a presentation to the Committee

This category will be of the type currently included on Section A and B of the Planning Committee agenda which would include:

- (i) developments proposing in excess of one dwelling;
- (ii) certain applications for change of use;
- (iii) non-controversial business or industrial/warehouse or retail proposals;
- (iv) all development proposals (including Minor applications) submitted by the Council;
- (v) applications involving a Member of the Council or staff.

NOTE: Presentation will also be given on any application where the public exercise a right to speak.

2.3. Applications which will not be formally presented to the Committee unless specifically requested by Members on which the public will not be invited to

speak

This will normally be other minor applications which have been referred to the Committee at the request of Borough Planning Officer which would normally be dealt with under delegated powers.

Also minor applications where enforcement action is being recommended will not normally be presented by officers but will be included on this section of the Planning Committee agenda.

3.0. PROCEDURES

3.1. Informing the Public

The letters which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors may have a right to speak at Committee meetings, and will enclose an information leaflet explaining what happens at the Committee meeting.

3.2. The agenda is normally published by the Tuesday evening prior to the Committee meeting and sent out to Councillors. The 'cut-off' point for receipt of letters which would fall into the criteria of allowing public speaking shall be 14 days prior to the meeting or, if later, the expiry of the 21 day period for receipt of representations.

3.3. At the end of the working day, 14 days prior to the meeting at which the application is to be considered or later (as the case may be), the case officers/team leaders will advise the Borough Planning Officer of those applications intended for inclusion on the agenda which have attracted 10 (see paragraph 1.3. above) or more objections (and, of course, those

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applications which the right to speak arises irrespective of the number of objections).

3.4. If the representations received exceed 10 (see paragraph 1.3. above) individual letters (a petition would count as one objection but standardised letters will be treated as individual letters) then notification will be sent to all those persons advising them of their right to speak (in the case of a petition the first named person). The letter will be sent first class no later than the Wednesday following the dispatch of the agenda which is normally received by Councillors on the Tuesday evening preceding (also letters need to be sent to any objectors to major applications with less than 10 (see paragraph 1.3. above) objections which are to be included on the first part of the agenda).

3.5. The current letter sent to applicants or agents has been revised advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors have given notice that they wish to make representations.

3.6. A list of the objectors (in all the categories where the right to speak exists) will be advised to the Democratic Services Officer together with details (and a contact number if known) of the agent or applicant.

3.7. In the letter advising the representors that they may speak at the meeting they will be required to register an interest no later than 4.00 p.m. on the Monday prior to the day of the Committee meeting (or 9.00 a.m. on the Tuesday following Bank Holidays). Representors will be required to leave their details on a 24hr answerphone which will be open from 9.00 a.m. on the day after the agenda goes out. Democratic Services will have responsibility for monitoring and actioning calls.

3.8. The enquirer will be advised of the arrangements for the procedure at the Committee and the agent or applicant will be contacted and advised that representations are to be made.

3.9. Only one representor of the objectors will be allowed to make an oral representation. This should be done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Any subsequent representors wishing to speak will be advised by the Democratic Services Officer to contact the person who will be appearing so that representations can be combined if necessary.

4.0. PROCEDURE AT COMMITTEE

4.1. All speakers will be required to report to the Democratic Services Officer in the Council Chamber no later than 6.45 p.m. on the night of the Committee.

The Democratic Services Officer will meet the speakers and explain procedures and also give directions as to where to sit in the Chamber. If the objector fails to appear then the applicant/agent will not be entitled to speak.

(NOTE: Where more than one person has registered an interest to speak the second named representor will be entitled to speak if the first named speaker is not in attendance five minutes before the start of the meeting.)

4.2. Officers will introduce the application and advise Members on the recommendations.

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4.3. Representors views will then be heard in the following order: representative of the objectors and agent/applicant. Each speaker will be allocated three minutes.

4.4. Whilst objectors and the agent have a right to speak, applications will not be deferred because one side is unable or does not wish to be present.

4.5. Members will not ask questions of the representatives at the end of the address. The representor will then be asked to move back to an allocated seating area behind the press bench.

4.6. Officers will then be asked by the Chairman whether they have anything to add by way of clarification.

4.7. The Committee will then debate the application (no more representors' views will be taken once the debate has started).

4.8. Representors will not have the right to speak or question the Members or Officers once they have made their submission.

4.9. Members will have the opportunity of asking further questions of the Officers and if necessary ask Officers to make a brief summary of the planning issues, at the end of the debate.

4.10. If the speakers wish to present documentary material this should be made available to the Democratic Services Officer before 12.00 noon on the day of the Committee.

4.11. The right to speak will only be exercised at the first Council meeting at which the application is considered and will not normally be the subject of further representors presentations at any subsequent meeting.

Exceptionally, where significant changes have taken place after a deferral by the Committee then a further presentation may be allowed.

4.12. In the event that a representor does not get the opportunity to speak as a result of the deferral of an application (either by the Borough Planning Officer or at the request of the applicant) before it is presented to the Committee, their chance to speak when the application is referred back to the Committee for consideration will be protected (i.e. they will be offered the opportunity first).

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NOTES:

(1) Representors will be allocated space behind the area normally

occupied by the Press and come forward to the end of the outer horseshoe' (nearest to where the Democratic Services Officer sits) when speaking. A lectern will be placed in this position prior to the meeting.

(2) The format of the revised agenda will include the following headings:

Section A: Applications on which the public are eligible to speak.

Section B: Applications which will be the subject of a presentation by Officers.

Section C: Other applications where no presentations will be made unless requested by a Member of the Council.