

Chapter 7 - Planning Decisions

The London Borough of Hillingdon is a Local Planning Authority and determines planning matters permitted in law.

All matters relating to town and country planning functions as set out in the Town and Country Planning Act and related Acts, including The High Speed 2 (HS2) Act, are delegated to the Chief Planning Officer ¹, with the exception of the matters listed below which are for determination by the relevant Committee.

Definition of Planning Applications

References to ‘Planning Applications’ in this document include the following application types:

- Applications for full planning permission;
- Applications for outline planning permission and reserved matters;
- Applications under S73 of the Town and Country Planning Act (1990) (as amended);
- Applications for permission in principle and technical details consent.

For the avoidance of doubt, the following application types are excluded from the definition of ‘Planning Applications’ in this document:

- Applications for prior notification/approval;
- Applications for tree works;
- Applications for non-material amendments to a planning permission;
- Applications to discharge a condition(s) pursuant to a planning permission;
- Applications for listed building consent;
- Applications for advertisement consent;
- Applications for certificates of lawfulness.

Planning Committees

Matters to be Determined by the Major Applications Committee

¹ The Chief Planning Officer may subdelegate their authority to other officers within the Planning Service, subject to maintaining a written record of the delegation of authority.

<i>Planning Applications meeting the following criteria:</i>	
1.	Planning Applications relating to ‘Major’ development as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) where the recommendation is for approval. Except that Planning Applications to vary an existing planning permission or associated legal agreement are delegated to the Chief Planning Officer (unless the variation results in a reduction of affordable housing provision).
2.	<p>Any ‘Major’ Planning Application as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) where a Ward Councillor requests, in writing to the Chief Planning Officer, Head of Development Management or Planning Service Manager within 21 days of the publication of the relevant weekly list of applications received by the Council, that it be determined by a Committee.</p> <p>The Ward Councillor must include a valid planning reason for the request. Determination of what constitutes a valid planning reason will be made by the Chief Planning Officer or their sub-delegates in consultation with the Planning Committee Chair. In exceptional circumstances, as determined by the Chief Planning Officer, Head of Development Management or Planning Service Manager, the 21-day rule may be waived.</p> <p>Should the desired outcome subsequently be in accordance with the ‘Officer’s Recommendation’ or the call-in request be withdrawn, then the application will not be referred to Committee.</p>
<i>Applications under the High Speed 2 Act meeting the following criteria:</i>	
3.	Schedule 17(2) – Condition relating to building works where the footprint is above 500m ² .
4.	Proposals under Schedule 17(3) Table: (2): Earthworks - where the works involve land of more than 1 hectare.
5.	Schedule 17(6) – Condition relating to road transport proposals for the movement of large goods vehicles (over 7.5 tonnes) of more than 24 movements a day (12 in, 12 out).
6.	Schedule 17(7 and 8) - Conditions relating to waste and soil disposal and excavation where the works affect an area of more than 1 hectare.
7.	Schedule 17(9) – Conditions on bringing scheduled works and depots into use where the scheduled work is more than 500m ² .
8.	Schedule 17(12) – Condition relating to site restoration where the proposals affect an area of more than 1 hectare.
9.	Schedule 16(5) – Condition relating to site restoration where the proposals affect an area of more than 1 hectare.

Other matters meeting the following criteria:

10	Applications for listed building consent for which there is a corresponding Major Planning Application which meets the criteria set out in 1 or 2 above.
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Matters to be Determined by the Borough Planning Committee

The Borough Planning Committee will determine all other (non-major) planning applications which involve:

1.	Planning applications for which petitions of 20 or more valid signatures, or 20 or more separate written responses have been received ² . Where a petition has been received on a householder application and the desired outcome of the petition accords with the ‘Officer’s recommendation’ then the application will not be reported to Committee
2.	Non-major planning applications where the Council is the applicant or has a financial liability.
3	Planning applications submitted by or on behalf of a Councillor, Chief Officer or by or on behalf of any officer directly involved in the processing of planning applications.
4	Planning applications for inappropriate development ³ in the Greenbelt (excluding householder or other development proposing less than 200sqm additional floorspace) where the recommendation is to grant planning permission.
5	To confirm and modify Tree Preservation Orders where objections have been received and not withdrawn.
6	<p>Any non-major planning application where a Ward Councillor requests, in writing to the Chief Planning Officer, Head of Development Management or Planning Service Manager within 21 days of the publication of the relevant weekly list of applications received by the Council, that it be determined by a committee. The Ward Councillor must include in their request the valid planning reasons why they wish the application to be determined by Committee and their desired outcome for the application.</p> <p>Determination of what constitutes a valid planning reason, and thus a valid referral, will be made by the Chief Planning Officer, Head of Development Management or Planning Service Manager in consultation with the relevant Planning Committee Chairman. In exceptional circumstances, as</p>

² Guidance of a Valid Petition is set out in Council’s Petition Scheme.

³ Inappropriate development is defined in the National Planning Policy Framework.

	<p>determined by the Chief Planning Officer, Head of Development Management or Planning Service Manager the 21-day rule may be waived.</p> <p>Should the desired outcome subsequently be in accordance with the 'Officer's Recommendation' then the application will not be referred to Committee.</p>
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Other Cases

Additionally, the Chief Planning Officer in consultation with the appropriate Cabinet Member, may refer applications which by virtue of the level of public interest or by virtue of the economic / regeneration impacts of the proposals are felt to warrant consideration at the Borough or Major Applications Planning Committee.

Planning Committee Membership, Training & Conduct

Planning Committees will be politically balanced, and membership determined by the Full Council.

Mandatory training in planning is required for new committee members and all members of the planning committees should observe the Planning Code of Conduct set out in Part 3 of the Constitution.

Planning Committee Quorum

No business shall be transacted at a meeting of a Planning Committee unless there is present at least one third of the whole number of Members of the body concerned or 3 Members of the Committee whichever is the greater.

Decisions made by Planning Officers

Delegated Decisions

The Council has delegated the determination of all other planning decisions to the Chief Planning Officer in accordance with S101 of the Local Government Act 1972.

The Chief Planning Officer is authorised to delegate any of the above functions delegated to her/him in this Constitution to other officers, subject to maintaining a written record.

Decisions on High Speed 2 (HS2)

HS2 is a major national infrastructure rail project impacting the Borough and requires additional, albeit temporary, decision-making delegations to ensure the Council can respond to the development effectively.

More significant decisions are taken by the Major Applications Planning Committee as set out above in this Chapter.

All other High Speed 2 Act Schedule 17 applications and Schedule 16[5] [land restoration schemes] applications from HS2 Ltd to the London Borough of Hillingdon requiring approval are delegated to the Chief Planning Officer in consultation with the relevant Cabinet Member.