

The Constitution of St Helens Borough Council Part 3 – Responsibility of Functions

B. Council Functions Delegated to Officers

Planning

1. To determine all applications for planning permission, listed building consent, conservation area consent, tree works consent, advertisement consent, prior notifications, lawful development certificates, variation/discharge of Section 106 agreements and all other matters submitted for the determination, formal approval or comment of the Council as Local Planning Authority under the relevant Town and Country Planning Act and associated legislation.
2. To decline to accept applications for development for which there has been an appeal dismissed within the preceding two years.
3. To decline to accept applications for development for which there has been a refusal where, in the view of the Council's **Development Control Manager Head of Planning**, there has been no material change in circumstances.
4. **To decline to determine retrospective applications where an existing enforcement notice exists.**
5. To instruct the Council's Chief Legal Officer to issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices, Discontinuation Notices, Breach of Condition Notices and Notices under Section 215 of the Town and Country Planning Act and, where appropriate, take direct action in the event of non-compliance with any notice.
6. To grant planning permission in those cases where a matter is referred to the Secretary of State for him to decide whether or not he wants to call it in, and he decides not to do so, and the Planning Committee have been minded to grant planning permission.
7. To exercise the powers of Council relating to the protection of important hedgerows under the Hedgerows Regulations 1997.
8. To exercise the powers of Council relating to the preservation of trees.
9. To determine all complaints made under Part 8 of the Anti-Social Behaviour Act 2003, for "high hedges".
10. To make the formal determination of received complaints under Part 8 of the Anti-Social Behaviour Act 2003 relating to high hedges other than where such a complaint relates to a hedge on Council- owned land or where there are

considered to be wider neighbourhood issues and the matter is locally sensitive, in which case the matter be referred to the Planning Committee.

~~To determine those applications that are contrary to the Council's Development Plan/Framework, but which are recommended for approval, with the proviso that where an application is of a scale and nature that it needs to be subsequently referred onto a Government department or agency, it be referred to Committee.~~

11. To issue, and where necessary withdraw, Planning Contravention Notices, Enforcement Notices, Temporary Stop Notices and Discontinuance Notices, and Breach of Condition Notices under Section 187a of the Town and Country Planning Act (as amended).

Exceptions

- a. Applications which are contrary to the provisions of the **Council's Local Plan Unitary Development Plan/Local Development Framework** and which are recommended for approval., ~~where the application is of a scale that it needs to be referred to Government.~~
- b. Applications which are contrary to the Council's policies, standards and guidance and which are recommended for approval.
- c. Applications which raise issues which are not covered by specific Council policies, standards or guidelines.
- d. Applications which are potentially controversial or likely to be of significant public interest in the opinion of the Council's **Chief Planning Officer/Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning.**
- e. Applications which would have a significant impact on the environment, in the opinion of ~~the Chief Planning Officer~~ **Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning.**
- f. ~~To approve applications~~ **Applications** (except for Prior Notifications for Telecommunications Development and Lawful Development Certificates) on which six or more independent material planning objections have been received which cannot be resolved by negotiation or through this imposition of conditions.
- g. Applications which have been submitted by or on behalf of an **Elected Councillor/Member** of the Authority (or their spouse/partner), by or on behalf of a Chief Officer of St Helens Council (or their spouse/partner), or by or on behalf of an employee within Development Services Section of St Helens Council (or their spouse/partner).
- h. Applications submitted by, or on behalf of, the Council ~~for major developments, irrespective of the number of objections., or minor developments if six or more independent material planning objections have been received.~~
- i. Applications which the **Council's Executive Director of Place Services or Director of Strategic Growth or Assistant Director of Regeneration & Planning or Head of Planning** ~~Chief Planning Officer~~ considers should be presented to Committee for decision.
- j. **Variation of Section 106 agreements and planning conditions relating to**

applications that were originally granted by the Planning Committee

Provisos

- a. In the case of formal applications, they are not determined until at least 12 days have elapsed since they appeared on the weekly list.
- b. All representations are to be carefully considered and all proposals are to be dealt with in accordance with statutory requirements and having regard to the Council's relevant policies and guidelines.
- c. All matters dealt with by the exercise of delegated powers are supported by file notes referring to all material considerations, comments and objections received and clearly stating the reason for the decision.
- d. All applications determined under delegated powers are reported for the information of Members by way of regular reports on the Planning Committee agenda.
- e. In some circumstances less than six objections may be significant. In such cases the application will be referred to the Planning Committee.