

## 1

### **Powers granted by the Council to the Assistant Director of Planning to deal with Planning Matters in accordance with the Planning Scheme of Delegation**

- 1.1 The Assistant Director of Planning may exercise and authorise in writing other officers appropriately qualified and trained to exercise the following powers under the Town and Country Planning Acts and other relevant legislation:
- 1.2
- All decisions, responses or determinations arising in relation to applications for planning permission, Listed Building Consent, Advertisement Consent, Conservation Area Consent, Certificates of Lawfulness, Variation of Conditions applications (Section 73 Applications)
  - Approval of reserved matters
  - Prior approvals, consents and consultations submitted to or received by the Council in accordance with all Town and Country Planning, Listed Building and associated legislation
  - To respond to consultations for the installation of overhead electricity cables under the Electricity Acts
  - To determine applications for the approval of details pursuant to conditions on planning permissions, prior approval, listed building consent, conservation area consent, hazardous substances consent or advertisement consent
  - To make Tree Preservation Orders and to determine applications made under the Order
  - To authorise the service of Building Preservation Notices
  - To settle claims of awards of costs awarded against the Council following successful appeals, by an applicant, against a Council planning decision

## 2

### **Planning Scheme of Delegation**

#### 2.1

#### **Development Management**

All decisions, responses or determinations arising in relation to applications, approval of reserved matters, prior approvals, Certificates, consents and consultations, submitted to or received by the Council in accordance with all Town and Country Planning, Listed Building and related or associated legislation (including subordinate legislation and any consolidation, re-enactment or amendment thereto) shall be delegated to the Authorised Officer(s) as specified above, except the following:

#### 2.2

1. In respect of any particular ward: any application for planning permission, approval of reserved matters, conservation area consent, tree works approval or listed building consent where a Councillor from that ward or the adjoining ward has requested, in writing within 21 days of being notified of the application, that the application be considered by Committee. Any request will be accompanied by a statement setting out the relevant substantive material planning reason that the application be determined by the Planning Committee and the referral is agreed by the Chairman of the Planning Committee. Any call-in request received after the initial 21-day notification period will be accompanied by a statement setting out the extenuating circumstances why the request could not have reasonably made within the notification period; any such late requests must be agreed by the Chairman and Vice-Chairman of the Planning Committee.

## APPENDIX A

- 2.3 2. Any application which is a Departure from the Local Plan must be taken to the Planning Committee where it is the officer's recommendation to approve the application. Where the Local Plan is silent on matters, but a proposal is in conformity to the National Planning Policy Framework (NPPF), then an application can be determined through the Scheme of Delegation.
- 2.4 3. Applications that the Assistant Director for Planning considers that the application/notice/matter should be considered by Planning Committee.
4. Applications for Reserved Matters where the original outline planning permission was determined by the Planning Committee<sup>1</sup>
- 2.5 5. Applications submitted on behalf of the Council or where the Council has an interest in the development and/or land.
- 2.6 6. Applications submitted by (includes where they may be acting as an agent), or on behalf of a District Councillor (or his/her spouse or partner or immediate family) or where a District Councillor lives in the adjoining property, a property opposite the application site or a property either side.
- 2.7 7. The applicant or agent is a member of staff within the Authority.
- 2.8 8. Where an officer who is a Member of the Council's Senior Management Team or a Member of staff within the Planning Service or any member of staff within the Authority who could be seen as having a direct input to, and therefore influence on, application decisions, lives in the adjoining property, a property opposite the application site or a property either side.
- 2.9 Where there are statutory time limits for making decisions or taking action where non-determination within a set period automatically gives consent (e.g. agricultural buildings, demolitions and telecommunications determinations and notifications of works to trees in a conservation area), the Assistant Director of Planning or other appropriately qualified and trained officers authorised by them in writing, may determine the applications. The authorised officer will consider any objections received and, at their discretion, efforts will be made to resolve the objection before the expiry period. The existence of an objection will not alter the officer's authority to make a decision in these instances.
- 2.10 The Assistant Director of Planning and other appropriately trained and qualified officers authorised by them in writing, may also exercise the following functions:
- 2.11
- Accepting Material minor amendments (Section 73 applications) and/or non-material minor amendments (Section 96a Applications) to approved plans
  - To adopt screening and scoping opinions under the Environmental Impact Assessment Regulations
  - To carry out and adopt Appropriate Assessment under the Habitats Regulations.

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<sup>1</sup> In cases where the outline planning application was not determined by the Planning Committee, Councillors will need to use the "call-in" procedure should they wish to request that the Committee makes a decision on any Reserved Matters application.

2.12

- To make non-material additions, deletions, or amendments to the conditions to be attached to the grant of planning permission, listed building consent, conservation area consent, hazardous substances consent or advertisement consent, authorised by the Planning Committee or Council
- To respond to notifications for proposed works to trees in Conservation Areas
- Issuing hedgerow retention notices and general discharge of duties under the Hedgerow Regulations 1997
- To determine applications relating to the High Hedge Legislation
- Authorising powers of entry in respect of complaints and appeals under antisocial behaviour legislation
- Entering into a Section 106 Agreement on a delegated planning application approval where no financial contributions are required.
- Entering into planning performance agreements on behalf of the Council as the Local Planning Authority
- Entering premises for statutory purposes
- To determine the reasons for which planning permission, listed building consent, conservation area consent, hazardous substances consent, or advertisement consent, would have been refused where this is relevant to appeals against the non-determination of applications
- On a without prejudice basis in relation to appeals in the event that the Secretary of State or the appointed Inspector is minded to grant permission;
  - To suggest appropriate conditions to be imposed on planning permission, listed building consent, conservation area consent, hazardous substances consent or advertisement consent; and
  - To approve/make comments on the terms of Section 106 Agreements or Unilateral Undertakings

3

### Planning Service: enforcement

The Assistant Director of Planning is authorised to carry out, and authorise in writing other officers with necessary training and qualifications, the following functions:

3.1

- Administer cautions in respect of breaches of advertisement control and in order cases where, following authorisation, court proceedings are considered appropriate.
- To make determinations that it is not expedient to take enforcement action
- To remove or obliterate unauthorised placards or posters or display structures under the Town and Country Planning Act.
- To serve Requisitions for Information requiring information as to interests in land or, if related to a planning contravention notice, activities carried out on the land
- To serve Planning Contravention Notices on owners and occupiers of land where it appears that a breach of planning control has taken place
- To serve the following notices following consultation with the Assistant Director for Legal and Democratic:
  - Enforcement notice
  - Breach of condition notice
  - Section 215 notice under the Town and Country Planning Act
  - Listed building enforcement notice
  - Hazardous substance Enforcement notice
  - Discontinuance Notices under the Control of Advertisement Regulations
  - Stop notice
  - Temporary stop notice

- 3.2
- To accept or reject such offers to remedy a breach of control as are made under the Town and Country Planning Act 1990
  - To authorise the institution of legal proceedings in respect of any matter within the terms of reference of the Planning Committee and following consultation with Legal Services
  - To authorise the institution of legal proceedings for failure to respond to, or to give satisfactory information required by Requisitions for Information, or Planning Contravention Notices.

3.3 Listed below are the circumstances where enforcement matters will be presented to the Planning Committee. All other matters will be dealt with by the ADP, or other duly authorised officer:

- i. Where the case involves a Member of the Council (or an immediate relative) or any employee of the Council (or an immediate relative).
- ii. Where there is a contravention of planning control involving the Council's own development that is unresolved through the planning system.
- iii. Issues of significant public interest.

#### 4

### Street naming and Numbering

The Assistant Director of Planning and other officers appropriately qualified, trained and authorised by them in writing, have authority to determine uncontested street naming and numbering applications.

#### 5

### Planning Policy

Following consultation with the relevant Cabinet Member and the local Ward Councillor(s), the Assistant Director of Planning is authorised to make decisions on the following:

- 5.1
- Applications to designate a Neighbourhood Forum
  - To accept or decline repeat proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
  - The validity and acceptance of proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
  - Appointing a person to carry out the examination of a Neighbourhood Development Plan or Neighbourhood Development Order
  - Decisions in respect of action to be taken in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum

5.2 The Assistant Director of Planning has delegated authority to determine applications for grant aid in relation to listed buildings and conservation areas with the following **exceptions**:

- New applications which would commit the district council to expenditure in excess of £1,000
- Applications for supplementary grant which would commit the district council to further expenditure in excess of £500
- Applications where an applicant has requested reconsideration of a decision of the Assistant Director for Legal and Democratic.

5.3 After consultation with the appropriate Portfolio Holder, to respond to policy and other planning documents relevant to the Council, prepared by other bodies.