

Proposed Scheme of Delegation

Strategic Director of Environment, Housing and Regeneration and Executive Head of Economic Development, Planning and Sustainability

The designated post-holders, or any other officer duly authorised by those post-holders, shall have delegated authority to determine or take any other appropriate action in respect of all matters relating to Town and Country Planning, Development Control, Conservation, Enforcement and all other matters related to the development of land and other related matters EXCEPT those in the categories listed below, where the decision making function lies with the Planning Committee. Reference to the Town and Country Planning Act 1990 or other legislation or to the adopted Local Development Framework shall be taken to mean any subsequent or related legislation or Local Development Plan that may come into force from time to time:

NB. The following categories of planning application may not be determined under delegated authority

1. Consideration of planning applications (including listed building consent, conservation area consent and advertising consent but excluding applications under the General Permitted Development Order (including amendments) and Non Material Amendment applications), where one or more of the following applies:
 - a. Applications that are a departure from the adopted Development Plan, or other relevant development plan for the purpose of Section 38 of the Planning & Compulsory Purchase Act 2004.
 - b. Where 10 or more persons, residing at separate addresses, make written representations (containing material planning considerations) in relation to an application which are opposed to the officer's proposed recommendation under his/her delegated powers. (Where objections are received either by joint letter with multiple signatories or a petition, then each address for which there is a signatory will count as a separate objection).
 - c. Major applications for developments where the Council has an interest in the land.
2. Consideration of planning applications requested by a ward councillor to be determined by elected members through the Member referral procedure but excluding applications under the General Permitted Development Order (including amendments) and Non Material Amendment applications.
3. Consideration of a planning application where the Local Authority has an interest in the land and which has received 1 or more relevant objections (a "relevant objection" is defined as any objection except an objection which clearly does not raise any material planning considerations) but excluding applications under the General Permitted Development Order (including amendments) and Non Material Amendment applications.

4. To confirm with or without modification Tree Preservation Orders where a sustained objection has been received (a “sustained objection” is defined as an objection that is maintained despite an attempt by officer to resolve it, or which officers consider incapable of resolution by negotiation).
5. Applications by Members of the Council, members of staff or their families or where a Councillor has declared an interest in an application but excluding applications under the General Permitted Development Order (including amendments) and Non Material Amendment applications.
6. To consider applications at the discretion of the Head of Development Management and Strategic Planning.

Notes

Major planning applications are defined as:

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwellinghouses where— (i) the number of dwellinghouses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more;

The following types of representation cannot be regarded as material:

- *Disputes over boundaries;*
- *Restrictive covenants, including ancient or other rights of light;*
- *Loss of value;*
- *Matters dealt with by other legislation;*
- *Inconvenience or other problems caused by building works;*
- *Opposition to business competition;*
- *The applicant’s personal circumstances, unless in exceptional circumstances these could be shown to be material;*

Please note that this list is not exhaustive.

All matters not reserved as above are delegated as set out in the internal scheme of management.

Where an appeal has been lodged against non-determination of an application, within the statutory period. The consent of the Planning Committee will be sought on whether to contest or not contest an appeal, if the application fall under categories 1-6 as set out above.