

Annexe A:

Delegation Scheme:

Planning Control:

Purpose:

To enable straight forward and minor planning applications, which are generally in accord or generally not in accord with National Policy Guidance, the Development Plan and the Council's specific planning policies (e.g. Supplementary Planning Guidance (SPG)) to be dealt with in a timely, effective, economical and efficient manner.

The Framework:

The Committee will decide planning applications where there is significant controversy or significantly unresolved issues of conflict with National Policy Guidance, and Council Policies.

Nominated Officers and Delegated Powers:

The following procedures and applications are delegated to the following officers:

- Planning Matters: Head of Development Services, Planning Services Manager; Unit Manager, Development Control or nominated officer in his/her absence;

Planning Matters:

1. Determination of the nature of publicity required in accordance with Circular 15/92 (Publicity for Planning Applications).
2. The making of Tree Preservation Orders and the determination of notification to carry out works to tree(s) in Conservation Areas and to remove hedgerows. Where more than two letters of objection have been received or formal objection received from any statutory consultee delegated powers will only be exercised after consultation with the Chairman of the Development Control Committee.
3. The issuing of Article 5 Certificates (where an application to undertake works to a tree protected by a tree preservation order made before 2nd August 1999 has been refused) where the tree(s) has/have an outstanding or special amenity value, or where the refusal of works is in the interests of good forestry,
4. The issuing, service and signing of planning contravention notices and requisitions for information and the issuing, service and signing of notices issued under section 215 of The Town and Country Planning Act (Untidy Sites), enforcement notices, breach of condition notices and stop notices. This is subject to the notification of ward members (where appropriate) of the issuing of enforcement notices, breach of condition notices, stop notices and notices served under section 215 as specified.
5. The determination of whether minor amendments to proposals already granted planning permission are sufficiently material to warrant submission of a further application.
6. All matters relating to appeals.

7. The determination of applications where accompanied by section 106 (legal) agreements in conjunction with the Head of Legal and Members' Services.

8. Determination of notifications to undertake telecommunications development requiring prior notification to the Local Planning Authority. Where more than two letters of objection have been received or formal objection received from any statutory consultee delegated powers will only be exercised after consultation with the Chairman of the Development Control Committee.

9. Environmental Impact Assessment scoping directions and screening directions.

10. The following planning applications:

(i) All minor applications in conformity with the policies of the development plan and/or Supplementary Planning Guidance may be approved.

(ii) All minor applications significantly in conflict with the policies of the development plan and/or Supplementary/Design Guidance may be refused.

(iii) All other applications where there is no significant level of controversy:

- which conform to development plan policies and/or Supplementary Planning Guidance may be approved,
- conflict with development plan policies and/or Supplementary Planning Guidance may be refused,
- where there is no specific development plan policy relevant or Supplementary Planning Guidance, may be determined in accordance with previous precedents and specialist advice from consultees.

11. Enforcement in the following circumstances:

- (i) Cases where there is a clear cut conflict with Local Plan policy or Supplementary Planning Guidance
- (ii) Cases where there has been a previous committee decision, which would lead logically to a decision to enforce
- (iii) Cases where an appeal decision provides a precedent for enforcement
- (iv) Cases where sites are manifestly untidy

Planning matters not delegated:

1. Any application which a Member of the Council requests to come before the Committee.
2. Any application which in the view of Officers is controversial or where the decision on which could form a precedent for controversial decisions on similar cases in future.
3. Any non minor application or an application on a matter where there is no established and formal Supplementary Planning Guidance where a Parish Council expresses a clear view in favour of the proposal which would otherwise be refused or a clear objection where the application would otherwise be approved.
4. Any application which has the potential for compensation payable by the Council.
5. Any application by or on behalf of a member of staff or a Councillor.

6. Any application where the Council itself is the applicant.

Notwithstanding the scheme of delegation, the Head of Development Services/Planning Services Manager is free to bring any matter to the attention of the Committee.

Definitions:

“Significant level of controversy” shall be taken to mean:

1. More than two letters of objection from neighbours where the outcome could otherwise be an approval.
2. More than two letters of support from neighbours where the outcome could otherwise be a refusal.
3. A difference of views where advice tendered by statutory consultees runs counter to the recommendation of the relevant planning officers.

“Applications” includes full, outline and reserved matters planning applications, advert, listed building and conservation area consents, applications to demolish buildings, works to trees covered by tree preservation orders and notifications of works proposed to trees located in Conservation Areas, notifications to remove hedgerows, renewal of permissions, removal or alteration of conditions, powerlines, certificate of lawfulness of existing use or development, certificate of lawfulness of proposed use or development, agricultural notifications, development by telecommunications operators, applications made under the General Regulations for minor works equivalent to domestic applications from private householders, certificates of appropriate alternative developments, development by Government Departments and consultation by neighbouring authorities and the County Council.

“Previous precedents” means decisions taken on a long term and consistent basis.

“Minor applications” means householder applications and those defined as minor in the Town and Country Planning (General Procedure) Order 1995.

Building Control:

Purpose:

To allow Building Regulation applications and associated matters to be processed expeditiously.

Framework:

Procedures and operations are to be carried out within current legislative parameters, council policies, having regard to central government circulars and guidance.

Nominated Officers and Delegated Powers:

The following procedures and operations are delegated to the following officers:

- Building Control Matters: Head of Development Services/Planning Services Manager Building Control Manager or nominated officer in his/her absence.

- Variation of the Council's scheme of Building Regulation Charges:
 - (i) By up to + or - 10%: Planning Services Manager in consultation with Head of Finance, and,
 - (ii) By an amount greater than + or - 10%: Head of Development Services in consultation with the Chief Finance Officer and the Chair of the Environment Services Committee with variations being reported retrospectively to that committee.

Delegated Operations:

1. The approval and refusal of plans and notices deposited under the Building Regulations.
2. The assessment of charges under the Council's scheme of charges for the carrying out of prescribed Building Regulation functions
3. The acceptance and rejection notices given under Part II of The Building Act 1984.
4. The approval and refusal of applications for dispensation and/or relaxation of Building Regulations.
5. The service of notices (requisition for information) under section 16 of The Local Government Miscellaneous Provisions Act 1976.
6. The service of enforcement notices under section 36 and Part III of The Building Act 1984 in conjunction with The Head of Legal and Administration.
7. Determination of applications under the local authority national type approval consortium scheme
8. The establishment and operation of partnerships under the local authority building control national partnering scheme