

## PROPOSED SCHEME

### REVISED OFFICER DELEGATION SCHEME FOR DEVELOPMENT CONTROL MATTERS

#### The Principles and Operations of the Suggested Scheme

1. It is accepted practice that the Committee makes decisions when the development or issue is very important in scale or effect, or is of a controversial nature, and, always when the decision taken is contrary to the Council's policies.
2. Officers deal with those matters which can be decided in accordance with the Council's policies including those that are minor or non-controversial. What can be dealt with by officers is defined in the delegation scheme.
3. It is important that the definitions of those matters which can be dealt with by officers is as clear as possible for reasons of confidence between members, officers and the public and for reasons of efficiency and scrutiny.
4. The suggested revised scheme is designed to be as clear as possible and to try to balance the need on the one hand for Members control and accountability and on the other hand to make best use of resources and maximise speed, efficiency and certainty in decision making. The revised scheme is also intended to enable the Committee to concentrate its efforts on the limited number of applications which are very significant and/or controversial.
5. Judgement of the correct balance is difficult. However, it is considered that in this Council's circumstances, assuming present Committee arrangements and a four or five week cycle, that Members should seek to delegate at up to 90% of the planning application decisions.
6. Members will retain control of the delegation scheme in the following ways:
  - (a) The criteria in respect of individual categories of application and the limitations placed on officer's discretion are specified by Members.
  - (b) Members, if they so request, can immediately limit the discretion of officers and require that the matter be considered by Committee.

- (c) The operation of the delegation scheme is monitored and if any problems or difficulties arise in practice the matter would come back to Committee if necessary for further clarification or revision.
7. In order to assist Members all applications which potentially might be decided under officer delegation are marked on the weekly list so that Members who wish to ensure that a particular item will be dealt with by Committee have ample opportunity to ensure that. Contact with the application case officer at any early stage is helpful to ascertain timescales and the likely recommendation.
8. The suggested scheme is set out in Parts A and B, which follow.

## PART A

### Limitation on Delegated Authority

1. The scheme of delegation relating to planning applications and related matters shall be limited solely to the items set out in Part B.
2. No delegated decision shall be made where the development in the opinion of the delegated officer is likely to be of a controversial nature, taking into account such factors as the scale and nature of the proposed development, the history and sensitivity of the site and the likely level of public interest.
3. No delegated decision shall be made which is materially in conflict with any of the Council's approved planning policies.
4. No delegated decision on a planning application shall be made until a minimum 28 days has expired from the date of registration of the application.
5. No delegated decision on a planning application shall be made if a written request or E-Mail to the Development Control Manager is received within 28 days of registration from a Council Member stating that in his or her opinion the application should be submitted to the Development Control Committee for determination.
6. An application shall not be approved under the scheme of delegation if there is an unresolved planning objection in writing from a Town, Neighbourhood or Parish Council received within 28 days of registration of the application.
7. Applications known to be made by, or on behalf of, elected members, any employee of the Planning Department or other senior officers of the Council are excluded from the delegation scheme.
8. The Area Planning Officers and the Principal Planning Officer (Minerals, Waste and Enforcement) are authorized to refuse applications for advertisement consent but are not authorised to refuse planning applications

nor to determine applications for new dwellings (except the approval of details), changes of use or Council development.

## **PART B**

### **The Scope of Delegated Authority**

The Head of Planning, the Development Control Manager, the Area Planning Officers and the Principal Planning Officer (Minerals, Waste and Enforcement) are authorised to determine the following matters subject to the limitations of Part A above:

#### **1. Planning Applications and Related Matters**

- (a) All planning applications
- (b) All applications for advertisement consent, Listed Building Consent, Conservation Area Consent, Hazardous Substance Consent and Tree Preservation Order Consent.
- (c) All notifications in respect of planning related matters including Telecomms notifications, agricultural notifications, Trees in Conservation Area notifications and notifications of intention to demolish buildings.

#### **2. Consultations**

- (a) Consultations by English Partnerships on detailed development proposals submitted to them for approval under Section 7(2) of the New Towns Act 1981.
- (b) Observations on applications submitted to other local planning authorities for their determination.
- (c) Observations on Crown development and development proposed by other outside bodies referred to this Council as consultee authority.
- (d) Observations on development and ancillary works proposed by statutory undertakers, telecommunications code system operators and other organisations having permitted development rights under the Town and Country Planning General Development Order 1988 (as amended)

#### **3. Procedural Matters**

- (a) Finalising the conditions and reasons for refusal, which appear on decision notices.
- (b) The preparation of legal agreements, in consultation with the Head of Legal Services, within the terms of any relevant Development Control Committee resolution.

- (c) Agreeing to accept or not accept minor amendments to planning permissions.
- (d) Determining the need for information required to make a decision on a planning application including the need for, and scoping of an Environmental Assessment.
- (e) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes)
- (f) Deciding the Council's preferred method for dealing with appeals (written representations, informal hearing or public inquiry).
- (g) Compliance with the departure procedures contained in the Town and Country Planning Development Plans (England) Direction 1992.
- (h) To make Tree Preservation Orders and to confirm such orders where there are no objections.
- (i) Determining whether planning permission, listed building consent, advertisement consent, tree preservation order consent, and hazardous substances consent is required.

#### 4. **Enforcement**

- (a) Determining applications for certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development.
- (b) Determining the need for and service of planning contravention notices.
- (c) Determining the need for and service of breach of condition notices.
- (d) Withdrawing planning contravention notices and breach of condition notices.
- (e) Determining the need for and service of enforcement notices and listed building enforcement notices.
- (f) Determining the need for and service of Stop Notices if urgently required, and subject to the agreement of the Chair of the Development Control Committee and the Head of Legal Services.
- (g) In consultation with the Head of Legal Services, determining the need for the actioning of prosecutions in respect of unauthorised advertisements, issuing Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act and issuing notices in respect of derelict land under Section 215 of the Town and Country Planning Act.

