

Planning Scheme of Delegation

Delegated to Strategic Manager for Planning and Regeneration

To undertake all of the Council's functions in connection with planning including Listed Buildings, Conservation Area Consent, advertisement consent and certificate of lawfulness applications, planning enforcement and the preservation of trees and hedges.

Limits, Controls and Conditions

This delegation is limited and shall not apply to:

1. Any application which is accompanied by an Environmental Impact Statement.
2. Any application which is defined as a significant departure from the adopted development plan as identified in the Town and County Planning (Consultation) (England) Direction 2009 or in any successor document (see definition below) and where officers wish to approve the development.
3. The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval.
4. Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to a building with no significant extensions proposed.
5. Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.*
6. Any application made by an employee within the Development Control, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, parents or children of any of the persons referred to above will also be referred to the Planning Committee for determination.
7. Where the ward member requests, in writing, within 21 days of receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest date), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and agreed with the Planning Manager, the Chairman and Vice-Chairman.

Footnote: As worded Category 7 referrals enables Members other than the Member for the Ward within which the site is located to seek the referral to Committee where the development would have an effect on their Ward.

8. Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period, and these representations are contrary to the recommendations of officers, a notice shall be sent to the Chairman and Vice-Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision. This procedure will not apply to applications for “prior approval” under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

Interpretation of the 7 day notice procedure

Where a Town or Parish indicate that they have “no objection” or “no comment” to an application this will be taken as a declaration of a neutral stance that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice-Chairman and Ward Member(s) under the 7 day notice procedure. Similarly, a representation supporting an application will not trigger the 7 day notice procedure if the officer recommendation is one of approval.

With the exception of consultations to Town and Parish Councils referred to above, the 7 day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or re-enacting that Order) or from any non-statutory consultee.

Where third party representations have been received solely supporting an application the 7 day notice procedure will not be triggered if the officer recommendation is for approval.

Where third party representations have been received solely objecting to an application the 7 day notice procedure will not be triggered if the officer recommendation is for refusal.

The 7 day notice procedure will apply to all applications where there are both objections and support for an application.

In all cases the representations must be on material planning grounds to be considered under category 8.

9. Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the planning committee. This will not apply to applications to vary or delete conditions under Section 73 of the Town and Country Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an

approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended)

10. Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

Definitions

Significant departures are defined as the following in circular 02/09 where the Local Planning Authority wishes to approve the proposal in terms of the following: -

- Development which includes or consists of retail, leisure or office use and which:
 - a. Is to be carried out on land which is edge of centre, out of centre or out of town; **and**
 - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: **and**
 - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - I. 5000 square metres or more: **or**
 - II. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.

- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings, including any buffer zone or its equivalent, and being development to which English Heritage has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:
 - I. Is land of a local authority; or
 - II. Is currently used by an educational institution as a playing field; **or**
 - III. Has at any time in the 5 years before the application been used by an education institution as a playing field: **and**
 - IV. Sport England has been consulted and has objected on one or more of the following grounds:
 - a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;
 - b. That the proposed development would result in such a deficiency; **or**
 - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.

- Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority.

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