

DEVELOPMENT CONTROL FUNCTIONS

37. The following functions are delegated to the Head of Planning & Strategic Policy subject to any conditions set out below:-

1. Determination of all applications for planning permission (except for major developments ++) on sites without planning permission within the constraints set out below:-
 - (a) Approval of applications which comply with existing approved statutory statements of policy and substantially comply with non-statutory policy guidelines.
 - (b) Refusal of applications which do not comply with existing approved statutory and non-statutory statements of policy.

[++ defined as

- 1 Development of 10 or more dwellings (0.5 hectare where no numbers are given)
- 2 Development of buildings of 1,000 square metres floorspace or development on sites of 1 hectare or more
- 3 Working of minerals and waste development (excluding minor ancillary development to an existing use, details pursuant to a permission or variation or deletion of conditions previously imposed.)

On sites with planning permission decisions on major applications are delegated to the Head of Planning and Strategic Policy if the Planning Committee has considered an application on the site in the 5 year period prior to the submission of the application to be determined and one or more of the following conditions applies:

- 1 The application is to vary a condition, including any application to vary the timescale for implementation of a condition.
- 2 The application is to extend the timescale for an unimplemented planning permission.
- 3 The application is to vary a legal agreement.
- 4 The application is for the discharge of any reserved matters or for the discharge of any condition.
- 5 The application does not vary the proposal by more than
 - A 10 dwellings or 20% of the number of dwellings granted, whichever is the greater, or
 - B 1000 square metres of floorspace,
 - C 0.5 hectares of site area,

Compared with the most recent planning permission.

2. Matters of mutual interest referred to the Council by adjoining authorities when the proposed development has no adverse affect on the planning policies operating within the Borough.
3. Authorising the felling, lopping or other works to trees within a Conservation Area or any trees which are subject to a Tree Preservation Order.

4. The withdrawal or amendment of an Enforcement Notice when there has been a change in circumstances.
5. Directions requiring further details, information, evidence or particulars in respect of an application for planning permission pursuant to Article 3(2) of the Town & Country Planning General Development Procedure Order 1995.
6. Preparation and signature of decision notices in respect of planning applications after consultation with the Head of Legal Services in appropriate cases. (Such decision notices shall be dated with the date upon which the decision was taken).
7. The power to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act 1990 is delegated to the Head of Planning and Strategic Policy in consultation with the Head of Legal Services.
8. In consultation with the Head of Legal Services to determine applications for Certificates of Lawful Use or Development.
9. In consultation with the Head of Legal Services, authority to enter into planning agreements in cases where in all other respects the application falls within this Scheme of Delegation.
10. Determination of applications deferred by the Planning Committee which are subsequently amended such that they comply with the provisions of 1(a) above, unless the Committee specifically reserves the determination to itself.
11. Decisions under the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 as to:-
 - (a) whether or not an environmental impact assessment is needed;
 - and
 - (b) the main effects of a development which an Environmental Statement should cover.
12. Preparation and approval of conservation area character assessments.
13. In consultation with the Head of Legal Services to issue and serve a high hedge Remedial Notice under the Anti Social Behaviour Act 2003.
14. Applications to extend the time limits on Planning Permissions made in accordance with the Town and Country Planning (General Development) Procedure (Amendment No 3) (England) Order 2009.
15. Applications made pursuant to Section 96A of the Town and Country Planning for non material changes to planning permission in accordance with the Town and Country Planning (General Development) Procedure (Amendment No 3) (England) Order 2009.

16. Applications for the prior notification of the demolition of buildings pursuant to Part 31 of Schedule 2 of the Town and Country Planning General Development Order 1995.

Conditions

Ward Members

The Head of Planning and Strategic Policy shall refer applications under Paragraph 1(a) and 1(b) above to the Planning Committee for determination provided any Ward Member in which the Application Site is situated has:-

- (i) set out in writing to the Planning Case Officer the detailed planning issues/concerns which s/he has in respect of the Application and
- (ii) s/he has had an official and formal discussion on such planning issues/concerns with the Planning Case Officer or the Head of Development Control or the Head of Planning and Strategic Policy and the issues/concerns remain unresolved. The Ward Member will be informed of the date of the meeting so that s/he can attend and speak in support of the referral.

Council Applications

In the case of Applications made by the Council paragraph 1(a) shall apply unless an objection has been received against the proposal and if so the Application shall be referred to the Planning Committee for determination.

Petitions

Petitions submitted in respect of Planning Applications shall be copied to the relevant Ward Members and normally dealt with by the Head of Planning and Strategic Policy/Deputy Borough Secretary in accordance with the Public Participation Scheme.