

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 in accordance with the Town & Country Planning Act 1990 and the Town & Country Planning (Development Management Procedure) (England) Order 2010 (except for major developments *) 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, except in the case of minor variations ** from approved planning standards and policies.

(b) Refusal of applications which do not comply with existing approved statutory or non-statutory statements of policy.

2. Determination of the following:

(a) Applications for the extension to the time limits for implementing existing planning permissions made in accordance with the Town & Country Planning (Development Management Procedure) (England) Order 2010 and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009.

(b) Applications for non-material changes to planning permissions made in accordance with Section 96A of the Town and Country Planning Act 1990 and the Town & Country Planning (Development Management Procedure) (England) Order 2010.

(c) Applications for minor material amendments*** and variation to conditions made in accordance with Section 73 of the Town and Country Planning Act 1990 and the Town & Country Planning (Development Management Procedure) (England) Order 2010.

3. 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.

4. Authorising the felling, lopping or other works to trees within a Conservation Area or any trees, which are subject to a Tree Preservation Order.

5. The withdrawal or amendment of an Enforcement Notice when there has been a change in circumstances.

6. Issue directions requiring further details, information, evidence or particulars in respect of an application for planning permission pursuant to Article 4(2) of the Town & Country Planning (Development Management Procedure) (England) Order 2010.

7. Preparation and signature of decision notices in respect of planning applications after consultation with the Borough Secretary and Solicitor in appropriate cases. (Such decision notices shall be dated with the date upon which the decision was taken).

8. 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 after consultation with the Borough Secretary and Solicitor.

9. After consultation with the Head of Legal Services to determine applications for Certificates of Lawful Use or Development.

10. After consultation with the Head of Legal Services, authority to enter into or vary planning agreements and unilateral undertakings in cases where in all other respects the application falls within this Scheme of Delegation or where there is no change to a previously approved major application.

11. 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.

12. 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.

13. Preparation and approval of conservation area character assessments.

14. After consultation with the Head of Legal Services to issue and serve a High Hedge Remedial Notice under the Anti Social Behaviour Act 2003.

15. Determine 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.

16. Determine applications relating to footpaths and bridleways under Sections 257 and 261 of the Town and Country Planning Act 1990 (as amended).

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, within 7 days from the expiry of the residents consultation, 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 Development Control Manager 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.

[*The Ward Member for Foxborough can refer Foxborough planning issues to another Councillor, subject to having notified the Head of Democratic Services. The nominated Member can then act in accordance with points \(i\) and \(ii\) as above.](#)

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/ Head of Democratic Services in accordance with the Public Participation Scheme.

* Definition of Major Development:

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 Changes of use involving the creation of 10 or more residential accommodation or non-residential accommodation exceeding 1000 square metres or more

4 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.)

** Minor variations are variations to the Council's standards in respect of the guidelines and policies, for example parking provision, minimum garden sizes, distances between buildings, etc and national planning policy framework as determined by the Head of Planning and Strategic Policy.

*** A minor material change is one whose scale and nature results in a development which is not substantially different from that which has been approved, as determined by the Head of Planning and Strategic Policy.