

## Planning Scheme of Delegation

### Introduction

The Terms of Reference of the Planning Committee include responsibility to determine the level of delegation to officers. It is important that there is clarity as to which matters officers can determine and which the Planning Committee must determine.

### Scheme of Delegation

1. The Head of Place Development, Planning Development Manager and Planning Policy Manager may determine all matters arising from all legislation relating to the use and development of land, except for those matters set out in paragraph 2, which shall be determined by the Planning Committee.
2. The matters which shall be determined by the Planning Committee are:
  - a. Applications for planning permission for major development (except where the application is made under section 73 of the Town & Country Planning Act 1990 – a minor material amendment/development without compliance with original conditions);
  - b. Applications for planning permission for development which require to be advertised as a departure from development plan, as a whole, but which are recommended for approval;
  - c. Applications for planning permission or listed building consent that are submitted by or on behalf of any Member the Chief Executive, Chief Operating Officer and Heads of Service, including the Head of Place Development, Planning Development Manager and Planning Policy Manager
  - d. Decisions to confirm a Tree Preservation Order where there has been an objection to the making of the order.
  - e. Applications or other matters called-in for determination by the Planning Committee by a Member in accordance with Paragraph 3, where the call-in request has not been withdrawn.
3. A Planning Committee Member or a Member representing the Ward in which development is proposed, may call in a matter for determination by the Planning Committee in accordance with the following procedure:
  - a. A Councillor wishing to call an application in must do so by notice in writing (email is acceptable) to the Case Officer, copied to the Head of Place Development and Planning Development

Manager within 28 days of the date public notice is given of the application;

- b. A request shall not be valid if submitted before an application has been submitted, in anticipation of an application, for example, following pre-application consultation on a proposal.
- c. A Councillor shall not be able to call-in any of the following matters for determination by the Planning Committee:
  - i. Applications for Certificates of Lawfulness for Proposed Use or Development.
  - ii. Applications for Certificates of Lawfulness for Existing Use or Development
  - iii. Any matter where development is or may be permitted by development order, but where the prior approval of the Council is required.
  - iv. Consultations on applications from neighbouring authorities.
  - v. Approvals required under conditions attached to permissions or consents (for the avoidance of doubt, this shall not prevent the Planning Committee, when determining an application to require that an approval under condition be referred for determination by the committee).
  - vi. Applications or notifications of work to trees protected by Tree Preservation Order or Conservation Area status.
  - vii. Screening and scoping opinions under provisions relating to Environmental Impact Assessment.
  - viii. Matters relating to prior notification of development authorised by an Act of Parliament (including 56 day telecommunications development).
  - ix. Consultation by Electricity Undertakers.
  - x. Matters related to Hazardous Substance Consent.
  - xi. Applications in relation to non-material change to a planning permission.
- d. the request to “call-in” an application must be on relevant planning grounds and merit intervention to have the application placed before the Planning Committee. Where the “call in” is

not made on material planning grounds the “call-in” will be invalid. The decision of whether the grounds are justifiable will be at the sole discretion of the Head of Place Development.

#### Section 106 Agreements

4. The Head of Place Development is authorised to:
  - i. Agree the terms of, and variations to, Section 106 agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission granted under Appeal.
  - ii. Refuse a Section 106 agreement if the same has not been completed within 6 months of the Planning Committee having granted planning permission without the need to return the matter to the Planning Committee
5. For the avoidance of doubt, any of the officers referred to in Paragraph 1 may refer, at their discretion, any matter for consideration and/or determination by the Planning Committee where they think it is necessary or appropriate to do so, and shall inform the Chairman of the Planning Committee of their intention to do so.