

## PLANNING AND PUBLIC PROTECTION

### DEVELOPMENT CONTROL AND COMPLIANCE SECTION AND BUILDING CONTROL SECTION

#### SCHEME OF DELEGATION

The delegation scheme enables officers within the Building Control Section and Development Control & Planning Compliance Section of the Service to deal with certain defined determinations without authorisation from Members.

The purpose of having such a Scheme of Delegation is to ensure an efficient, customer focussed approach whilst maintaining the necessary democratic checks and balances which Planning Committee and Full Council provide.

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#### 1. BUILDING CONTROL SECTION SCHEME OF DELEGATION

Building Regulations are made under Part 1 of the Building Act 1984 and are exercisable by statutory instrument through empowerment of Local Authorities to ensure their requirements are met.

Provisions for dealing with defective premises, dangerous buildings and demolitions are set out in Part 3 of the Building Act in Sections 76 - 83 inclusive empowering Local Authorities to serve notices, execute works in default and recover expenses.

**The scheme will authorise the Head of Planning and Public Protection, Building Control Manager and any Officer within the Building Control Section so authorised by them to deal with ALL Building Regulations work as set out in the provisions of the Building Act 1984.**

#### 2. DEVELOPMENT CONTROL & PLANNING COMPLIANCE SECTION SCHEME OF DELEGATION

**Part 1 – Officer Level Decisions**

**Part 2 – Committee Level Decisions**

## 2.1. PART 1 – OFFICER LEVEL DECISIONS

**The scheme will allow the Head of Planning and Public Protection, Development Control & Planning Compliance Manager and any Officer within the Development Control & Planning Compliance Section so authorised by them to determine the following types of applications, prior determinations, notifications, approval of conditions, ancillary decisions, amendments and compliance case under the relevant Planning Acts:-**

### **Planning or other Applications**

- 2.1.1. All types of planning or other applications on which Officers are recommending approval where 3 or less individual written objections have been received from different individuals raising material planning objections.
- 2.1.2. All types of planning or other application on which Officers are recommending refusal.
- 2.1.3. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments (screening and scoping opinions) and other notifications.

### **Compliance Issues**

- 2.1.4. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 2.1.5. Compliance cases which require the serving of a planning related enforcement notice.\*
- 2.1.6. Legal action in association with breaches of Notices served under the provisions contained in paragraph 2.1.5 above. Legal action will not be taken until the Local Member(s) have been made aware, and agreed to the action to be taken.

### **Miscellaneous**

- 2.1.7. Decide the type of planning appeal, subject to consultation with the Local Ward Member(s), and undertake to defend the Council's position in accordance with the Protocol for Member Involvement in Planning Appeals.
- 2.1.8. To submit observations on behalf of the Council on external consultations or draft documents.
- 2.1.9. Minor amendments to the terms of a Section 106 legal agreement where the substance of the authorised terms has not significantly altered, subject to informal consultation with the Local Ward Member(s).

- 2.1.10. Minor amendments to the wording of planning conditions / notes to applicants on applications approved at Planning Committee, including minor amendments to Committee authorised enforcement notices where the substance of the suggested condition / note to applicant / notice has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.11. To submit observations on behalf of the Council on the following pre-application stages of major renewable energy infrastructure projects:-
- Responding to the Infrastructure Planning Commission (IPC's) environmental impact assessment (EIA) scoping opinion consultation
  - Responding to the developer's consultation on the draft Statement of Community Consultation (SoCC)
  - Responding to the IPC's consultation on the adequacy of the developer's pre-application consultation
- 2.1.12 To make and serve Tree Preservation Order Notices and deal with applications for works to trees having a Preservation Order or works to Trees in Conservation Areas.

## 2.2. PART 2 – COMMITTEE LEVEL DECISIONS

**The following sets out the types of applications which will need to be reported to Planning Committee for formal determination and as such do not fall within Part 1 of this scheme:-**

- 2.2.1. All types of planning or other applications on which Officers are recommending approval where 4 or more individual written objections have been received from different neighbours/residential properties raising material planning objections.
- 2.2.2. All types of planning or other applications on which Officers are recommending approval where a relevant material planning objection has been received from a Town/Community Council or body required to be consulted under the provisions of The Town and Country Planning (General Development) Procedure Order.
- 2.2.3. All applications on which Officers are recommending approval which represent a significant departure from the adopted policies and guidance of the Development Plan.
- 2.2.4. Any application not already determined under Part 1 above which the Ward Member, for the Ward in which the application is located, has submitted a written request based on valid planning grounds that application be heard at Planning Committee. The request should be made as soon as possible after notification of receipt of the application by the Ward Member to the Head of Planning and Public Protection and/or the Development Control & Planning Compliance Manager.
- 2.2.5. Any application submitted by, on behalf of, or on land in the ownership of:
  - A County Councillor,
  - Member of the Senior Leadership Team (SLT)
  - Member of staff of Planning and Public Protection
  - A close relative of any of the above
- 2.2.6. Any application to remove or vary a planning condition which has been specifically imposed by Members at Planning Committee or Full Council.
- 2.2.7. Any application to vary or modify any fundamental terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.2.8. Any other application, compliance case or determination which the Head of Service or Development Control & Planning Compliance Manager considers necessary to report to Planning Committee due to interest or circumstance.

- 2.2.9 Any formal pre-application (Section 42) consultation on Infrastructure Planning Commission (IPC) schemes along with the formal application made to the IPC (Local Impact Report) and any other formal representations at examination stage.
- 2.2.10 Any application which has been determined at Committee previously but which, in the opinion of the Head of Planning and Public Protection in consultation with the Monitoring Officer, could represent one of the following:-
- a) a significant departure from the adopted Development Plan.
  - b) An application where there could be a significant risk of costs awarded against the Council at any subsequent planning appeal, legal challenge, possible Welsh Government call-in or Ombudsman investigation.
- 2.2.11 The returning report will, in all circumstances, be presented back to Committee in order protect the interests of the Council and will contain additional information pertaining to the two areas a) and/or b) above.

**FOR CLARITY REGARDING THE DEVELOPMENT CONTROL & PLANNING COMPLIANCE SCHEME OF DELEGATION:**

For the purposes of this scheme all planning applications will include those made by or on behalf of the Council.

Letters of representation will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they are signed and addressed.

Anonymous letters of representation will not be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing names/signatures only will be counted as one single representation for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation.

Petitions containing clearly written names along with associated addresses will be defined for the purposes of whether an application falls within Part 1 or Part 2 of the Scheme of Delegation as if each name was a separate representation.

All electronic submissions will only be taken into account for the purposes of defining whether an application falls within Part 1 or Part 2 of the Scheme of Delegation if they contain an individuals name and associated address.

**“Close relative”** is defined as spouses/partners, parents, children, brothers and sisters.

**“Significant Departure”** is defined as any proposal which, if approved or refused, would harm the fundamental intentions of a Policy in the Development Plan.

For the purposes of this scheme “Specific function exercised by the Council” will include any development required to ensure the function and operation of the Council’s agricultural estate.

**For “Bodies required to be consulted under Procedure Order” please refer to latest Procedure Order**

\*For the purposes of this scheme “Any Planning Related Enforcement Notice” includes Stop Notices, Temporary Stop Notices, Injunctions, Listed Building Enforcement Notices, Urgent Works Notices, Discontinuance Notices (Adverts), S215 untidy land notices, breach of condition notice and repairs notice.

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