

## 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.

#### 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**

**Part 3 – Full Council 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. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal relates to a specific function exercised by the Council.
- 2.1.3. All types of planning or other application on which Officers are recommending refusal, except for those referred to in paragraph 2.2.6 below (i.e. retrospective applications which are recommended for refusal should be reported to Planning Committee).
- 2.1.4. All types of prior determinations, neighbouring authority notifications, the need for Environmental Impact Assessments and other notifications.

### **Compliance Issues**

- 2.1.5. Compliance cases which have been investigated by a Planning Compliance Officer and require no further action.
- 2.1.6. Compliance cases where "urgent action" is needed including the serving of Stop Notices, Temporary Stop Notices and Injunctions (Emergency Powers) subject to consultation with the Local Ward Member(s). Once "urgent action" is considered necessary the signatures of the following Council representatives will be required:  
  
Corporate Director **OR** Head of Planning and Public Protection.  
  
Chair **OR** Vice Chair of Planning Committee **OR** Lead Member.
- 2.1.7. Compliance cases which require the serving of:  
Section 215 Untidy Land Notice

Listed Building Enforcement Notices

Discontinuance Notices (Advertisement Regs)

Tree Preservation Order Notices & Notices in relation to Trees in Conservation Areas

High Hedges Notices

Enforcement Notices relating to unauthorised Houses in Multiple Occupation (HMOs)

Breach of Condition Notice

Urgent Works Notice

Repairs Notice

- 2.1.8. Legal action in association with breaches of Notices served under the provisions contained in paragraph 2.1.7/2.1.8 above.

### **Miscellaneous**

- 2.1.9. 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.
- 2.1.10. To submit observations on behalf of the Council on external consultations or draft documents.
- 2.1.11. 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).
- 2.1.12. Minor amendments to the wording of planning conditions on applications approved at Planning Committee where the substance of the suggested condition has not significantly altered, subject to informal consultation with the Local Ward Member(s).
- 2.1.13. Minor amendments to Committee authorised Enforcement Notices where the substance of the breach or remedy has not significantly altered, subject to informal consultation with the Local Ward Member(s).

## 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,
  - The Chief Executive
  - Corporate Director
  - Head of Service
  - Member of staff of Planning & Public Protection Service
  - A close relative of any of the above
- 2.2.6. Any retrospective planning or other application which is recommended for refusal where enforcement action is also recommended, unless the enforcement/compliance action falls within paragraph 2.1.7 above.

- 2.2.7. Any application submitted by or on behalf of the Council on land in the Council's ownership where the proposal **does not** relate to a specific function exercised by the Council.
- 2.2.8. Any application to remove or vary a planning condition which has been specifically **imposed by Members** at Planning Committee or Full Council.
- 2.2.9. Any application to vary or modify the terms of a Section 106 legal agreement which is linked to a planning permission given at Planning Committee.
- 2.2.10. 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.

2.3. **PART 3 – FULL COUNCIL LEVEL DECISIONS**

**The following sets out the applications which will need to be referred to Full Council for determination:-**

- 2.3.1. Any application determined at Planning Committee which would represent a **significant departure** from the adopted Development Plan.
- 2.3.2. Any application or compliance case determined or deferred by Planning Committee where, based upon the advice of Officers, it is felt there would be a strong likelihood of an award of costs against the Council at any subsequent planning appeal, legal challenge or Ombudsman investigation.

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

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.

**“Bodies required to be consulted under Procedure Order” include** – Highways, Environment Agency, Health and Safety Executive, Secretary of State for Wales, CADW and Amenity Bodies (on Scheduled Ancient Monuments, Listed Building or Conservation Area applications only), Coal Authority and Theatres Trust.

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