

Planning Scheme of Delegation

Scheme of Delegation to Officers – Planning Service

A Guide to the Officer Delegation Scheme

The scheme aims to achieve an effective balance between

- efficiency of determination on the majority of non-contentious applications that have limited community impact,
- being reasonably simple and easy to understand, and
- the member/community aspect by ensuring member involvement on contentious applications through committee or the Delegation Panel and local ward member request for applications to be presented to committee;

The Delegation Panel consists of the Chair, Vice Chair and Opposition Spokesperson of Planning Committee. The Panel does not determine applications or enforcement matters. Its role is to assess whether officers should determine those applications presented to it or to refer them to Planning Committee for determination.

Definitions

“The Act” means the Town and Country Planning Act 1990 as amended and to the Planning (Wales) Act 2015

“Local Ward Member” means the member for the electoral division in which the application site is located.

Planning Application means

- (a) Applications for planning permission and approval of reserved matters.
- (b) Applications for Listed Building Consent.
- (c) Applications for Conservation Area Consent.
- (d) Applications for Express Consent to Display Advertisements.
- (e) Applications for Certificates of Lawfulness of Existing Use or Development under Section 191 of the Act (jointly with the Head of Legal Services).
- (f) Applications for Certificates of Lawfulness of Proposed Use or Development under Section 192 of the Act (jointly with the Head of Legal Services).
- (g) Applications to retain works or uses already carried out.
- (h) Applications to remove or modify conditions of planning permissions or to make minor material amendments to an approved scheme under Section 73 of the Act.

- (i) Applications for an approval required by a development order.
- (j) Proposals by statutory undertakers
- (k) Notices of Proposed Development by Government Departments.
- (l) Hedgerow removal notices under the Hedgerow Regulations 1997.
- (m) Applications for non-material amendments to a planning permission.

Delegation to Officers

The delegation scheme authorises the following officers as set out in the scheme:

- Chief Officer Innovation and Enterprise
- Head of Planning Housing and Place-Shaping
- Development Services Manager
- Planning Applications and Enforcement Manager
- Heritage Manager

A. Planning Applications

A.1 To determine or make observations subject to A.2 on all applications unless:

- (a) The officer recommendation is contrary to a development plan policy or proposal or other planning policy of the Council
- (b) The application is to be recommended for approval and any of the following circumstances apply:
 - unresolved written objections on material planning grounds have been received from 5 or more separate households or organisations, (excluding Town or Community Councils) or
 - it is contrary to the advice of a statutory consultee, or
 - the community or town council has objected on material planning grounds and wishes to address Planning Committee
- (c) The application is:
 - by or on behalf of the Council and unresolved objections on material planning grounds have been received, or
 - for development on Council-owned land or in which the Council has a direct interest
- (d) The application is submitted by an employee of the Council who works within the Planning Section or one who has close involvement in the planning application process or a member or co-opted member of the Council or by a close relative of such an employee or member or where the application relates to land in which any of them have an interest
- (e) The local ward member has requested in writing that the application is presented to Planning Committee giving planning reasons for that request.

A.2 In consultation with the Delegation Panel to determine or make observations on applications except for those relating to householder development, advertisement applications and applications for Listed building and Conservation Area Consent where the application is to be recommended for approval and:

- unresolved written objections on material planning grounds have been received from 1 – 4 separate households or organisations, excluding Town and Community Councils or the Community or Town Council has objected on material planning grounds and does not wish to address Planning Committee, or
- the application is one to which A.1 (c) relates and no unresolved objections on material planning grounds have been received, or
- the Local Ward Member has requested in writing the application is referred to the Delegation Panel giving planning reasons for that request.

For the avoidance of doubt applications for householder development, advertisement consent, and Listed building and Conservation Area Consent, shall be determined by officers unless the Local Ward Member has requested in writing the application is referred to Planning Committee or the Delegation Panel, giving planning reasons for that request. All other applications are delegated to officers to determine, including Applications for Certificates of Lawfulness (existing and proposed), Non Material Amendments, applications for an approval required by a development order, proposals by statutory undertakers, Notices of Proposed Development by Government Departments and Hedgerow removal notices under the Hedgerow Regulations 1997.

A.3 To determine:

- the Council's case where there is an appeal against non-determination of an application
- the discharge of planning conditions requiring the specific approval of the Local Planning Authority
- to enter into obligations under Section 106 of the Act jointly with the Head of Legal Services, where it has been decided that planning permission should be granted subject thereto
- that an application is a departure from the development plan
- whether an Environmental Assessment is required and scoping the content of that Assessment
- whether an Appropriate Assessment is required under the Conservation (Natural Habitats etc.) Regulations 2010 (as amended).
- Local Impact Reports for Development of National Significance
- Whether an application is valid, issue an Invalid Notice and determine the Council's case where there is an appeal against such a Notice.

A.4 To make observations on planning consultations received from Brecon Beacons National Park and adjoining authorities.

A.5 To decline to determine an application for planning permission under the powers of Section 70A of the Act and Section 32 (where an enforcement notice has been served prior to the submission of the application).

A.6 To make all necessary decisions on procedural matters in connection with the processing of applications and appeals.

B. Enforcement of Planning Control

B.1 In consultation with the Delegation Panel to determine that it is expedient to take action and to issue the following notices and thereafter to take all necessary steps to remedy the breach .

- (a) Enforcement Notices and Stop Notices under Section 174 of the Act
- (b) Listed Building Enforcement Notices under Section 38 of the Listed Building and Conservation Areas Act 1990
- (c) To take prosecution proceedings and/or injunctions and/or action under the Proceeds of Crime Act, in consultation with the Head of Legal Services.
- (d) Notices under Section 215 of the Act

B.2 In consultation with the Delegation Panel to determine that it is not expedient to take enforcement action.

B.3 To determine that it is expedient to take action and to issue the following notices and to take all necessary steps to remedy the breach:

- (a) Planning Contravention Notices under Section 171C of the Act (to require information).
 - (b) Breach of Condition Notices under Section 187A of the Act.
 - (c) Enforcement Notices where planning permission has been refused for the development.
 - (d) Listed Building Enforcement Notices under Section 38 of the Listed Building and Conservation Areas Act 1990
 - (e) Breach of Condition Enforcement Notices.
 - (f) Hedgerow Replacement Notices under the Hedgerow Regulations 1997.
 - (g) Enforcement Warning Notices under Section 43
 - (h) Temporary Stop Notices under Section 171E
- B.4 To consider offers and representations made under Section 171C(4) of the Act (responses to Planning Contravention Notices).

B.5 To remove or obliterate unauthorised advertisements, placards and posters under Sections 224 and 225 of the Act.

C. Heritage

C.1 In consultation with the Delegation Panel

- To serve building preservation notices under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in cases of emergency.
- To authorise urgent works under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

C.2 To approve grants for historic buildings under Historic Town Schemes.

D. Entry onto Land

D.1 To authorise persons to enter land under

(a) Sections 196A, 214B and 324 of the Act

(b) Section 95 of the Building Act 1984

(c) Section 293 of, and paragraph 7 of Schedule 12A to, the Highways Act 1980

(d) Section 71 of the Road Traffic Regulation Act 1984.

E. Miscellaneous

E.1 To respond on behalf of the Council to HGV operator's licence applications.

E.2 To respond to Welsh Government consultations on planning policy or development management or related matters.