

Planning Committee Scheme of Delegation to Officers

Effective from [INSERT]



Version Control	Adopted
v.1	9th June 2022
v.2 Addition of paragraphs 1.8 – 1.17 inclusive and 146i) Amendments to paragraphs 1.28, 1.42, 1.46i), 1.46k) and 1.51	11 th August 2022
v.3 – full review of document.	08 April 2024
v.4	[INSERT]

Planning Committee Scheme of Delegation to Officers

The Council's Constitution permits a Schemes of Delegation to be approved by Planning Committee including the ability for District Councillors to reserve matters to Committee in circumstances prescribed by the Scheme; the Scheme to be reviewed as necessary and at least annually. Additionally, the Constitution contains the Officer Scheme of Delegation which delegates responsibility to the Director of Planning and Growth in relation to planning related matters.

This Scheme of Delegation is supplementary to the delegation contained within the Constitution. All of the following delegated powers relating to planning can also be exercised by the Business Manager – Planning Development, who may also delegate to other suitable qualified and/or experienced officers in accordance with an agreed Scheme of Delegation.

1. Business Manager – Planning Development shall have authority to:

1.1. To determine applications for planning permission, conservation area consent, consent for the display of advertisements and listed building consent in respect of all listed and the determination of, or response to, any other application or matter received in respect of the town and country planning function subject in each case to the proviso that any member of the Council may bring the application before the Planning Committee for decision in accordance with the adopted Protocol for Planning Committee.

1.2. To exercise all functions in relation to planning and planning enforcement including, but not limited to, applications, approvals, section 106 planning obligations under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservations Areas) Act 1990, and associated legislation (as amended or may be amended).

1.3. To exercise planning and related functions including service and withdrawal of notices and making, varying or revoking orders under, but not limited to, the following legislation (or as may be amended) and any other enabling powers:

Town and Country Planning Act 1990

Town and Country Control of Advertisement Regulations 2007

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Proceeds of Crime Act 2002 (or as amended).

Planning (Hazardous Substances) Act 1990

Community Infrastructure Levy Regulations 2010 (as amended).

Licensing Act 2003.

Conservation of Habitats and Species Regulations 2017 (as amended).

Part 4 Chapter 1 of Anti-social Behaviour, Crime and Policing Act 2014

Levelling-up and Regeneration Act 2023

1.4. Formulate and issue decision notices following consideration by the Planning Committee in accordance with the resolution of the Planning Committee and as required to make

amendments to planning conditions, Section 106 legal agreements or reasons for refusal prior to issuing a decision notice, where the decision has been made by the Planning Committee, where those changes are minor and non-material and subject to the change(s) having no impact on the substance and terms of the planning decision in order to provide precise and robust conditions or reason(s) for refusal.

- 1.5. In consultation with the Planning Committee Chairman and/or Vice Chairman, issue a grant of permission without a Section 106 agreement first being signed, where the original Planning Committee resolution requires the prior completion of a Section 106 legal agreement or payment of Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.
- 1.6. Power to make minor alterations to the Planning Application Validation Checklist and Planning Enforcement Plan.
- 1.7. To decide whether the Councils case at planning appeal should be by way of written representations, hearing or public inquiry and to agree the nature and extent of the case to be presented or defended.
- 1.8. Power to authorise payments or provide other benefits in cases of costs awarded against the Council in respect to planning and related appeals, maladministration and in respect of the local settlement of complaints in respect of matters falling within the remit of the planning function.
- 1.9. Determine all applications in accordance with the scheme of delegation with the exception of the following:
 - a) Environmental Impact Assessment - Applications where an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been provided.
 - b) Major Developments - All major (defined as 10 or more dwellings, where new floor space would be 1,000m² or greater or have a site area of 1 hectare or greater) applications where the recommendation is one of approval, contrary to the response received from a Statutory Consultee as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 in respect to that application.
 - c) Major Developments (S73 and/or Reserved Matters following Outline) - Major applications made under Section 73 of the Act where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed and where the previous application was dealt with by Planning Committee.
 - d) Parish or Town Council/Community or Voluntary Organisation Application- The application has been submitted by a community or voluntary organisation, a town or parish council/meeting and could in the opinion of the Authorised Officer, in

consultation with the Chairman and Vice-Chairman of the Planning Committee, result in a significant community benefit and would otherwise be recommended for refusal.

- e) Authorised Officer Referral - Any application which raises significant issues such that in the opinion of the Authorised Officer, it would be prudent to refer the application to Planning Committee for decision.
- f) Departure - Applications where the principle of development would represent a material departure from any policy within the Development Plan where the recommendation is for approval.
- g) Ward member referral – when referred to Planning Committee for decision as set out within the [Protocol for Planning Committee](#)

The “Authorised Officer(s)” for the purposes of this part of the Constitution and relevant legislation shall be the Director whose remit for the time being includes responsibility for planning, the relevant Business Manager with responsibility for the discharge of the development management function or an Officer authorised in writing by them to act on their behalf.