

Scheme of Delegation November 2015

HEAD OF REGENERATION AND PLANNING AND OPERATIONAL MANAGER (DEVELOPMENT MANAGEMENT)

1. To apply for an order under Section 22 of the Building Act 1984 and to execute works in default thereof after consultation with the Head of Legal Services.
2. Authority, with other nominated Officers:
 - (a) to carry out works in default and recover the costs in the event of non-compliance of notices issued under the Building Act 1984;
 - (b) to enter into agreement with the owner or occupier of any premises and carry out at his expense any work he is required to carry out by the Local Authority under the Building Act 1984, or any work in connection with the construction, lay, alteration or repair of a sewer or drain that he is entitled to carry out.
3. Authority to review and set level of charges relating to general building control matters in accordance with the Building (Local Authority Charges) Regulations 2010 on an annual or more frequent basis should market trends dictate and to issue the required notice and financial statements at the end of each financial year in consultation with the relevant Cabinet Member.
4. An extension of the authority currently awarded in respect of applications for Listed Building Consent to the determination now delegated to the Council by Cadw, in consultation with the Chairman of the Planning Committee (Minute No. C703 (2), 2002/03) and (Minute No. 1059, 2002/03).

A. PLANNING

1. Authority to determine the following matters set out in paragraphs 1.1 to 1.43 below, except planning applications submitted by current Members and Chief Officers, which must be determined by the Planning Committee. This authority shall extend to the determination of applications which may be subject to the relevant person first entering into a Section 106 legal agreement where such applications would normally be determined under delegated powers.
 - 1.1 All domestic alterations and extensions within the curtilage of existing dwelling houses.
 - 1.2 Residential development for up to two dwellings on infill sites within settlement boundaries.
 - 1.3 Minor developments for up to ten dwellings on sites within residential settlement boundaries or in accordance with the relevant development plan and the refusal of applications for dwellings on sites outside of settlement boundaries and out of accordance with the adopted development plan.
 - 1.4 Subdivision of dwellings into flats.

- 1.5 Extension of residential curtilages, where no major departure from established policy is concerned.
- 1.6 Formation of pedestrian / vehicular accesses to roads.
- 1.7 Fences, walls and other means of enclosure.
- 1.8 Extensions and alterations to shops, offices.
- 1.9 New industrial and commercial developments within existing established areas.
- 1.10 All changes of use, including to residential uses.
- 1.11 Erection of temporary buildings of a minor nature and / or the stationing of caravans for periods not exceeding two years, provided no major departure from established policy is concerned.
- 1.12 Farm buildings and related structures including stables, buildings related to rural businesses, tracks and slurry and silage stores.
- 1.13 All industrial developments on allocated and established sites.
- 1.14 Renewal of planning consents where there has been no change in planning circumstances.
- 1.15 Proposals to amend detail plans where consent for similar proposals have been previously granted.
- 1.16 Reserved matters applications.
- 1.17 Applications for the discharge, removal of, or alteration of planning conditions and minor variations to existing Section 106 legal agreements.
- 1.18 Applications for operational development from "opted-out" schools and NHS trust hospitals (formerly dealt with under County Council "observations only" procedures or exempted by reason of Crown land immunity).
- 1.19 All overhead lines.
- 1.20 Applications for consent to display advertisements.
- 1.21 Minor developments for the installation of satellite dishes, and minor renewable energy developments.
- 1.22 Listed Building Consent and Conservation Area Consent applications.
- 1.23 Fences and other means of enclosure.
- 1.24 Proposals to top, lop, prune and fell trees including the felling of trees affected by Tree Preservation Orders and / or within Conservation Areas.

1.25 All applications relating to the Prior Notification procedures (agriculture / forestry developments, demolitions, telecommunications).

1.26 Applications under Sections 191 and 192 of the Town and Country Planning Act 1990 for existing and proposed uses.

1.27 Any replies, to consultations in respect of planning applications notified by adjacent Local Planning Authorities; to County Matter (minerals related proposals) and County Council Regulation 3 consultations; and to consultations in respect of proposals by Government bodies and departments.

1.27.1 Approval of permission for minor deemed planning applications (those applications submitted by the Council to itself).

1.28 Authority to discharge the functions of the Council to determine the following mineral planning matters:

(a) Determination of details submitted in discharge of Part 19 of the General Permitted Development Order (GPDO) 1995, including:

(i) Class A: Quarry processing plant;

(ii) Class B: Ancillary plant e.g. ready mixed concrete and coating plants.

(b) Applications for plant, machinery, offices etc., at quarries outside the scope of the GPDO, including retention of plant following the cessation of mineral working.

(c) Applications for mineral exploration not permitted by Part 22 of GPDO 1995 (boreholes, seismic surveys etc.).

(d) Applications for revised working schemes required by the Review of Mineral Sites set up by the Environment Act 1995 (Schedules 13 and 14).

(e) Applications for schemes in discharge of registered Interim Development Orders pursuant to the Planning and Compensation Act 1991.

(f) Amendments / variation to conditions of mineral permissions.

(g) Schemes in discharge of conditions of mineral permissions.

(h) Consultations by adjoining authorities on mineral working proposals in their areas.

(i) Determination of the need for an Environmental Assessment to be submitted with any application (this is mandatory for mineral extraction areas greater than 2.5ha).

(j) Amendment to, and determination of, details in discharge of requirements of Section 106 Agreements at quarries.

Subject to where any Member of the Council requires that a particular application shall be subject to approval by the Planning Committee, the application will be

referred to the Committee for consideration subject to the Member contacting a senior Planning Officer within fourteen days of the application appearing in the weekly list and subject also to such request being substantiated by a good planning reason or demonstration that strong local objections had been received and in the case of a difference of opinion between the relevant officer and any Member the matter shall be referred to the Chairman of the Planning Committee for consideration.

1.29 Sign and issue decision notices.

1.30 Advertise planning applications where necessary.

1.31 Decide whether planning contravention notices / breach of condition notices should be issued under the Planning and Compensation Act 1991 and to instruct the Head of Legal Services to issue such notices, if appropriate.

1.32(a) In consultation with the Head of Legal Services, to authorise the preparation of Enforcement and Stop Notices, after consultation with the Chairman of Planning Committee, where reference to the Planning Committee would occasion detrimental delay and to instruct the Head of Legal Services to issue such notices, if appropriate.

1.32(b) In consultation with the Head of Legal Services, to authorise the variation or withdrawal of a previously issued Enforcement Notice or Stop Notice to correct a defect or error or make such other minor variation as deemed necessary and to instruct the Head of Legal Services to issue such amended notices, if appropriate.

1.32(c) In consultation with the Head of Legal Services, to authorise the preparation of Temporary Stop Notices and to instruct the Head of Legal Services to issue such notices, if appropriate.

1.33 To exercise the Council's powers and to take action under Sections 224 and 225 of the Town and Country Planning Act 1990 (enforcement of control over advertisements and any regulations made thereunder); the exercise of these delegated powers to be reported from time to time to the Cabinet.

1.34 To deal with the control of unlawful advertisements in accordance with the Town and Country Planning Act 1990 (as amended).

1.35 Insofar as the legislation and regulations allow, to deal with any minor amendments to planning and related applications.

1.36 Determine building regulation applications submitted in accordance with the relevant provisions of the Building Act 1984.

1.37 Serve notices under the Building Act 1984 in respect of

- (a) Section 71 - entrances, exits etc., to be required in certain cases;
- (b) Section 72 - means of escape from fire;
- (c) Section 77 - dangerous building(s);

- (d) Section 78 - dangerous building - emergency measures;
- (e) Section 79 - ruinous and dilapidated buildings and neglected sites;
- (f) Section 81 - Local Authority's power to serve notice about demolition.

1.38 Sell materials from demolished buildings in accordance with the provisions of Section 100 of the Building Act 1984.

1.39 Implement the Building Regulations.

1.40 Determine applications for the relaxation and dispensation of Building Regulations.

1.41 Authority to determine grant applications under the Historic Buildings Grants Programme.

1.42 Authority to determine Hedgerow Removal Notices and to serve Hedgerow Retention Notices and to designate Officers who are required to have specific rights of entry under Regulation 12 of the Hedgerows Regulations 1997.

1.43 Authority to instruct the Head of Legal Services and Operational Manager (Legal Services) to make, revoke and vary Tree Preservation Orders.

2. Authority to determine whether any application for planning permission or other matter requires an Environmental Impact Assessment.

3. Authority to refuse planning permission, in order to avoid having to refund a planning fee for an application which is considered to be unacceptable but would exceed the determination date if it were necessary to report to Planning Committee