

Scheme of Delegation September 2016

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

1. BUILDING CONTROL

1.1 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.

1.2 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.

1.3 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.

1.4 To determine building regulation applications submitted in accordance with the relevant provisions of the Building Act 1984.

1.5 To issue, vary or revoke any notice under the Building Act 1984 and to exercise the Council's powers of enforcement and prosecution under the Building Act 1984 in respect of any failure to comply with the terms of a Notice issued.

1.6 To sell materials from demolished buildings in accordance with the provisions of Section 100 of the Building Act 1984.

1.7 To implement the Building Regulations.

1.8 To determine applications for the relaxation and dispensation of Building Regulations.

1.9 To issue, vary or revoke a Notice under section 29 of the Local Government (Miscellaneous Provisions) Act 1982 for the protection of buildings and to exercise the Council's powers of enforcement and prosecution under the 1982 Act in respect of any failure to comply with the terms of a section 29 Notice issued.

2. LISTED BUILDINGS etc.

2.1 To determine grant applications under the Historic Buildings Grants Programme.

3. PLANNING APPLICATIONS etc.

3.1 To determine applications for the following types of development, except 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 and subsequent applications under s.106A to remove or vary a planning obligation.

- a) All domestic alterations and extensions within the curtilage of existing dwelling houses.
- b) Residential development for up to two dwellings on infill sites within settlement boundaries.
- c) 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.
- d) Subdivision of dwellings into flats.
- e) Extension of residential curtilages, where no major departure from established policy is concerned.
- f) Formation of pedestrian / vehicular accesses to roads.
- g) Fences, walls and other means of enclosure.
- h) Extensions and alterations to shops, offices.
- i) Minor developments for the installation of satellite dishes, and minor renewable energy developments.
- j) New industrial and commercial developments within existing established areas.
- k) All changes of use, including to residential uses.
- l) 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.
- m) Farm buildings and related structures including stables, buildings related to rural businesses, tracks and slurry and silage stores.
- n) All industrial developments on allocated and established sites.
- o) All overhead lines.

3.2 To determine the following applications or notifications, except applications or notifications submitted by current Members and Chief Officers (other than category 'c', 'g' 'm' and 'o' below), 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 and subsequent applications under s.106A to remove or vary a planning obligation.

Appendix B

- a) Applications for the renewal of planning permission where there has been no change in planning circumstances.
- b) Reserved matters applications.
- c) Applications for the approval of details reserved by condition.
- d) Applications for the removal or alteration of conditions of a planning permission previously granted.
- e) Applications for the retention of development already commenced or the removal or alteration of conditions of a planning permission previously granted for development that has already commenced.
- f) Applications for operational development from "opted-out" schools and NHS trust hospitals.
- g) Applications relating to the Prior Notification procedures under The Town and Country Planning (General Permitted Development) Order 1995 (as amended), such as agriculture/forestry developments and telecommunications.
- h) All minor deemed planning applications submitted by the Council to itself.
- i) Applications for consent to display advertisements.
- j) Applications for Listed Building Consent and Conservation Area Consent.
- k) Applications or notifications to top, lop, prune and fell trees affected by Tree Preservation Orders or Trees within Conservation Areas.
- l) Notifications in the form of Hedgerow Removal Notices and to serve Hedgerow Retention Notices and to designate Officers who are required to have specific rights of entry under the Hedgerows Regulations 1997.
- m) Applications for Lawful Development Certificates for existing and proposed uses and development.
- n) Applications for statutory pre-application advice.
- o) Insofar as the legislation and regulations allow, authority to determine any application for non-material and minor amendments to planning and related applications.
- p) Applications for Hazardous Substances consent.

3.3 To determine whether details submitted in discharge of any clause of a section 106 Agreement are adequate to satisfy the terms of the clause and issue a notification of such a determination, if appropriate.

3.4 To amend a condition imposed on a planning permission or consent where the application is determined by Planning Committee but where a decision has not yet been issued, in circumstances where the amendment would not materially change the purpose of the condition or the planning permission itself.

3.5 To amend a reason for refusal of any application determined by Planning Committee and where a decision has not yet been issued, in circumstances where the amendment would not materially change the reason for refusal.

3.6 To determine whether development proposed in any application for planning permission or development being considered in any other development management matter (including development being considered in a planning enforcement investigation) requires an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 or any other legislation which amends or updates this requirement.

3.7 To consider any request for a screening opinion submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 or any other legislation which amends or updates this requirement, and to determine whether an Environmental Impact Assessment is required.

3.8 To consider any request for a scoping opinion submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 or any other legislation which amends or updates this requirement and to determine those matters to be included within an Environmental Impact Assessment.

3.9 To refuse planning permission for any application, 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

3.10 To respond 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.

3.11 To respond to consultations in respect of proposed changes to, or the introduction of, new Legislation, Policy and Guidance by the Welsh Government and Statutory Bodies (including but not limited to Natural Resources Wales, the Law Commission, the Planning Inspectorate, and CADW), where such responses would be reported back to Planning Committee from time to time.

3.12 To sign and issue decision notices.

3.13 To advertise planning applications where necessary.

3.14 To issue a Notice under section 62ZA (Notice that an application does not comply with a validation requirement imposed under section 62) of the Town and Country Planning Act 1990 (as amended), or any other legislation which amends or updates this requirement.

4. CALL IN PROCEEDURE

4.1 Where any Member of the Council requires that a particular application shall be determined by the Planning Committee, the application will be referred to the Committee for consideration subject to the Member contacting a senior Planning Officer within 21 days of latest notification date of the application and 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 of the Member's request.

5. MINERALS

5.1 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 Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 1995 Order, including retention of plant following the cessation of mineral working.
- c) Applications for mineral exploration not permitted by Part 22 of 1995 Order 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.

6. ENFORCEMENT

6.1 To issue, vary or revoke a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended) and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Breach of Condition Notice issued.

6.2 In consultation with the Head of Legal Services, to authorise the preparation of Enforcement and Stop Notices under the Town and Country Planning Act 1990 (as amended), 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, and to pursue a prosecution in respect of any failure to comply with the terms of the Notice issued.

6.3 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.

6.4 In consultation with the Head of Legal Services, to authorise the preparation of Temporary Stop Notices under the Town and Country Planning Act 1990 (as amended) and to instruct the Head of Legal Services to issue such notices, if appropriate. Also, to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Temporary Stop Notice issued.

6.5 To issue, vary or revoke an Enforcement Warning Notice under the Town and Country Planning Act 1990 (as amended).

6.6 To issue, vary or revoke a Planning Contravention Notice or any other Notice issued in order to obtain information under the Town and Country Planning Act 1990 (as amended), and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a such Notices issued.

6.7 To issue, vary or revoke a Requisition for Information under the Local Government (Miscellaneous Provisions) Act 1976 and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Requisition for Information issued.

6.8 To issue, vary or revoke a Tree Replacement Notice under the Town and Country Planning Act 1990 (as amended).

6.9 To issue, vary or revoke a Hedgerow Replacement Notice under The Hedgerow Regulations 1997.

6.10 To issue, vary or revoke an untidy land or untidy building Notice under section 215 of the Town and Country Planning Act 1990 (as amended) and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a section 215 Notice issued.

6.11 To exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution under the Town and Country Planning Act 1990 in respect of non-compliance with Tree Preservation orders; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.12 To exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution under The Hedgerows Regulations 1997 in respect of contraventions of the Regulations; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.13 To exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution under the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of offences relating to unauthorised works to or demolition of a listed building or unauthorised demolition in a Conservation

Area; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.14 To exercise the Council's powers of enforcement, and to instruct Legal Services to pursue a prosecution or removal under the Town and Country Planning Act 1990 (as amended) (or any Regulations made thereunder) in respect of the control of advertisements; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.15 To determine a complaint made under the Anti-Social Behaviour Act 2003 in respect of High Hedges and to issue, vary or revoke a High Hedge Remedial Notice, if appropriate. Also, the authority to exercise the Council's powers under the 2003 Act in respect of any failure to comply with the terms of a High Hedge Remedial Notice issued.

6.16 To determine that it is not expedient to pursue formal enforcement action in respect of any breaches of planning control or other controls, or failure to comply with any Notices issued under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, The Hedgerow Regulations 1997, the Town and Country Planning (Control of Advertisement) Regulations 1992, the Anti-Social Behaviour Act 2003, the Town and Country Planning (Trees) Regulations 1992 or the Local Government (Miscellaneous Provisions) Act 1976.

7. TREES

7.1 Authority to instruct the Head of Legal Services and Operational Manager (Legal Services) to make, revoke and vary Tree Preservation Orders under the Town and Country Planning Act 1990 (as amended).

8. APPEALS

8.1 In the circumstances where there is a change to the matters that are material to the Council's case, authority to amend or withdraw all or parts of the Council's case during the course of any Appeal made under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, The Hedgerow Regulations 1997, the Town and Country Planning (Control of Advertisement) Regulations 1992, the Anti-Social Behaviour Act 2003 or the Town and Country Planning (Trees) Regulations 1992, subject to the matter being reported to the Planning Committee in due course.