

PROPOSED CHANGES TO THE CONSTITUTION

KEY:

Deleted text shown as struck through

Added text shown in bold and underlined

Item 4 - Delegation to the Head of Planning and Regeneration

Development Control

1. To determine all planning applications and applications for advertisement consent, listed building consent, conservation area consent and consent to carry out works to protected trees, except where:

~~(i) the application is contrary to the provisions of an approved or draft or submitted Development Plan policy or Supplementary Planning Guidance and is recommended for permission;~~

(i) the application is contrary to the provisions of the Development Plan and is recommended for permission

~~(ii) in the opinion of the Head of Planning and Regeneration, the application is potentially controversial or likely to be of significant public interest or would have a significant impact on the environment;~~

(ii) in the opinion of the Head of Planning and Regeneration, the application is controversial or likely to be of significant public interest or would have a significant impact on the environment;

(iii) the application is submitted by or on behalf of the Council for its own development, except for the approval of development which in the opinion of the Head of Planning and Regeneration is not of major impact and to which no objections have been received;

(iv) the ward councillor(s) have made a valid request that the application should be referred to the Plans Committee for determination in accordance with the call-in procedure set out in section 12.12 of the Constitution¹;

(v) the application is submitted by a serving member of the Council, or a serving officer.

~~(vi) an application is received to remove or vary a condition or to vary a Section 106 Agreement and the planning permission for the development was granted by the Plans Committee and, following consultation with the Chair and Vice-chair of the Plans Committee and relevant ward councillors, the Head of Planning and Regeneration is of the opinion that the variation is non-minor or non-technical.~~

¹ Applications received on or before 30th June 2016 will follow the previous ward referral procedure.

(vi) an application is received to remove or vary a planning condition or to vary a s106 legal agreement and the planning permission for the development was granted by the Plans Committee except in cases where, following consultation with the Chair and Vice Chair of the Plans Committee and relevant ward councillors, the Head of Planning and Regeneration is of the opinion that the variation is minor and technical in nature

2. Subject to the provisions of 1(vi) above, to agree non-material amendments and minor material amendments to planning permissions where no demonstrable harm would be caused to an interest of acknowledged importance.

3. To respond to requests for information from the Planning Inspectorate following notification of the start of an appeal against non-determination where an application would normally be reported to Plans Committee but there is insufficient time to do so. In such circumstances, in consultation with the Chair and Vice Chair of Plans Committee, to provide the local planning authority's view as to how it would have determined the planning application had it had the opportunity to do so

4. To determine applications for certificates of lawfulness for proposed or existing uses or development.

5. To approve details submitted in compliance with conditions and planning obligations on planning permissions.

6. Rights of entry:

(i) to initiate a proposal under Sections 196A and 324 of the Town and Country Planning Act 1990 (rights of entry);

(ii) to appoint officers to enter premises for the purpose of inspection in connection with (i) above;

(iii) to serve notices of intention to enter premises for the purpose of inspection in accordance with Sections 196A and 325 of the 1990 Act;

(iv) to apply for warrants authorising entry under Section 196B of the 1990 Act.

7. To finally dispose of a planning application and remove them from the planning register under Article 40(3) and (13) the Town and Country Planning (Development Management Procedure) (England) Order 2015

8. To serve requisitions for information under Section 330 of the Town and Country Planning Act 1990.

9. To serve planning contravention notices under Section 171C of the Town and Country Planning Act 1990.

10. To serve breach of condition notices.

11. To take formal enforcement action in relation to cases of unauthorised development not covered by other specific delegated authority except where the details of an intended delegated decision on any recommendation to take enforcement action have been

circulated to the ward councillor(s) concerned (or in the case of single-member wards, to another councillor nominated by the ward councillor) and by 5 pm on the second working day following the details being circulated, a councillor who has been consulted has advised the Head of Planning and Regeneration, via e-mail or in writing and giving relevant planning reason(s), that the matter should be referred to the Plans Committee for determination.

12 Subject to prior consultation with the appropriate ward councillor(s) (or in the case of single-member wards, with another councillor nominated by the ward councillor), to determine cases where it is not considered expedient to take formal enforcement action in relation to cases of unauthorised development where such development is in accordance with planning policies or standards, does not result in a significant loss of amenity to local residents and does not have a significant impact on the character and appearance of the area.

13. To take action under Section 224 of the Town and Country Planning Act 1990 and the Town and Country (Control of Advertisement) Regulations in respect of unauthorised advertisements.

14. To remove or obliterate posters under Section 225 of the Town and Country Planning Act 1990.

15. To determine whether an Environmental Impact Assessment is required to accompany a planning application, and the matters to be covered in the assessment.

16. To respond to notifications and applications for determinations under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and any subsequent revisions to the Order.

17. To serve notices under section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.

18. To respond to consultations by or on behalf of government departments, electricity undertakings and other local authorities about development proposals.

19. To make representations in respect of proposals for the installation of Cable TV apparatus in conservation areas or in the proximity of listed buildings and responding to any subsequent consultation by the Secretary of State for Trade and Industry.

20. To impose conditions relating to the installation of Cable TV apparatus and opposing the installation of flown lines or poles in areas of the Borough not covered in 19. above.

21. To negotiate the heads of terms of section 106 agreements.

22. To decline to determine planning applications under section 70(a) of the Town and Country Planning Act 1990.

23. To submit an order to the Secretary of State for revocation of a Hazardous Substances Consent in circumstances where there are no objections from the Health & Safety Executive or site operator.

24. To serve completion notices under section 94 of the Town and Country Planning Act 1990.
25. To serve orders under section 102 of the Town and Country Planning Act 1990 requiring the discontinuance of a use of land.
26. To serve building preservation notices under section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in consultation with the Chair of the Plans Committee.
27. To serve repairs notices on listed buildings under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. To execute urgent works under section 54 and determine the extent of urgent works under section 9(3) of the Planning (Listed Buildings and buildings in Conservation Areas) Act 1990.
29. To determine, in areas where no Town/Parish Council or Meeting exists, whether a community group is properly constituted, and a representative of that group is therefore able to address the Plans Committee in accordance with the Plans Committee Procedures and to establish criteria for that determination.
30. To determine applications for the discharge of planning conditions.