SCHEME OF DELEGATION

STRATEGIC PLANNING BOARD
Terms of Reference

1. To oversee the division of the Council’s Development Management functions and workload in order to ensure timely and consistent decision-making at the most appropriate level, and to that end

(a) to monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate

(b) to vary the division of functions and delegations between the Board, the Planning Committees and the Director of Planning and Sustainable Development;

(c) to adopt working protocols and procedures: eg: protocols governing the direction of applications between the Planning Committees, public speaking rights, call-in procedure and others.

2. To exercise the Council’s functions relating to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000. Most of these functions are delegated to the Planning Committees and then onwards to the Director of Planning and Sustainable Development, but the following are reserved to the Board:

(a) applications for Large Scale Major Development. Currently this includes

- residential developments of 200 dwellings or more, or 4 ha or more;
- 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

However, there will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

(b) applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.

(c) applications involving a significant departure from policy which a Planning Committee is recommended to approve.

(d) any other matters which have strategic implications by reason of their scale, nature or location.

(e) any other matters referred up to it at the discretion of the Director of Planning and Sustainable Development, including major development of less than the thresholds set out in (a) above which have wider strategic implications.
3. To exercise a consultation and advisory role, commenting upon the content of proposed planning policy and upon the effectiveness of existing policies employed in development control decisions.

4. To exercise on behalf of the Council the function of final approval of the Area Action Plans, and any other document including a Site Allocation Policy, which form part of the Local Plan.

NORTHERN AND SOUTHERN PLANNING COMMITTEES
Terms of Reference

1. To exercise the Council’s functions relating to town and country planning and development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges, set out in the Local Authorities (Functions and Responsibilities)(England) Regulations 2000. Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Director of Planning and Sustainable Development: the following are retained for the Planning Committees,

   applications for Small Scale Major Development for
   - residential developments of 20-199 dwellings or between 1 and 4ha
   - retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4ha.

   This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

   Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.

   However, there will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

2. To determine any other planning & development control matters

   (a) advertised as a departure from policy, which the Director of Planning and Sustainable Development is minded to approve.

   (b) submitted by a councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers.

   (c) significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made.

   (d) referred up to them by a councillor in accordance with the Committees` call-in procedure. However:

      i. Any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee.
ii. Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.

iii. Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call-in and will be dealt with under delegated powers.

iv. There will be a presumption that a call in request by a local ward member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.

(e) any other matters referred up to them at the discretion of the Director of Planning and Sustainable Development.

The Committees will refer up to the Strategic Planning Board matters involving a significant departure from policy which they are minded to approve contrary to recommendation by the Director of Planning and Sustainable Development.

**PLANNING FUNCTIONS – DELEGATION TO OFFICERS**

1. Apart from matters reserved to the Strategic Planning Board and Planning Committees, all those Council functions set out in the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 which relate to town & country planning & development control, the protection of important hedgerows, the preservation of trees and the regulation of high hedges are delegated to the Director of Planning and Sustainable Development.

   Development control functions include decisions regarding planning applications, permitted development, certificates of lawful use & development, enforcement, listed buildings and conservation areas. The planning functions are to be construed purposively and broadly, to include anything which facilitates or is incidental to them. For example, the power to determine planning applications under s70 Town & Country Planning Act 1990 will include powers governing environmental impact assessments under the various TCP (Environmental Impact Assessment) Regulations. It will also include power to impose conditions, limitations or other restrictions or to determine terms to which approvals are subject, and to modify, vary or revoke approvals.

   Where legislation is amended or replaced by new provisions or where new development control provisions are enacted, then the relevant authority delegated in this Scheme applies to those new provisions.

2. The Director of Planning and Sustainable Development will refer up to a Planning Committee or to the Strategic Planning Board any particular matter which they consider suitable for determination at that level.