

DEVELOPMENT CONTROL SERVICE

Schedule of Delegation Arrangements for Development and Related Matters

DEVELOPMENT CONTROL SERVICE

SCHEDULE OF DELEGATION ARRANGEMENTS FOR DEVELOPMENT AND RELATED MATTERS

PART 1

MATTERS TO BE DETERMINED BY THE REGULATORY COMMITTEE

1. Any planning or related application or consent made by Councillors, the Chief Executive, Executive Directors, Head of Service, or by any Officer of the Council dealing with planning matters.
2. Applications where the grant of planning permission would **be contrary to Unitary Development Plan/Local Development Framework policy or standard, or adopted Supplementary Planning Guidance**, and where the grant of planning permission would prejudice the future implementation of the affected policy or standard within the Borough.
3. Applications where the grant of planning permission would be contrary to national policy guidance or statements, government circular or procedure required by legislation.
4. Applications that straddle Township boundaries, or adjoin the boundary of another Township, **which have significant implications for the adjoining Township area** by reason of traffic, noise or pollution, or have a substantive environmental or visual effect. (The comments of the Township Planning Sub Committee(s) within which the site lies and that adjoining would first be sought.)
5. Any application where a decision by Officers or the relevant Township Planning Sub Committee(s) **would conflict with a previous relevant decision of the Council, or the Secretary of State or a Planning Inspector on Appeal**, for a development of the same description and site, and for which there has been no material change of policy or circumstance to justify an alternative decision.
6. Any application for which a decision by Officers or relevant Township Planning Sub Committee(s) would materially conflict with any Court decision relating to a particular site or issue.
7. Applications that any Township Planning Sub Committee chooses not to determine under its delegated powers.
8. Any application the Head of Service or Development Control Manager consider appropriate be determined by Regulatory Committee.
9. To determine the Council's response to consultations received from other Local Planning Authorities on strategic applications made to that Authority, and which may raise implications to this Borough.
10. Power to make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 restricting or removing 'permitted development' rights
11. Power to make Directions under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995 restricting permitted development rights relating to mineral exploration.
12. The authorisation of the completion, variation or discharge of **planning obligations**, or collection of any commuted payment in respect of the application as required by Policy and relevant to that application determined by the Regulatory Committee.

13. The nomination of a member of Regulatory Committee to represent the Council at any subsequent hearing, or inquiry, where the decision to refuse planning permission was made contrary to policy or officer advice.

Note

All planning applications to be considered by Regulatory Committee will first be referred to the relevant Township Planning Sub Committee (or Committees where the site adjoins or straddles a Township boundary) for comment.

PART 2

MATTERS TO BE DETERMINED BY THE TOWNSHIP PLANNING SUB COMMITTEE FOR THE PART OF THE BOROUGH IN WHICH THE LAND CONCERNED IS SITUATED

1. Applications within Part 3 (1) to which the **Call Up procedure** applies and;
 - (1) A Member for the ward within which the application site is situated, or the Chair or Vice Chair of the relevant Township Planning Sub Committee for that part of the Borough, give notice in writing and with stated reason(s) within 28 days of its publication on the Weekly List that the application is to be determined by the Township Planning Sub Committee, or;
 - (2) **4 or more separately addressed letters of observation, or a petition of 4 or more signatures**, have been received from owners or occupiers of property in the vicinity of the application site within 24 days of the date of notification; either objecting to an application recommended to be granted, or in support of an application recommended for refusal
2. The authorisation of the completion, variation or discharge of **planning obligations**, or collection of any commuted payment in respect of the application as required by Policy and relevant to that application determined by the Township Planning Sub Committee.
3. Applications where there has been a declaration of interest by any Member of the Council, or by an Officer dealing with planning matters.
4. The nomination of a member of the Township Planning Sub Committee to represent the Council at any subsequent hearing, or inquiry, where the decision to refuse planning permission was made contrary to policy or officer advice.

Note

In the case of applications subject to 'Call Up' the earliest date for a decision, or for a decision to be taken at Officer level to grant permission subject to completion of legal agreement, shall be;

- **24 days from the date upon which a neighbour notification letter was posted or hand delivered;**
- **21 days from the date of statutory publication in the press (14 days for discretionary press notice), if required;**
- **21 days from the date of posting of a site notice, if required; and**
- **28 days from the publication of the application on the Weekly List of planning applications received.**

Note

A weekly list of planning applications received is circulated to Members and published on the Council's website. The 'Call Up' expiry date will be highlighted on the Weekly List.

Note

In cases where a Township Planning Sub Committee is minded to determine an application which would conflict with a previous Council or Appeal decision for the same development of the application site, or in cases where the refusal of an application contrary to Officer advice is likely to have financial implications for the Council on Appeal, such applications will automatically be referred to Regulatory Committee for final determination

PART 3

MATTERS TO BE DETERMINED BY THE DEVELOPMENT CONTROL MANAGER

1. All applications for planning permission, approval, consents, certificates, and working of minerals except those matters listed in Parts 1 and 2 above.
2. **Matters subject to 'Call Up' procedure**
All applications for planning permission, approval, consents, certificates and working of minerals except those matters referred to in Part 1 (they will be referred to relevant Township Planning Sub Committee for comment), or listed in paragraphs 3, 4 or 5 below.
3. **Matters not subject to 'Call Up' procedure**
The following applications and matters are delegated to the Development Control Manager and the procedure for Councillors to require the matter to be determined by the appropriate Township Planning Sub Committee will **not** apply:-
 - a) the determination of the validity of applications;
 - b) the refusal of any application for insufficient information;
 - c) the refusal of major applications in clear contravention of Council policy;
 - d) the determination of applications for advertisement consent;
 - e) declining to accept repeat applications which have previously been refused on appeal and raise no new issues;
 - f) determination as to whether variations and amendments to existing permissions may be treated as working amendments and the determination of those amendments and variations where a further planning application is not required;
 - g) matters submitted for the written approval of any details required by planning condition;
 - h) prior notifications and the determination of details or any other matters required under the Town and Country Planning (General Permitted Development) Order 1995 (including those where prior approval is not required) where the period for response is less than 42 days;
 - i) the determination of Lawful Development Certificates of existing or proposed uses or development;
(the advice of the Borough Solicitor will be sought in appropriate cases)
 - j) to determine the Council's response to consultations received from other Local Planning Authorities to planning applications made to that

- Authority for approval, and which may raise implications for the Borough (except for applications of strategic importance);
- k) determination of whether an environmental statement is required for proposed development; the adoption of screening opinions and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and any subsequent legislation amending or re enacting those Regulations;
 - l) responses to hedgerow removal notices and the giving of notices under the Hedgerow Regulations 1997, and any subsequent legislation amending or re enacting those Regulations;
 - m) determination of applications for hazardous substances consent;
 - n) the imposition of conditions on planning permissions and consents and the determination of reasons for imposing conditions (except those determined by Committee and recorded on the minutes of the relevant Committee);
 - o) the determination of reasons for refusal (except those determined by Committee and recorded on the minutes of the relevant Committee);
 - p) the authorisation of planning obligations required for those planning applications determined by the Development Control Manager under delegated powers, and to be granted upon completion of the obligation.
 - q) responses to consultations from neighbouring authorities on any Article 10 consultations and on any strategic applications where the date for response falls before the next meeting of the Regulatory Committee
 - r) to make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 restricting or removing 'permitted development' rights in cases where such actions needs to be taken before the next available meeting of the Regulatory Committee.

Note

A weekly list of decisions taken by the Development Control Manager under delegated powers is circulated to Members and published on the Council's website.

PART 4

ENFORCEMENT OF PLANNING AND OTHER CONTROLS

Power to authorise initial action to deal with contraventions of planning control including obtaining information regarding ownership, occupation and use of land or property and the service of a Planning Contravention Notice under Section 171C or Section 330 of the Town and Country Planning Act 1990, or any replacement or re enactment of that Act.

- Borough Solicitor, Head of Service, Development Control Manager, Principal Planning Officer or Enforcement Team Manager

Power to authorise the issuing of temporary stop notices under section 117E of the Town and Country Planning Act 1990, or any replacement or re enactment of that Act.

- Head of Service, Development Control Manager or Principal Planning Officer

Power to authorise the issuing and service of enforcement notices, stop notices or other notices and any subsequent actions under Part VII of the Town and Country Planning Act 1990, or any replacement or re enactment of that Act.

- Head of Service, Development Control Manager or Principal Planning Officer

Power to authorise the taking of further action in cases where the requirements of any enforcement notice have not been complied with

- Head of Service or Development Control Manager

Power to determine whether action should be taken in cases where an infringement of planning control has taken place

- Head of Service or Development Control Manager

Power to withdraw, modify and reissue an enforcement notice as a consequence of any of the following:

- The granting of planning permission for the development the subject of the notice
- The implementation of a planning permission which causes the breach to cease permanently
- The cessation of the breach in circumstances where it is considered unlikely to resume
- When the works required by the notice have been carried out and the matters enforced against are unlikely to be restored
- Head of Service or Development Control Manager

Power to authorise action in respect of contraventions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any replacement or re enactment of those Regulations.

- Head of Service, Development Control Manager or Principal Planning Officer

Prohibition of parking of goods vehicles in front gardens of houses – to make, revoke or vary orders under S 165 of the 1981 Greater Manchester Act, or any replacement or re enactment of that Act.

- Head of Service or Development Control Manager

Tree Preservation Orders

Power to make, amend, revoke and confirm Tree Preservation Orders

- Appropriate Township Planning Sub Committee or, in emergencies, the Head of Service or Development Control Manager

Power to grant or refuse consent to lop, top or prune trees protected by a Tree Preservation Order or within a Conservation Area

- Head of Service, Development Control Manager or Principal Planning Officer

Power to grant or refuse consent to cut down or remove trees protected by a Tree Preservation Order, or within a Conservation Area and to impose conditions on any consent.

- Appropriate Township Planning Sub Committee, or in cases where there is immediate danger to public safety, the Head of Service or Development Control Manager or Principal Planning Officer

Power to authorise legal proceedings for breach of a Tree Preservation Order

- Head of Service or Development Control Manager

Emergency action under the Local Government (Miscellaneous Provisions) Act 1976 regarding dangerous trees on private land, or any replacement or re enactment of that Act.

- Head of Service or Development Control Manager

Power to authorise the serving of notices requiring replacement of protected trees

- Head of Service or Development Control Manager

Neglected Land

Power to authorise action under Section 215 of the Town and Country Planning Act 1990, or any replacement or re enactment of that Act, and to authorise the taking of action where the requirements of the notice have not been complied with.

- Head of Service or Head of Environmental Management Service, Development Control Manager or Principal Planning Officer

Dilapidated Buildings and Structures

Power to authorise the service of notices in respect of ruinous or dilapidated buildings and neglected sites under Section 79 of the Building Act 1984, or any replacement or re enactment of that Act, and to authorise the taking of actions where the requirements of the notice have not been complied with.

- Head of Service or Head of Environmental Management Service, Development Control Manager or Principal Planning Officer

Footpaths/Bridleways/Other Controls

Power to make and confirm footpath or bridleways diversion and closure orders and to apply to the Secretary of State under Part X of the Town and Country Planning Act 1990 (or any replacement or re enactment of the Act) and also to support applications made by third parties under Part X in relation to highway closures or diversions.

- Appropriate Township Planning Sub Committee or Regulatory Committee, or the Development Control Manager in cases where the decision to grant planning permission taken under delegated powers.

Building Preservation and Listed Buildings

Power to authorise the service of a Listed Building enforcement notice under the Planning (Listed Buildings and Conservation Areas) Act 1990, or any replacement or re-enactment of that Act, and to authorise the taking of actions where the requirements of the notice have not been complied with.

- Head of Service, Development Control Manager or Principal Planning Officer

Power to authorise the service of a Listed Building repairs notice under Part V of the Planning (Listed Buildings and Conservation Areas) Act 1990, or any replacement or re-enactment of that Act.

- Head of Service or Development Control Manager

Power to carry out urgent works to preserve unoccupied listed buildings under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or any replacement or re-enactment of that Act.

- Head of Service or Development Control Manager

Power to authorise the service of a Building Preservation Notice under Section 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, or any replacement or re enactment of that Act

- Head of Service or Development Control Manager

High Hedges (Part 8 of the Anti Social Behaviour Act 2003)

Power to determine whether a complaint made under this legislation is valid

- Development Control Manager, Enforcement Team Manager or Enforcement Officer

Power to investigate the complaint, obtain information relating to the complaint and consider evidence submitted.

- Development Control Manager, Enforcement Team Manager or Enforcement Officer

Power to authorise the issue and service of a remedial notice or subsequently withdraw and/or modify a remedial notice served under Part 8 of the Anti Social Behaviour Act, or any replacement or re enactment of that Act.

- Head of Service or Development Control Manager

Power to authorise prosecution for non compliance with a remedial notice

- Head of Service or Development Control Manager

Power to undertake works in default to effect the terms of a remedial notice

- Head of Service or Development Control Manager

Power to deal with all matters arising from such appeals

- Development Control Manager and Borough Solicitor

Note

Appropriate Township Planning Sub Committee refers to the Township Planning Sub Committee for the area in which the action is required to be taken

PART 5

PLANNING AND ENFORCEMENT APPEALS

To deal with any matters of substance arising from any Appeal which may involve a conflict with Council policy and which require further consideration by the decision making body

- Appropriate Township Planning Sub Committee or Regulatory Committee which determined or imposed the condition, or would have determined the application, or the Development Control Manager in cases where the decision to grant planning permission or authorise enforcement action was, or would have been, taken under delegated powers.

The settlement of any Statements or Proofs of Evidence required to be submitted as part of any Appeal

- The Borough Solicitor

The settlement of the amount of any claim for costs awarded against the Council as a consequence of any decision taken by the Secretary of State or Inspector at Appeal

- The Borough Solicitor

To agree any matters which arise during the conduct of any appeal process which do not conflict with any Council Policies or any unresolved areas of concern set out in the reasons for refusal of planning permission or imposition of any condition'

- The Borough Solicitor

EXECUTIVE AND OTHER ARRANGEMENTS

PART 6

MATTERS TO BE DETERMINED BY THE COUNCIL

1. Adoption of Development Plan Documents

MATTERS TO BE DETERMINED BY THE CABINET

1. Approval for the purposes of public consultation of a Draft Development Plan Document.
2. Recommendation to Council after public consultation for the adoption of a Development Plan Document.
3. Adoption of Supplementary Planning Documents which would introduce planning policy at a Borough wide level.
4. Adoption of a Simplified Planning Zone regulating land use and development activity over a particular area of the Borough.(which shall have first been considered by the relevant Township Committee for comment prior to consideration by Cabinet)

MATTERS TO BE DETERMINED BY THE RELEVANT TOWNSHIP COMMITTEE IN WHICH THE LAND IS SITUATED

1. Adoption of an area based Supplementary Planning Document which relates to land wholly within the relevant Township
2. The declaration of a Conservation Area under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 affecting land wholly within the relevant Township

MATTERS TO BE DETERMINED BY HEAD OF SERVICE OR STRATEGIC PLANNING MANAGER OR DEVELOPMENT CONTROL MANAGER IN CONSULTATION WITH PORTFOLIO HOLDER

1. Approval for the purposes of public consultation of a Draft Supplementary Planning Document which raises Borough wide policy implications.

MATTERS TO BE DETERMINED BY HEAD OF SERVICE OR STRATEGIC PLANNING MANAGER OR DEVELOPMENT CONTROL MANAGER IN CONSULTATION WITH THE CHAIR OR VICE CHAIR OF RELEVANT TOWNSHIP COMMITTEE IN WHICH THE LAND IS SITUATED

1. Approval for the purposes of public consultation of a Draft area based Supplementary Planning Document relating to land wholly within the relevant Township
2. The urgent declaration of a Conservation Area under Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990, or any replacement or re enactment of that Act, in cases where building(s) within the proposed Conservation Area are believed to be under threat of demolition, or of alteration in such a way that their character or appearance, or that of the wider street scene would be adversely affected, and such loss or harm would undermine the character of the area and its future designation within the Township.

Note

The declaration of Conservation Areas under emergency powers is expected to be exercised in limited circumstances and relate to a programme of proposed Conservation Areas previously agreed with Township Committees as being of architectural or historic merit and worthy of such designation.