

DRAFT Combined Scheme of Delegation

Head of Planning and Regulatory Services
Planning Matters

Determination of Applications

1. Subject to the Delegation Panel Scheme (see before) to determine planning applications and allied matters under the Town and Country Planning Act 1990 relating to the proper planning of the District in accordance with the written and approved policies of the Council as Local Planning Authority.

For the purpose of XX above, 'planning and allied matters' relate to:

- All outline and full applications
- Submission of details
- Conversions and change of use
- Non material amendment and variations to permission and consents previously granted
- Installation of underground petroleum storage tanks, overhead electricity lines, equipment structures required by statutory undertakers and telecommunications,
- Display of advertisement under the Town and Country Planning (Control of Advertisement Regulations 1992 (as amended)
- Applications for the renewal of permission and consents
- Listed Building and Conservation Area Applications, including referral to the Secretary of State of applications submitted by the Council
- Development under Regulation 3 or 4 of the Town & Country General Regulations 1992 (including applications made by the County Council).
- Validate and determine applications for Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accident Hazards) Regulations 1999, or any subsequent Regulations made under the Planning (Hazardous Substances) Act 1990.

Prior Approval Process

2. To give notice in respect of all prior approval processes under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and any subsequent amendments and to grant or refuse prior approval on behalf of the Local Planning Authority in respect of any prior approval process in cases where the developer has been given notice that such prior approval is required.
3. To issue certificates under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended), after consultation with the Head of Legal and Democratic Services.
4. The issue of all notices including reasons for refusal and imposition of conditions in respect of planning, listed building, conservation area, tree preservation orders, advertisement applications and trees in conservation area notifications, hedgerow notifications and applications for prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders.

5. To determine:
 - (a) The conditions to be imposed on any grant of planning permission or similar consent and;
 - (b) Whether a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 is required in respect of any planning application and to authorise the Head of Legal & Democratic Services to secure such Obligation.
 - (c) To formulate conditions and reasons for refusal, the substance of which has been determined by the Development Control Committee.
6. To make representations to other Authorities concerning planning applications within that Authority's area.

County Matters

7. To comment upon development proposals of the Suffolk County Council and other public bodies unless such an application is a proposal judged by the Head of Planning & Regulatory Services (after consultation with Chairman and/or Vice Chairman of the Development Control Committee) to be of such district-wide significance or to be so contentious that it should in the public interest be referred to the Development Control Committee for consideration and determination.
8. To declare any particular planning application to be a County matter.

Trees

9. Make Provisional Tree Preservation Orders, and confirm such orders in the event of no representation being received. Where representations are received, the matter will be referred to the next available meeting of Committee for consideration.
10. Determine applications for works relating to trees which are in a Conservation Area or the subject of a Tree Preservation Order, including emergency works and proposals for the lopping, topping or replacement of such trees (including authorising works to such trees on land in the Council's ownership).
11. To deal with applications for the felling of Trees in Conservation Areas under Section 211 of the Town and Country Planning Act 1990 where objections are received and the timetable for reporting the matter to the Development Control Committee prevent them being determined by the Committee within the statutory 6 week period.
12. To determine notices for the removal of hedgerows under the Hedgerows Regulations 1997.
13. In respect of Part 8 of the Anti-Social Behaviour Act 2003 with reference to High Hedges:-

- (i) to serve High Hedge enforcement notices where determinations have not been complied with;
- (ii) to enter land in the course of dealing with complaints, appeals and enforcement;
- (iii) to prepare and deliver the Council's case where an appeal against a determination has been lodged; and
- (iv) to determine a complaint and to issue a decision.

Appeals

- 14. To make representations including the submission of cost claims to the Secretary of State in respect of all planning and enforcement appeals conducted by exchange of written representations and by a hearing, including those under the provisions of the Town and Country Planning (Appeals) (Written Representation Procedure)(England) Regulations 2000, the Town and Country Planning (Hearings Procedure) (England) Rules 2000 and other relevant legislation/regulations (for appeals against the refusal of permission or consent and against an enforcement notice).
- 15. To give evidence including the submission of cost claims at all planning and enforcement inquiries, including those conducted under the provisions of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure)(England) Rules 2000 (appeals against the refusal of permission or consent or in respect of applications called in by the Secretary of State) and the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992 (appeals against enforcement notices).

Enforcement

- 16. To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended)
- 17. To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990 (as amended), Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36 of the Hazardous Substances Act 1990 (in connection with the determination of any application and the service of notices).
- 18. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended);
- 19. To serve requisition of Information Notices under Section 330, Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- 20. To issue Enforcement Notices under Sections 172 and 215 (Untidy Gardens) of the Town and Country Planning Act 1990 (as amended) after consultation with the Head of Legal and Democratic Services;

21. To serve temporary stop notices under Sections 171E to 171H of the Town and Country Planning Act 1990 (as amended), and in consultation with the Head of Legal and Democratic Services;
22. To determine the termination of investigative action in cases where it is appropriate not to pursue enforcement action
23. To take all appropriate legal steps to secure compliance with extant Enforcement Notices including prosecution, in consultation with the Head of Legal and Democratic Services;
24. To authorise enforcement action under Part 8, Section 74 of the Anti-social Behaviour Act 2003 (High Hedges) (following determination of complaints under the same powers), in consultation with the Head of Legal and Democratic Services; and
25. To take prosecution action under Part II Sections 3 and 4 and of the Clean Neighbourhoods Act 2005 to pursue action against the exposure of vehicles for sale on the highway and the repair of vehicles on the road.

Conservation Areas/Article 4 Directions

26. To determine whether it is appropriate to and to serve Directions and Notices under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 and to confirm such Directions if no objections are received within the statutory consultation period.
27. To carry out reviews and to make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.
28. Provided that the creation of the new Conservation Area is identified in the Local Plan, or the principle has been agreed by the Cabinet, to conduct reviews of Conservation Areas (including local consultations) and to designate new, or vary existing, Conservation Areas, in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
29. Following a review by the authorised decision taker, to make variations to Conservation Area Designations, and to serve Notices to that effect, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30. Serve Building Preservation Notices under Section 3 of the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof subject to reporting such action at the next meeting of the Cabinet or Committee as appropriate.

Environmental Assessment

31. To require the submission of an Environmental Assessment under Regulation 9 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999.

32. To give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Delegate further to Officers in the Planning Department in order to exercise functions delegated to them by this Section 5 of Part 3 of the Constitution.