

## St Edmundsbury Borough Council

### (Extract from) Scheme of Delegation to Officers

#### Head of Planning and Growth

#### (1) Planning and Development Matters

To discharge the Council's functions, powers and duties under the following Acts, Directives and Regulations together with any relevant current legislation being in force

#### Determination of Applications

1. Subject to the Delegation Panel Scheme, 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 1. 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) (England) Regulations 2007 (as amended)
- Applications for the renewal of permission and consents
- Listed Building Consent 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~~2015, ~~as amended by the Planning (Control of Major Accident Hazards) Regulations 1999~~, or any subsequent Regulations made under the Planning (Hazardous Substances) Act 1990.
- Certificates of Lawfulness for general works and to Listed Buildings
- Conservation of Habitats and Species Regulations (2010) and Conservation of Habitats and Species (Amendment) Regulations 2012 in relation to Habitat Regulations Assessments.

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### Prior Approval Process

2. To give notice in respect of all prior approval processes under the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent amendments or re-enactments thereof 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.

### Certificates of Lawful Use

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3. To issue certificates under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended), after consultation with the Service Manager (Legal).

### Issuing Notices

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4. To issue all notices including reasons for refusal and imposition of conditions in respect of planning, listed building, 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.

### Conditions

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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 and the Community Infrastructure Levy Regulations 2010 and [any](#) subsequent amendments [to such legislation](#) is required in respect of any planning application and to authorise the Service Manager (Legal) to secure such Obligation.
6. To formulate conditions and reasons for refusal, the substance of which has been determined by the Development Control Committee.

### Neighbouring Authorities

7. To make representations to another Authority concerning planning applications within that Authority's area.

### County Matters

8. To comment upon development proposals of the Suffolk County Council and other public bodies unless such an application is a

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proposal judged by the Head of Planning & Growth (after consultation with the 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.

9. To declare any particular planning application to be a County matter.

### Trees

10. To make Provisional Tree Preservation Orders, and confirm such orders in the event of no representation being received. Where representations are received, to refer the matter to the next available meeting of Committee for consideration.
11. To 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, felling or replacement of such trees (including authorising works to such trees on land in the Council's ownership).
12. 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.
13. To determine notices for the removal of hedgerows under the Hedgerows Regulations 1997.
14. [As well as the Head of Planning and Growth , the Development Manager, all Principal Planning Officers in the Development Management and , Planning Policy and Growth Sections together with the Principal Planning Enforcement Officer, Principal Conservation Officer Ecology Tree and Landscape Officer to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with Regulation 61 of the Conservation of Habitats and Species Regulations \(2010\) in relation to Habitat Regulations Assessments.](#)
154. [In addition to the Head of Planning and Growth the following sub-delegations may be exercised by the Principal Enforcement Officer, the Ecology Tree and Landscape Officer and the Tree Officer i](#)n 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;

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- (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

**The delegations in relation to Appeals are sub-delegated to the Service Manager (Planning – Development), the Service Manager (Planning – Strategy), all planning officers, enforcement officers, landscape officers and conservation officers in addition to the Head of Planning and Growth**

- 15. 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) ~~Rules 2000~~ Regulations 2009, 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).
- 16. 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 and the Town and Country Planning (Enforcement) Inquiries Procedures (England) Rules 2002 (appeals against enforcement notices).
- 17. To make representations and give evidence as required in relation to appeals for non determination.

### Enforcement

1826. To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice).

**In addition to the Head of Planning and Growth, the following sub delegations 19-29 may be exercised by the Principal Enforcement Officer, the Service Manager (Planning – Development), the Service Manager (Planning - Strategy) and (in the absence of the**

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### Principal Enforcement Officer) any Principal Planning Officer within Planning and Growth

198. To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended).
1920. 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) and Section 36 of the Hazardous Substances Act 1990 (in connection with the determination of any application and the service of notices).
210. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended).
221. 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.
232. To issue Enforcement Notices under Sections 172 and 215 (Untidy Gardens), [Listed Building Enforcement Notices under Section 38 Town and Country Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) and Stop Notices under Section 183 of the Town and Country Planning Act 1990 (as amended) after consultation with the Service Manager (Legal).
243. 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 Service Manager (Legal).
254. To terminate investigative action in cases where it is appropriate not to pursue enforcement action.
265. To take all appropriate legal steps to secure compliance with extant Enforcement Notices and Stop Notices under Section 215 including prosecution, in consultation with the Service Manager (Legal).
- ~~26. To take direct action or works in default as required in relation to Section 178 (Non-Compliance with an Enforcement Notice) and Section 219 (Non-Compliance with a Section 215 Notice).~~
27. 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 Service Manager (Legal).
28. 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.

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29. To monitor and enforce Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendments and instruct Head of legal to take the necessary action to prosecute any breaches that are unable to be resolved through negotiation.

### **Conservation Areas/Article 4 Directions/Listed Buildings**

30. To determine whether it is appropriate to, and, if so, to serve Directions and Notices under Article 4 of the Town and Country Planning (General Permitted Development) Order ~~1995~~2015 and to confirm such Directions if no objections are received within the statutory consultation period.
31. To carry out reviews and to amend Directions under Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.
32. Provided that the principle of the creation of the new Conservation Area, has been agreed by the Cabinet, to designate new, Conservation Areas, and to serve Notices to that effect under section 69 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
33. Following a review by the authorised decision taker, to vary or cancel to Conservation Area Designations, and to serve Notices to that effect, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
34. [To issue Repairs Notices under Section 48 and Urgent Works Notices under Section 54 of the Town and Country Planning \(Listed Building and Conservation Area\) Act 1990.](#)

### **In addition to the Head of Planning and Growth, the following sub delegations 35-38 may be exercised by the Principal Conservation Officer, the Service Manager (Planning-Strategy) and the Service Manager (Planning – Development)**

354. To authorise entry to land in accordance with the provisions of Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 [and any subsequent amendments to this legislation.](#)
365. To serve requisition of Information Notices under Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 [and any subsequent amendments to this legislation.-](#)

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376. To issue Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 after consultation with the Service Manager (Legal).
387. ~~To serve Building Preservation Notices under Section 3 of the Town and Country Planning (Listed Building and Conservation Areas) 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.~~
38. Issuing of decisions relating to applications for Listed Building Consent and Certificates of Lawfulness for Listed Buildings~~To issue Repairs Notices under Section 49 and Urgent Works Notices under Section 54 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.~~

### Environmental Assessment

**In addition to the Head of Planning and Growth, the following sub delegations 39-40 may be exercised by the Service Manager (Planning-Strategy) and the Service Manager (Planning – Development)**

39. To require the submission of an Environmental Assessment under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011
40. 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) Regulations 2011.

### Building Regulations

41. The determination and relaxation of applications under the Building Regulations.
42. Powers and Duties under the Building Act 1984, which relate to Building Regulations.
43. Power to serve notices under Section 36 of the Building Act 1984, as amended.
44. Action under Sections 77 and 78 of the Building Act 1984, to deal with dangerous buildings and structures in emergency situations.
45. Action under Section 80 of the Building Act 1984, to deal with and control demolition work.
46. To authorise temporary road closures under Section 21 of the Town Police Clauses Act 1847.

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47. Authority for entry and the service of statutory notices and cautions and to take enforcement action (including prosecutions where permitted) under the Building Act, 1984.

~~48~~41. As well as the Head of Planning and Growth, the Building Control Manager and Building Control Surveyors issue decision notices under the Building Regulations and Building Acts and to serve notices in respect of contraventions of the Regulations and with respect to dangerous structures and demolitions under the Building Act.

~~49~~12. The Head of Planning and Growth, Building Control Manager and Building Control Surveyors, to instruct a contractor on the approved list to carry out all necessary action under Section 78 of the Building Act 1984 concerning emergency measures to deal with dangerous buildings and structures.

### Local Land Charges

- ~~50~~48. To discharge the duties and services required by the Local Land Charges Act 1975 by maintaining a register of legally registrable local land charges for both Council areas and an index that is easily traced. The setting of fees for this service is delegated to the Head of Resources and Performance in consultation with the Head of Planning and Growth and subject to compliance with section 13A of the Act.

#### Pre-application charging

- ~~51.~~ To set the fees for pre-application charging in consultation with the Head of Resources and Performance in accordance with the Fees and Charges policy

### ~~The Head of Planning and Growth makes the following sub-delegations to Officers:~~

#### ~~(I) Sub-delegations to be exercised by officers in addition to the Head of Planning and Growth:~~

##### ~~Planning—General Procedures~~

- ~~1. As well as the Head of Planning and Growth, the Service Manager (Planning—Development), all Principal Planning Officers in the Development Management Section Principal Conservation Officer and Principal Enforcement Officer 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) Regulations 2011~~
- ~~2. As well as the Head of Planning and Growth, the Service Manager (Planning—Development), all planning officers and enforcement officers, landscape officers and conservation officers:~~



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- (a) ~~make representations to the Secretary of State in respect of all planning 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); and~~
- (b) ~~give evidence at all planning 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).~~
3. ~~As well as the Head of Planning and Growth, the Development Manager, all Principal Planning Officers in the Development Management and, Planning Policy and Growth Sections together with the Principal Planning Enforcement Officer, Principal Conservation Officer Ecology Tree and Landscape Officer to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with Regulation 61 of the Conservation of Habitats and Species Regulations (2010) in relation to Habitat Regulations Assessments.~~
4. ~~In respect of Part 8 of the Anti Social Behaviour Act 2003 with reference to High Hedges, The Principal Enforcement Officer and Ecology Tree and Landscape Officer and, Tree Officer:-~~
- (a) ~~serve High Hedge enforcement notices where determinations have not been complied with;~~
- (b) ~~enter land in the course of dealing with complaints, appeals and enforcement;~~
- (c) ~~prepare and deliver the Council's case where an appeal against a determination has been lodged; and~~
- (d) ~~determine a complaint and to issue a decision accordingly.~~

### Planning Applications

5. ~~As well as the Head of Planning and Growth, the Service Manager (Planning—Development), all Principal Planning Officers in the Development Management Section, Principal Conservation Officer and Principal Enforcement Officer to issue decision notices on planning applications and to take all action necessary to ensure~~

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[compliance with the Town and Country Planning \(Environmental Impact Assessment\) \(England and Wales\) Regulations 2015](#)

16. As well as the Head of Planning and Growth, the Service Manager (Planning – Development), all Principal Planning Officers in the Development Management and Planning Policy and Growth Sections, the Principal Enforcement Officer and Principal Conservation Officer to deal with minor amendments and variations to planning permissions and consents and to discharge planning conditions.
27. In accordance with the Scheme of Delegation, Senior Planning Officers have authority to sign off and issue the following:
- (a) Issuing of decisions relating to planning applications for domestic extensions, and the issuing of decisions for related listed building consent and Demolition applications;
  - (b) Issuing of decisions relating to applications under the advertisement regulations and the issuing of decisions for related listed building consent applications;
  - (c) Issuing of decisions relating to applications for development Plan compliant minor applications where no 'contrary view' is expressed and all 'other' category developments where the Parish/Town Council has not expressed a contrary view and the issuing of decisions for related listed building consent applications;
  - (d) Issuing of decisions relating to planning applications for extensions/alterations to commercial premises and the issuing of decisions for related listed building consent and applications;
  - (e) Issuing of decisions relating to planning applications for minor operations and the issuing of decisions for related listed building consent and applications;
  - (f) Issuing of decisions relating to applications for the discharge of conditions;
  - (g) Issuing of decisions relating to minor amendment applications relating to any of the application types mentioned above a – e;
  - (h) Issuing of decisions relating to planning applications for variation of conditions relating to any of the application types mentioned above a – e;
38. All planning and conservation officers to have authority to sign off and issue the following:

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- (a) Issuing of decisions relating to applications for the discharge of conditions and non-material amendments relating to applications which they have previously dealt with;
- (b) Sign their own letter relating to pre-application advice which they may give, subject to the letter containing the latest standard disclaimer.

**It should be noted that no Officer will sign off an application where they have been the Case Officer. Every decision should have been signed off in accordance with the Scheme of Delegation, by at least two Officers.**

### Planning Enforcement

~~9. In accordance with the Scheme of Delegation, the Principal Enforcement Officer, the Service Manager (Planning Development) and (in the absence of the Principal Enforcement Officer) any Principal Planning Officer within Planning and Growth:~~

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~~(a) To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990;~~

~~(b) To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990, Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36 of the Hazardous Substances Act 1990;~~

~~(c) To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended);~~

~~(d) To serve Requisition of Information Notices under Section 330, Town and Country Planning Act 1990, Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976;~~

~~(e) To issue Enforcement Notices under Sections 172 and 215 (Untidy Lands), Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Stop Notices under section 183 of the Town and Country Planning Act 1990 in consultation with the Service Manager (Legal);~~

~~(f) 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 Service Manager (Legal);~~

~~(g) To terminate investigative action in cases where it is appropriate not to pursue enforcement action;~~

~~(h) To take all appropriate legal steps to secure compliance with extant Enforcement Notices and Stop Notices under section 215 including prosecution, in consultation with the Service Manager (Legal);~~

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~~(i) — 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);~~

~~(j) — 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 in consultation with the Service Manager (Legal);~~

~~(k) — To monitor and enforce Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendments and instruct Service Manager (Legal) to take the necessary action to prosecute any breaches that are unable to be resolved through negotiation;~~

~~(l) — To comment upon and object to vehicle operators' license applications on behalf of the Head of Planning and Growth;~~

### **Conservation Areas/Listed Buildings**

~~10. — In accordance with the Scheme of Delegation, the Principal Conservation Officer and the Service Manager (Planning Strategy) have authority to sign-off and issue the following:~~

~~(a) — Issuing of decisions relating to applications for Listed Building Consent and Certificates of Lawfulness for Listed Buildings;~~

~~(b) — To authorise entry to land under Section in accordance with the provisions of Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990;~~

~~(c) — Serve Requisition of Information Notices under Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990;~~

~~(d) — Issue Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in consultation with the Service Manager (Legal);~~

~~(e) — Serve Building Preservation Notices under Section 3 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 in consultation with the Service Manager (Legal);~~

### **Building Control**

~~11. — As well as the Head of Planning and Growth, the Building Control Manager and Building Control Surveyors issue decision notices under the Building Regulations and Building Acts and to serve notices in respect of contraventions of the Regulations and with respect to dangerous structures and demolitions under the Building Act;~~

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~~12. The Head of Planning and Growth, Building Control Manager and Building Control Surveyors, to instruct a contractor on the approved list to carry out all necessary action under Section 78 of the Building Act 1984 concerning emergency measures to deal with dangerous buildings and structures.~~