

APPENDIX A
SCHEME OF DELEGATION OF PLANNING DECISIONS

1. The powers delegated shall only be exercised after ensuring that all statutory requirements have been complied with and after considering all representations received.

2. The powers delegated shall be to determine any prior notification, applications for certificate of Lawfulness under S.191 or S.192 of the Town and Country Planning Act 1990 (The Planning Act), applications for non-material amendments and applications for approval of conditions.

3.2. The powers delegated shall be to determine all other types of applications, submitted under town and country planning and heritage legislation, that are not included in paragraph 2 above, except where: ~~the proposed use:~~

3.1 the proposal is contrary to a specific land use allocation in an adopted development plan document and approval is recommended

~~2.2 conflicts with any objection received from any Member of the Council within the consultation period referred to in paragraph 3 below~~

3.2 except in the case of advertisement consents or householder applications, the recommendation for a planning application conflicts with a representation from a statutory consultee ~~or a member of the public~~ received within the specified consultation period, which is not outside the scope of planning law, and has requested to make representation at the Planning Committee as provided for in Committee Procedure Rules.

3.3 an application is recommended for approval and a request by a third-party objector has been made to speak at the Planning Committee, within the consultation period referred to in paragraph 4 below, and as provided for in Committee Procedure Rules.

~~2.4 where a Section 106 Agreement/planning obligations are required and the development is either for more than five residential units, or in the case of non-residential applications, 500 square metres of floorspace.~~

3.4 except in the case of applications under S.73 of the Planning Act where the nature of the original development permitted remains substantially unaltered, any ~~other~~ application with a net increase of ten or more residential units or, in the case of non-residential application, 1000 square metres of floorspace and approval is recommended.

3.5 ~~if~~ the Corporate Director Planning and Governance does not consider it prudent to exercise their delegated authority, in which case they shall report the matter to the Planning Committee.

4. The Corporate Director Planning and Governance shall prepare and circulate to Members of the Council each week a list of registered applications. Any Member of

the Council may within 21 days from the date of issue of any weekly list by written notification to the Corporate Director Planning and Governance require ~~them to submit~~ any application, except for those applications listed in paragraph 2, or matter to the Planning Committee for determination, and the Corporate Director Planning and Governance shall not make a decision in respect of any such application or matter before the expiration of that period of 21 days. Any notification of 'call in' shall include a brief summary of the planning reasons as to why the application should be considered by the Planning Committee.

5. The Corporate Director Planning and Governance may bring before the Planning Committee any application, and request that it be delegated on a 'case by case' basis for determination by them. Any such delegation may be subject to the receipt and resolution of specified outstanding matters, including receipt of consultees views, expiry of statutory notices and expiry of consultation periods, and on the basis that the outstanding matters referred to, when resolved, did not give rise to any new issue or objection.

6. Subsequent to a the resolution of approval by the Planning Committee, power is delegated, subject to consultation with the Chair and Vice Chair of the Planning Committee, to modify the wording of, or include additional conditions prior to the issuing of the Permission or Consent provided that such modifications or additions do not undermine the resolution of the Planning Committee and the principle of the development remains unaffected.

7. Subsequent to a resolution of the Planning Committee to grant Planning Permission subject to the completion of a S106 Agreement under the Planning Act in accordance with approved Heads of Terms, power is delegated, subject to consultation with the Chair and Vice Chair of the Planning Committee, to modify the Heads of Terms provided such modifications do not contravene the principles contained in paragraph 8 below.

8. Subsequent to the completion of a S106 Agreement under the Planning Act power is delegated, subject to consultation with the Chair and Vice Chair of the Planning Committee, to vary such agreements following an application under S.106A or S.106B of the Planning Act subject to the following criteria:-

8.1 In respect of variations relating to contributions:-

8.1.1 The variation should only permit a variation in terms of the use of the contribution for the specific use to which the contribution originally relates. For example, an allotment contribution for use on allotments in a particular location might be varied to allow that contribution to be used on allotments in a wider geographical area provided that that wider geographical area still benefits the development to which the contribution originally related. However, the allotment contribution could not be used for public open space.

8.1.2 The variation should not increase or decrease the contribution available to a specific use. For example a contribution of £50,000 for public open space could not be reduced to £25,000.

8.1.3 The variation should not divert a contribution from one recipient to another. For example, an education contribution due to the County Council should not be varied to allow that contribution to be paid to the City Council to be used for public open space.

8.2 In respect of variations relating to affordable housing provisions:-

8.2.1 The variation should not decrease the total number of affordable housing units on the site.

8.2.2 The variation should only permit a variation of the tenure mix of the affordable housing units if the proposals are supported by the Strategic Housing Services Manager.

8.3 In respect of variations to restrictions on goods that can be sold from premises, the variations shall not amount to or require a change of use under the Use Classes Order

8.4 The variation should be consistent with the CIL Regulations.

8.5 The variation should not materially change the intention of the S106 agreement.

8.6 Any variation shall be subject to a formal legal agreement to the satisfaction of the Corporate Director – Planning and Governance.