

Committee: Planning and Development Author: Martin Fitch - 01438 242268

Date: Tuesday 4 September 2007

Lead Officer: Peter Bandy - 01438 242288

Contact Officer: Martin Fitch - 01438 242268

**INFORMATION REPORT – SCHEME OF DELEGATION TO THE HEAD OF PLANNING
AND REGENERATION**

1.0 PURPOSE

- 1.1 To update members of the scheme of delegation to the Head of Planning and Regeneration that is currently in operation.

2.0 BACKGROUND

- 2.1 Several members, have requested clarification of the scheme of delegation that relates to the work of the Committee.
- 2.2 The current scheme, which is attached as Appendix A, was approved by the Committee in February 2004 with several amendments made in December of that year following a six month review of its operation. The scheme was introduced to reduce the number of planning and related applications that were determined by the Committee under the previous arrangements that dated from 1993 for three reasons. Firstly, under the previous scheme, the Committee was spending ever increasing lengths of time dealing with large agendas that included significant numbers of relatively minor proposals, thereby reducing the ability to focus on the more complex and contentious issues that are raised by major applications. Secondly, given the four weekly Committee cycle, a significant proportion of the more minor applications were being determined outside the timescale set out in the Best Value Performance Indicators (BVPI's). Thirdly, in 2003 the Council was failing to meet the BVPI that was then in force requiring local planning authorities to determine at least 90% of planning applications under delegated powers. At that time, approximately 70% of applications were dealt with under delegated powers, a figure that has risen to 91% for 2006/2007 under the current arrangements.
- 2.3 When the current scheme of delegation was approved, it was recognised that a small number of applications that would, in normal circumstances, be determined by the Head of Planning and Regeneration could raise issues which ought to be considered by the Committee. Accordingly, a procedure was introduced by which any member of the Council is able to request that, in exceptional circumstances, a particular application is "called-in" for determination by the Committee. This procedure is set out in Appendix B and it is of note that, to date, very few applications have been reported to the Committee as the result of members pursuing this procedure.
- 2.4 It is also the case that the Head of Planning and regeneration has the discretion to report minor applications for determination by the Committee where this is considered appropriate.

3.0 RECOMMENDATION

- 3.1 That the information in this report be noted.

PLANNING AND DEVELOPMENT COMMITTEE

DELEGATION TO THE HEAD OF DEVELOPMENT AND PLANNING (as amended by Planning and Development Committee on 21 December 2004)

PLANNING AND RELATED APPLICATIONS

(A) To determine applications for permission or consent, submitted under the provisions of the Town and Country Planning Act 1990(as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and associated Regulations and Orders, other than:-

- (i) 'Major applications' as defined in the Town and Country Planning General Development (Procedure) Order 1995 (excluding those seeking approval of reserved matters)
- (ii) Applications 'called in' by a Member of the Council for determination by the Planning and Development Committee, in accordance with the adopted procedure
- (iii) Applications to which a neighbouring local planning authority has objected in writing
- (iv) Applications submitted under the Town and Country Planning General Regulations 1992 by, or on behalf of, Stevenage Borough Council
- (v) Applications submitted by, or on behalf of, Members of Stevenage Borough Council or officers of the Council at, or above, the level of Principal Officer.
- (vi) Applications submitted in respect of land in the ownership of Stevenage Borough Council where objections to the proposals have been received in writing.
- (vii) Applications which the Head of Development and Planning considers it prudent to have considered by the Planning and Development Committee

(B) To determine applications under the Planning (Hazardous Substances) Act 1990

Provided that, in the case of any application under categories A or B:-

- (i) it does not materially conflict with any adopted or, where appropriate, emerging, planning policy adopted by Stevenage Borough Council;
- (ii) the grant of permission or consent is not dependent upon the completion of a legal agreement under the Planning Acts.

(C) To determine applications for prior approval in relation to permitted development proposals in accordance with the Town and Country Planning General (Permitted Development Order) 1995 and any subsequent amendments thereto.

(D) To determine applications for Certificates of Lawful Existing and Proposed Use or Development under the provisions of the Town and Country Planning Act 1990(as amended).

ENFORCEMENT

- (i) To issue Requisition for Information Notices, Planning Contravention Notices and Breach of Condition Notices, and, subject to the Borough Solicitor being satisfied with the appropriateness of the evidence, to initiate prosecution procedures for non-compliance with those Notices.
- (ii) To initiate prosecution procedures in respect of the unauthorised display of advertisements, subject to the Borough Solicitor being satisfied with the appropriateness of the evidence
- (iii) In cases where urgent action is considered necessary, and following consultation with the Chair and/or the Vice-Chair of the Planning and Development Committee, to issue the following :-
 - Enforcement Notices and Stop Notices, under the Town and Country Planning Act (as amended) 1990;
 - Building Preservation Notices and Listed Building Enforcement Notices, under the Planning (Listed Buildings and Conservation Areas) Act 1990;
 - Hazardous Substances Contravention Notices, under the Planning (Hazardous Substances) Act 1990;

and to apply to the Courts for injunctions in respect of contraventions of planning, listed building and hazardous substances control.

- (iv) To authorise an appropriate officer to enter land for enforcement purposes in cases where admission has been refused or in cases of urgency.
- (v) To exercise all powers of the Council under the Town and Country Planning Act 1990 and allied legislation in respect of fly posting.
- (vi) To authorise the service of notices under Section 215 of the Town and Country Planning Act 1990 in respect of the proper maintenance of land

OTHER PLANNING MATTERS

- (i) To decline to determine repetitive applications for planning permission in accordance with Section 70a of the Town and Country Planning Act 1990(as amended) and for advertisement consent under Town and Country Planning (Control of Advertisements) Regulations 1992.
- (ii) To prepare and present evidence in respect of an appeal against any decision under the Town and Country Planning Acts or in respect of any application referred to the Secretary of State for determination
- (iii) To approve the content of Agreements made under Section 106 of the Town and Country Planning Act.
- (iv) To determine whether an environmental statement is required in respect of proposed developments and, where a statement is required, to provide a scoping opinion relating to the information to be provided in the statement

- (v) To respond on behalf of the Council to consultations on planning applications from neighbouring Local Planning Authorities and Hertfordshire County Council
- (vi) To respond on behalf of the Council to consultations from Government departments

BUILDING CONTROL

- (i) To exercise all powers of the Council relating to building control in accordance with the provisions of the Building Regulations 2000, as amended, and the Building Act 1984, as amended and allied legislation.
- (ii) To authorise legal proceedings in respect of Contraventions of the Building Act 1984, as amended, the Building Regulations 2000, as amended, and allied legislation, subject to the Borough Solicitor being satisfied with the appropriateness of the evidence.

PROTECTION AND WORKS TO TREES

- (i) To authorise the making of Tree Preservation Orders.
- (ii) To determine applications for consent to fell, or carry out works to, trees covered by a Tree Preservations Order
- (iii) To respond to notifications of proposed works to trees in conservation areas.
- (iv) To authorise prosecution proceedings for offences in respect of Tree Preservation Orders and unauthorised works to trees in conservation areas, subject to the Borough Solicitor being satisfied with the appropriateness of the evidence.

MEMBERS' CALL-IN PROCEDURE

- Members informed of valid applications that are received by the Council by means of the weekly list.
- Members have 28 days from the date of its receipt by the Council to request that an application that would otherwise be dealt with under delegated powers is instead determined by the Planning and Development Committee. In the first instance, this should be done by contacting either the Head of Planning and Regeneration or the Development Control Manager to explain the reason/s why the application should be called in and why Committee consideration is regarded as necessary.
- If agreement cannot be reached with the Head of Planning and Regeneration or the Development Control Manager on the justification for the application to be determined by the Committee, Members may submit their request directly to the Chair of the Committee, whose decision will be final.
- No call-in will be possible after the end of the 28 day period.
- When an application is called in, the Member concerned will be notified as soon as practicable of the date when it will be reported to the Committee so that they may attend and, with the Chair's agreement, speak on the item.