

# Scheme of delegation

## Development Control Committee

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# Head of development management

## Delegation 1/1 DC

Save as provided by the provisions contained in delegation 1/3 DC, 1/4 DC and 1/5 DC, to approve all applications for planning permission, approval and consent (including the imposition of appropriate conditions).

### 1. Exceptions

1. Subject to the interpretation at 2 below, the following are excepted from the power delegated under delegations 1/1 DC.

1.1. Applications for outline or full planning permission for residential schemes involving the development of 0.5 hectares or more of land or the erection of 10 dwellings or more.

1.2. Change of use of buildings involving the creation of 10 units or more of residential accommodation.

1.3. Applications for outline or full planning permission for non-residential schemes involving the development of 1 hectare or more of land or the creation of 1,000 square metres or more of floorspace.

1.4. Changes of use involving non-residential accommodation exceeding 1,000 square metres of floorspace.

1.5. Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards (as described in paragraph 2.1 below).

1.6. Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households received within the period specified for representations from members of the public (other than the applicant or their agent) having regard to, subject to paragraph 2.2 below, material planning considerations.

1.7. Where a Councillor or the chief executive has requested that a decision on an application be made by the Development Control Committee.

1.8. Where an application for permanent development (such as not temporary buildings or structures) has been submitted by or on behalf of the council or relates to land owned or occupied by the council which is recommended for approval and which is either:

- a) subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to paragraph 2.2 below, material planning consideration
- b) contrary to the development plan

1.9. Where an application has been submitted by or on behalf of a Councillor or officer of the council which is recommended for approval and which is either:

- a) subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to paragraph 2.2 below, material planning considerations
- b) contrary to the development plan

1.10. Where the decision of the head of development management would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.

1.11. Where the decision of the head of development management would run counter to the minimum gross internal floor areas set out within the [Technical Housing Standards – Nationally Described Space Standards](#) (MHCLG, March 2015) (or subsequent updates or equivalent standards).

## 2. Interpretation

2.1. The minor variations referred to in paragraph 1.5 above are variations to the council's standards in respect of:

- driveway lengths
- the provision of garaging and parking
- minimum garden sizes
- distances between buildings

2.2. The following shall not be regarded as material planning considerations:

- a) an objection to the principle of development where the proposal is not contrary to the policies of the approved development plan
- b) a trade objection which anticipates competition from the proposed development
- c) objections relating to trespass on to the objector's property, inclusive of matters relating to rights of way and shared access
- d) noise and other forms of disturbance arising during and solely as a result of any building operations involved in the development
- e) the question of future maintenance of the objector's property, perceived loss of value to an objector's property, drainage and other issues covered by building control procedures
- f) issues which are covered by other legislation and over which planning controls do not exist
- g) alleged unauthorised activities or works directly relating to the proposal under consideration and which might be dealt with through other planning investigations
- h) comments of a wholly personal nature, including opinions of morality and comments which are abusive or discriminatory in nature
- i) the wording or context of proposed advertisements

## Delegation 1/2 DC

Save as provided for in delegation 1/4 DC and 1/5 DC, to refuse applications for planning permission, approval and consent.

## 3. Exceptions

The following are excepted from the power delegated under delegation 1/2 DC.

3.1 Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households received within the period specified for representations from members of the public (other than the applicant or their agent).

3.2 Where a Councillor or the chief executive has requested that a decision on an application be made by the Development Control Committee.

3.3 Where the decision of the head of development management would run counter to an earlier decision or condition imposed by the Development Control Committee in respect of the same site.

## Delegation 1/3 DC

To determine the planning applications (including the imposition of appropriate conditions) as follows:

- (a) to approve any minor material variation to an existing planning permission (section 73) or non-material amendment application (section 96A) to an existing planning permission and enter any related planning obligation (section 106 agreement)
- (b) to enter into a planning obligation (section 106 agreement)
- (c) to approve any application to vary an existing section 106 agreement (section 106A) and to enter into that agreement
- (d) to approve any reserved matters relating to an existing outline planning permission

## 4. Exceptions

The following are excepted from the power delegated under delegation 1/3 DC.

4.1 Where the decision would be contrary to the provisions of the development plan then in force for the area, except in the case of minor variations from approved planning standards as described in paragraph 2.1 above.

4.2 Where the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households objecting to the application received within, where applicable, the period specified for representations from members of the public (other than the applicant or their agent) having regard to, subject to paragraph 2.2 above, material planning considerations.

4.3 Where a Councillor or the chief executive has requested that a decision on an application be made by the Development Control Committee.

4.4 Where an application for permanent development (such as not temporary buildings or structures) has been submitted by or on behalf of the council or relates to land owned or occupied by the council which is recommended for approval and which is either:

a) subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to paragraph 2.2 above, material planning considerations

b) contrary to the development plan

4.5 Where an application has been submitted by or on behalf of a Councillor or officer of the council which is recommended for approval and which is either:

a) subject to a written objection from a consultee or member of the public (where their name and address has been provided) raising, subject to paragraph 2.2 above, material planning considerations

b) contrary to the development plan

4.6 Where the decision of the head of development management would run counter to the minimum gross internal floor areas set out within the '[Technical Housing Standards – Nationally Described Space Standards](#)' (MHCLG, March 2015) or subsequent updates or equivalent standards.

## Delegation 1/4 DC

To determine all applications for planning permission, approval or consent (including the imposition of appropriate conditions) as follows:

(a) to approve or refuse any application made to discharge a condition relating to an existing planning permission or consent

(b) to approve or refuse any application made for a determination of whether the prior approval of the local planning authority will be required prior to the commencement of that development (prior approval/notification applications)

(c) to approve or refuse any application made for an 'Additional Environmental Approval' (AEA); for variation of the approved hours of construction; or, pursuant to any time-limited Covid-19-related legislation, which may be forthcoming

## Delegation 1/5 DC

To approve or refuse all applications for temporary planning permission, approval or consent (including the imposition of appropriate conditions).

5. The following are excepted from the power delegated under delegation 1/5 DC.

5.1 Where the application would be recommended for approval and the decision would be contrary to 4 or more written representations from separate addresses or households or to a petition containing 4 or more signatures from separate addresses or households objecting to the application received within, where applicable, the period specified for representations from members of the public (other than the applicant or their agent) having regard to, subject to paragraph 2.2 above, material planning considerations.

## Delegation 1/6 DC

In the absence of the head of development management, the team leader – planning applications or team leader – strategic applications may exercise the delegations contained in delegations 1/1 DC, 1/2 DC, 1/3 DC, 1/4 DC and 1/5 DC.