

PLANNING SCHEME OF DELEGATION

JANUARY 2010



Introduction

The following pages set out in detail how East Devon District Council deals with planning applications and planning related applications such as those concerning Listed Buildings and trees. Decisions can either be taken by the Development Management Committee (DM) or through delegated powers given to the Head of Planning Services, who in turn can delegate those powers to other authorised officers. In addition in certain cases applications can be dealt with in consultation with the Chairman and/or Vice Chairman (these are referred to below as a Delegation Meeting).

The scheme of officer delegation explains the rules to be applied in each case and is in line with government best practice which requires at least 90% of all applications to be delegated to officers.

The Head of Planning Services reserves the right to submit any application to the DM Committee for a decision regardless of which category it falls into.

The scheme of delegation as set out below was formally agreed by the DM Committee at their meetings held in November 2009 and January 2010 and was then endorsed by Full Council at their meeting in February 2010.

The scheme of delegation also sets out a detailed protocol to explain the procedural way in which the scheme will be implemented. The terms 'Other', 'Major' and 'Minor' are classified according to Central government regulations.

Applications to be determined by DM Committee

In all cases the following exceptions will still apply where the application will need to be determined by Committee.

- Applicant is a District Councillor, or an Officer (of any department of the Council)
- Applicant is a close relative of a District Councillor or an Officer (of any department of the Council)

- Significant Departure (from the approved Development Plan) application requiring reference to the Secretary of State.
- Application where the Head of Planning Services is recommending approval against adopted policy.
- There are financial implications for the Council e.g. EDDC is the applicant/landowner.
- Any application referred by the Head of Planning Services at her discretion.

Applications classified as ‘Other’ including the following -

- Householder (excludes flats) extensions or development within the curtilage of a dwelling,
- Changes of use (where no operational development (building or engineering work is involved or such work is Permitted Development),
- Advertisement Consent for new signs (including those dealt with by Quality Parish and Town Councils),
- Listed Building Consent for internal and external alterations and demolition
- Conservation Area Consent,
- Prior Notifications relating to carrying out works to or felling trees in Conservation Areas,
- Works to or felling of Tree Preservation Order trees,
- Agricultural notifications for new buildings and agricultural or forestry related works (but not dwellings),
- Certificates of lawful use for existing or proposed development
- Certificates of appropriate alternative development
- Notifications under the Hedgerow Regulations,
- Telecommunication notifications under the General Permitted Development Order (where no contrary view has been expressed).
- Hazardous substances notifications
- Environmental Impact Assessment screening and scoping opinions
- Notifications under Circular 14/90 (overhead lines and electrical plant)
- Notifications by other statutory bodies for permitted development works

should not normally be referred to Development Management Committee notwithstanding any contrary views to Planning Officer/Arboricultural Officer recommendation, submitted by consultees, Parish Councils/Town Councils, neighbours, or Ward Members or other interested parties. Such applications to be determined by the Head of Planning Services.

If a Ward Member does have a contrary view then it has been resolved that once the planning report and recommendation has been agreed by an appropriate senior officer, a copy of the report shall be emailed to the Chairman of the Development Management Committee and the relevant Ward Member(s). The Members concerned can then discuss the issues raised, with the Chairman confirming to the

appropriate planning team whether the application should be determined under delegated powers or by reference to the Development Management Committee. For this process to start the Ward Member must put forward clear written planning reason(s) based on material considerations setting out why the application should be determined by Committee.

A 3 working day turnaround time will be adhered to for the Ward Member(s) to consider the officer's report with the Chairman. The Chairman will then instruct the planning team as to whether or not the decision can be issued under delegated powers or that it should be referred to the DM committee for determination. If no response is received from the Chairman the planning team will issue the decision once the 3 working day period had expired. For clarification the 3 working days would start from the time the email is sent to the Ward Member and copied to the Chairman.

There is also the opportunity to discuss the matter in front of the Chairman and a senior planning manager if a delegation meeting falls within that 3 day period. The application however will not be held up waiting for a delegation meeting if it had missed such a meeting held that week. Any such meetings will be for the Ward Member and Chairman to arrange. Delegation meetings normally take place on a Wednesday at 4pm in the planning office at Knowle.

Applications classified as 'Minor' including the following –

- 1 to 9 dwellings (or the number of dwellings is not specified in the application), for full or outline planning permission (where site area is less than 0.5 Ha.) or for approval of reserved matters for residential development of the same size,
- Approval of reserved matters for up to 9 dwellings as a phase of a larger development
- All types of office development of less than 1000 sq m floor area or less than 0.5 Ha,
- All types of industrial development – general, light, storage and warehousing, research and development of less than 1000 sq m floor area or less than 0.5 Ha
- All types of retail development of less than 1000 sq m or less than 0.5 Ha,
- Gypsy and traveller sites up to 9 pitches
- Small development such as stable blocks outside the curtilage of a dwelling
- Other minor developments not referred to above.

should not be referred to the Chairman/Vice Chairman delegation meeting if all parties (Ward Member, Parish Council and other consultees – neighbours are not treated as consultees) are in agreement, or all object (and the recommendation is

one of refusal), or make no comments. Such applications to be delegated to Head Services.

If there is a contrary view from a Ward Member(s) to the Planning Officers recommendation then the following course of events shall take place.

The draft DM Committee planning report will be completed and placed on the draft Committee agenda. Once the draft agenda is sent out a copy of the report shall be emailed to the Ward Member to allow them the opportunity to read the report and provide either additional comments in support of their view which can be written into the final agenda or to agree the Head of Planning's recommendation in which case the application can become delegated. To ensure this happens the Ward Member will need to provide the Development Manager or in his absence the Assistant DMs with their comments on the draft report prior to the Chairman's briefing session.

Only the Ward Member can trigger an application being referred to Committee. Again the Ward Member must provide clear written planning reasons based on material considerations.

Applications classified as 'Major' including the following –

Applications for the following which exceed the size limitations set out under minor applications

- Residential development
- Offices, research and development
- All industrial development
- All retail and commercial development
- Gypsy and traveller sites
- Large scale leisure and recreation proposals
- Other major applications

Where no contrary view to the recommendation of the planning team has been expressed by any consultee and the application is either in accordance with the development plan or is considered contrary to adopted policies and should be refused - as a minimum all applications shall be referred to the Delegation Meeting. Both the Chairman and the Head of Planning reserve the right to send any such application to Committee. Again Ward Members have the same powers of call in to Committee subject to the principles set out above.

Telecommunication notifications

Where all parties are in agreement these to be delegated to the Head of Planning. If any contrary view has been submitted these notifications to be submitted to the Delegation Meeting.

County Matter applications

Where there are no objections raised by Planning Officers such applications to be delegated to the Head of Planning and Countryside. In the case of an objection by Planning Officers this to be subject to consultation with the Chairman/Vice Chairman and Ward Member(s).

Tree Preservation Orders

The making, confirmation/non-confirmation and revocation of a Tree Preservation Orders to be delegated to the Head of Planning where all parties are in agreement.

Where a contrary view is received this to be delegated to Head of Planning in consultation with Chairman/Vice Chairman.

Stephen Belli
Development Manager
East Devon District Council