

CORPORATE DIRECTOR INFRASTRUCTURE AND BUSINESS GROWTH

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to property and assets, major development and investment projects. Also all functions within the remit of the Assistant Director Enterprise and Growth.

Development Management Functions

2. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all matters relating to the discharge of the Council's functions relating to planning, development management, tree preservation, high hedges, conservation, street naming and numbering, grants for the repair of historic building and areas, protection of hedgerows, local list of buildings of Architectural or Historical Interest, major planning infrastructure sites, completion of the current SAD. For the avoidance of doubt this does not confer authority on the Corporate Director Infrastructure and Business Growth to reply to a consultation undertaken in respect of a possible Development Consent Order under the Planning Act 2008
3. To authorise the issue of Stop Notices, Temporary Stop Notices, Enforcement Notices, Listed Building Enforcement Notices, Planning Contravention Notices and Breach of Condition Notices as well as any other enforcement powers under the relevant sections of the Town and Country Planning Act 1990, Listed Building and Conservation areas Act 1990 and the Planning and Compensation Act (2004) all as amended legislation.
4. Determination as to the expediency of initiating enforcement proceedings, including the authorisation or an Enforcement Notice, Breach of Condition Notice, to require maintenance of untidy land/buildings, Stop Notice, Temporary Stop Notice, Listed Building Enforcement Notice, Planning Contravention Notices and Conservation Area Enforcement Notice; subject to consultation/notification provisions set out in internal scheme of delegation.
- 4.5. The removal or obliteration of placards or posters under Section 225 of the Town and Country Planning Act 1990 (or as amended).
- 5.6. The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development Order) or subsequent legislation.
- 6.7. To approve direct action pursuant to Section 219 Town and Country Planning Act 1990 or subsequent legislation.
- 7.8. The making of Discontinuance, Revocation and Modification orders subject to the completion of a covenant not to claim compensation in respect of the Orders.

~~8.9.~~ To carry out or instruct an appropriate contractor to carry out works comprising direct action authorised pursuant to Section 219 of the Town and Country Planning Act 1990 or subsequent legislation; and to take action to recover costs incurred.

~~9.10.~~ Power to execute urgent works pursuant to Section 54 Planning (Listed Buildings and Conservation Areas) Act 1990 or subsequent legislation to preserve an unoccupied Listed Building and to recover expenses

~~10.11.~~ To comment on behalf of the Council on County Council determinations on applications to divert/extinguish public rights of way, after consultation with the appropriate ward member(s) electronically through the Council's e-mail system.

~~11.12.~~ To determine planning and allied applications in accordance with the scheme of delegation of planning decisions set out in Appendix A attached.

~~12.13.~~ Subject to prior consultation with all relevant ward councillors, to authorise the issue of notices under Section 215 of the Town and Country Planning Act 1990

~~13.14.~~ To authorise any urgent action necessary to preserve any building which he considers important and which appears to be in danger of alteration or demolition or collapse, pending a report to the next available meeting of the Planning Committee.

~~14.15.~~ To authorise any action necessary in respect of works to dangerous trees under Section 23 the Local Government (Miscellaneous Provisions) Act 1976, and associated powers and functions.

~~15.16.~~ To make representations on Licensing Act 2003 applications as the local planning authority.

~~16.17.~~ To determine commuted sums for Section 106 agreements.

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:-
 - 2.1 To determine applications for planning permission and applications for reserved matters (including those applications which do not meet the Council's Space About Dwellings Standards).
 - 2.2 To determine approvals and consents pursuant to any condition imposed on

a planning consent and applications to modify or discharge planning obligations, including those imposed in relation to applications made under the Development Consent Order for the West Midlands Interchange.

- 2.3 To decline to determine an application for planning permission.
- 2.4 To determine whether prior approval is required (under any relevant part of the General Permitted Development Order).
- 2.5 To determine approvals to and agreements to certain other matters relating to the exercise of permitted development rights as defined in the General Permitted Development Order.

~~2.6 The determination of applications under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the service of discontinuance notices thereunder. Determination of consent for the display of advertisements.~~

~~2.72.6~~ Determination of applications for a certificate of existing or proposed lawful use or development; for listed building consent and related powers; ~~for conservation area consent and~~ for hazardous substances consent and related powers; Permission in Principle; Demolition Consent Orders; Certificates of Appropriate Alternative Consents or applications to modify or discharge planning obligations, non-material amendments and minor material amendments.

~~2.82.7~~ Determination of applications to fell or carry out works to trees protected by a tree preservation order or trees within conversation areas.

~~2.92.8~~ Determination of complaints under Part 8 of the Anti-Social Behaviour Act 2003 (high hedges) or subsequent legislation.

~~2.102.9~~ Determination of applications for garages in a domestic curtilage in the Green Belt or Open Countryside.

~~2.112.10~~ To determine all applications submitted associated with the Development Consent order for West Midlands Interchange (WMI). Following consultation with the Chairman of the Planning Committee, approvals/consents and approval of guarantees/security for compensation under Part 5 of the Order, in relation to applications made under the Development Consent Order for the West Midlands Interchange. If a Councillor wishes ~~an application~~ an application made under the Development Consent Order for WMI to be determined by Planning Committee, they shall notify the Corporate Director Infrastructure and Business Growth and the Assistant Team Manager for Strategic Projects within 5 days of being notified of the proposal.

~~2.122.11 Applications for Lawful Development Certificates which are called in will not be determined by Planning Committee but will be determined by~~

~~the Corporate Director Infrastructure and Business Growth.~~

- 2.12 To agree Statements of Common Ground (SoCG) with relevant parties to set out factual planning matters, including areas of joint agreement, disagreement and joint working where appropriate.
- 2.13 To consider and deal with all approvals, consents, compliance and any matters arising therefrom pursuant to the Governments First Homes Programme.
- 2.14 To work with Neighbourhood Plans groups to assist them in preparing suitable Neighbourhood Plans, and in doing so, carry out the following legislative tasks:
 - a) Designating Neighbourhood Area and Forum
 - b) Carrying out Pre-Submission Consultation & Publicity
 - c) Accepting the Plan Submission to the LPA
 - d) To carry out a check of Legal Requirements
 - e) To submit the Plan to the Examiner
 - f) To carry out the Publication of Examiners Report
 - g) To carry out the Council's consideration of Examiner's Report
 - a. If satisfied that the plan meets Basic Conditions publish a Decision Statement to proceed to Referendum
 - b. If not satisfied that the plan meets the Basic Conditions, plan is refused and decision is publicised.

~~2.13~~

3. PROVIDED THAT any decision:-

- 3.1 shall not approve any application which does not comply with the Council's Space About Dwellings Standards (SAD) or is a disproportionate extension to a building within the Green Belt or Open Countryside, or is for a replacement dwelling(s) in the Green Belt and Open Countryside, where the proposed new building(s) is materially larger than the original, but is acceptable because of the permitted development fallback position, (this does not apply to applications in relation to the West Midlands Interchange Development Consent Order which are subject to separate provisions set out at point 2.11 of this Scheme of Delegation), without having first notified all ward councillors electronically and affording the ward councillors three clear working days to request that the application be referred to the Planning Committee for determination.
- 3.2 is not contrary to the policies and proposals of the Development Plan.
- 3.3 where the Council is the applicant or landowner.
- 3.4 where the applicant is a member of the Council.
- 3.5 where the applicant is a member of Development Management or Building Control or a Senior Manager (Corporate Leadership Team/Assistant

Directors).

3.6 The limit to the delegation above shall not apply:

~~(a) in relation to the approval of matters reserved for subsequent approval by a condition on a planning permission, but excluding the design, siting, means of access or external appearance of a building.~~

~~(b)~~(a) the approval of minor amendments to an approved development where the amendments would not conflict with any consultation responses previously received.

1 The delegations in paragraph 2.1 and 2.2 above shall not operate if any ward Member has notified the Corporate Director Infrastructure and Business Growth of their~~his~~ wish to speak at Planning Committee during the consideration of an application in respect of a material objection of a planning nature. This notification must be made through the call-in procedure, completing in full the requisite form AND agreeing to speak at the relevant planning committee either in support or against the development. The application site must be in the member's own ward. If the application site is in a single member ward, and the relevant member has declared an interest in the matter, then the application can be called-in by a member from outside the ward.

4. To refuse to determine applications submitted in accordance with, and subject to the limitations of, Section 17 of the Planning and Compensation Act 1991.

5. ~~To issue planning contravention notices and, where appropriate, give audience to the recipient(s) of any such notice.~~

6. To determine all applications for prior approval of the Council as local planning authority for any relevant categories of permitted development in accordance with, and subject to the limitations of, the Town and Country Planning (General Permitted Development) Order 1995 as amended.

~~7. To determine responses to consultations with the Council as Local Planning Authority of and by other local authorities and statutory bodies, subject to consultation with the ward members. For the avoidance of doubt this does not confer authority on the Corporate Director Infrastructure and Business Growth to reply to a consultation undertaken in respect of a possible Development Consent Order under the Planning Act 2008.~~

8.7. The delegations shall not operate if the Corporate Director Infrastructure and Business Growth does not consider it prudent to exercise his or her delegated authority, in which case he/she shall report the matter to the Planning Committee.

9.8. The Corporate Director Infrastructure and Business Growth shall prepare and circulate to Members of the Council each week a list of registered applications. Any Member of the Council has 21 days in which to make representations on

the application. ~~and/or~~Any request that the application is referred to the Planning Committee for determination must be within that councillor's ward and the request must be received using the prerequisite form, completed in full. If a planning application is called-in by a ward member the ward member must be agreeable to speak at the relevant planning committee or if unable to attend, to nominate a representative to attend. ~~or in the case of applications for a certificate of existing or proposed lawful use or development referral for determination by the Corporate Director Infrastructure and Business Growth. The call in request will not be accepted without an agreement to speak at the requisite Planning Committee.~~

9. The Corporate Director Infrastructure and Business Growth may bring before the Planning Committee any application, and request that it be delegated on a 'case by case' basis for determination by him/her. 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.
10. Once the agenda for Planning Committee has been set, officers of the Council will notify members of planning applications within their ward to be determined. If a ward member wants to request a site visit by the Planning Committee members and relevant interested parties then this must be carried out in strict accordance with the approved "Site Visit Protocol". Any request for a site visit is at the discretion of the Chairman of Planning Committee (or in their absence the Vice-Chairman) who will have the final say on appropriateness of the visit. Attendance to the site visit by the requesting ward member is a pre-requisite of acceptance by the Chairman (or Vice-Chairman) of Planning Committee. Site visits can only be requested by ward members for planning applications within their own ward (subject to the exception set out in point 8 above).
11. Any actions pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or subsequent Regulations including issuing of Screening and Scoping Opinions.
12. To comment on behalf of the Council on:
 - (a) Consultations from adjoining local planning authorities
 - (b) Overhead lines
 - (c) County Council matters
 - (d) County Council applications, after consultation with the appropriate ward member(s) electronically through the Council's e-mail system
 - (e) Consultations from outside bodies relating to landscaping/arboricultural matters.

For the avoidance of doubt this does not confer authority on the Corporate Director Infrastructure and Business Growth to reply to a consultation undertaken in respect of a possible Development Consent Order under the

Planning Act 2008.

13. To make minor modifications to the wording of conditions or reasons for refusal wording post committee, following consultation with the Proposer of the Motion that was contrary to the Officers Recommendation, to render them National Planning Policy Guidance compliant and include all relevant planning policies, and formalisation of the Decision Notice in the event of planning permission being granted or refused by the Planning Committee contrary to officer recommendation.
14. To make minor modifications to the wording of planning conditions or add further planning conditions as deemed necessary following the resolution to grant planning permission at a Planning Committee meeting (Subject to point 13 above).