

Appendix 2

Scheme of Delegations to Officers relating to Planning

October 2017

14. Land Use Planning

- (1) To prepare and keep under review the Authority's Plan and Local Plan (subject to the adoption of the Plans by resolution of the Council).
- (2) To assume overall responsibility for planning policy and practice.
- (3) To advise the Planning Committee on planning policy, conservation and the traffic impacts of any proposed development

15. Town and Country Planning

- (1) To determine applications in relation to matters listed under Part I of **Schedule 4** to this Scheme of Delegation having regard to the Council's relevant planning policies and published guidelines.

PROVIDED THAT the powers delegated under the above shall NOT apply where:-

(a) 5 or more individual written objections relating to material planning considerations pertinent to the application in question have been received within the public consultation period from separate persons or bodies in relation to applications that officers are minded to approve, or where 5 or more individual written expressions of support from separate bodies or persons have been received within the public consultation period in relation to applications that officers are minded to refuse. Only written objections or expressions of support received from persons who live in the immediate vicinity of the application site or who otherwise may reasonably be considered to be potentially directly affected by the proposed development will be taken into account in determining the relevant number of representations required by this paragraph ; or

(b) Conservation Advisory Group (CAG) or Disabled Access Advisory Group (DAAG) requests, within the public consultation period, that an application is determined by the Planning Committee. In making the request CAG or DAAG shall state whether it would be seeking an approval or refusal of the application. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn; or

(c) a ward Councillor requests, within the public consultation period, that an application within his or her ward is determined by the Planning Committee. In making that request, the Councillor shall state whether he/she would be supporting an approval or refusal of the application and shall give their reason or reasons in writing as to why they consider the application should be determined by Committee and shall set out their representations on the application as part of their request. Ward Councillors making such requests may attend and address the Committee when the application falls to be determined or may ask for their representations to be read out at the meeting. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn. (NB In any case where the Ward Councillor is also a member of the Planning Committee and the application is referred to the Committee for determination, he/she will, if present, having exercised his/her right to make an oral representation to the Committee, need to leave the meeting during the consideration of the application); or

(d) Rottingdean Parish Council requests, within the public consultation period, that an application within the Parish Council area is determined by the Planning Committee. In making the request the Parish Council shall state whether it would be seeking an approval or refusal of the application. If officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn.

(2) To exercise the Council's functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc as more particularly set out in Part II of **Schedule 4** to this Scheme of Delegation.

SCHEDULE 4

Functions delegated to the Executive Director Economy, Environment and Culture in relation to Planning:

Part I

(1) To determine planning applications (including identifying the need for and the settling of terms of Planning Obligations under S106 of the Town and Country Planning Act 1990, the imposition of conditions where consent is granted and the renewal of existing permissions) where the applications relate to the following categories of development:-

(i) alterations/extensions to single dwellinghouses and buildings containing residential flats;

(ii) works within the curtilage of buildings which are incidental to their lawful use;

(iii) changes of use;

(iv) applications submitted pursuant to Article 4 Directions;

(v) alterations to or installation of shop fronts;

(vi) the provision of no more than 9 new dwelling units (net increase), either by the construction of new buildings or by conversion of existing buildings;

(vii) extensions and alterations to non-residential buildings;

(viii) applications relating to the formation of accesses, fire escapes, replacement windows, flag poles, the erection of and alterations to walls, fences or other means of enclosure, floodlights, radio and TV masts, telecommunications apparatus, material changes to the external appearance of buildings, including extensions;

(ix) renewals of temporary permissions;

(x) applications to vary or delete conditions attached to planning permissions;

(xi) all other minor planning applications not referred to above.

(2) Applications for consent under the Advertisements Regulations.

(3) Applications for Listed Building Consent.

(4) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

Part II

(1) To determine applications for certificates of lawfulness of existing or proposed uses or development under Sections 191 and 192 of the Town and Country Planning Act 1990.

(2) To make Tree Preservation Orders and Provisional Tree Preservation Orders and, unless valid objections are received, to confirm such orders in accordance with statutory requirements.

(3) To determine applications for works to, and the felling of, trees included in Tree Preservation Orders and in Conservation Areas.

(4) After consultation with the Executive Lead for Strategy, Governance and Law (and Monitoring Officer) :-

(a) to take enforcement action including the service of formal Notices (including all preparatory work thereto and the service of planning contravention notices) and to authorise the institution of legal proceedings where necessary;

(b) to authorise the removal of enforcement notices from the Local Land Charges Register where appropriate.

(5) To determine detailed submissions pursuant to conditions on planning permissions; and to determine reserved matters applications pursuant to minor and other non-major planning applications.

(6) To determine applications for non-material amendments to approved schemes.

(7) To determine applications for Certificates of Appropriate Alternative Development pursuant to Section 17 of the Land Compensation Act 1961.

(8) To submit observations on behalf of the Local Planning Authority in respect of consultations (on planning matters) by government departments, other local authorities, local government associations and statutory or regulatory bodies.

(9) To determine on behalf of the Council applications for prior approval where such determinations are required under The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

(10) To exercise the Council's functions in respect of Environmental Impact Assessment screening / scoping under The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 and in respect of the Environmental Assessment of Plans and Programmes Regulations 2004.

(11) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.

(12) To exercise the Council's powers to decline to determine subsequent, overlapping and retrospective applications as defined in sections 70A to 70C of the Town and Country Planning Act 1990

