

**ADDENDUM TO THE SCHEME OF DELEGATION FOR THE DETERMINATION OF
PLANNING AND OTHER APPLICATIONS**

Lead Officer: Tony Pomfret – Development Control Manager

To consider an addendum to the approved scheme of delegation for the determination of planning and other applications to facilitate the authorisation of officers to enter land and property for planning purposes.

Recommendation: That the proposed addendum to supported and forwarded to Full Council for consideration on 13 April 2010.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 It is important that all relevant officers are duly authorised to enter land and property for planning purposes, including planning enforcement, in order to maintain an effective service delivery for development control.
- 1.2 Authorisations need to be updated, particularly to accommodate staff who have been recruited recently including the Planning Enforcement Officer.
- 1.3 In consultation with the Head of Legal and Democratic Services, the most appropriate vehicle for achieving this is by way of an addendum to the planning scheme of delegation which was approved by Full Council in March 2009.
- 1.4 The attached copy of the scheme of delegation incorporates an addendum granting delegated authority to the Head of Development Operations to authorise relevant officers to enter land and property for planning purposes.

Contact Officer: Tony Pomfret, Development Control Officer

Others Consulted: Martin Jepson, Head of Legal and Democratic Services
Alleen Johnson, Scrutiny Officer

Background Papers: Attached scheme of delegation for the determination of planning and other applications incorporating proposed addendum



COPELAND BOROUGH COUNCIL

SCHEME OF DELEGATION FOR THE DETERMINATION OF PLANNING AND OTHER APPLICATIONS.

The power to make decisions is delegated to the Development Control Manager or, in his / her absence, the Head of Development Operations.

He / she has the power to determine all planning applications and applications for Listed Building Consent; Conservation Area Consent; Advertisement Consent; Certificates of Lawfulness or whether Prior Approval is required in relation to all notifications under the GPDO 1995 (as amended) for telecommunication, agricultural and forestry developments and demolitions and also to comment on proposals to be decided by Cumbria County Council or the Lake District National Park Authority WITH THE FOLLOWING EXCEPTIONS:-

- (a) Any application which a Member of the Council has requested be referred to the Planning Panel for determination. Such a request shall be submitted in writing / by email to the Development Control Manager within 21 days from circulation of the weekly list of planning applications on which such application appears and shall set out the reasons for requesting referral of the application to the Planning Panel.
- (b) Applications for the erection of 10 or more dwellings or, if the number is not known, where the site area is 0.5 hectares or more.
- (c) Applications for buildings where the floorspace to be created is 1000 square metres or more, or on a site of 1.0 hectare or more.
- (d) Applications recommended for approval / refusal which are contrary to the provisions of the Statutory Development Plan or other adopted or approved Council planning policies or supplementary planning guidance.
- (e) Applications submitted by or on behalf of the Council; applications in which the Council has a property or other financial interest; applications by or on behalf of any member of the Development Directorate staff or other Senior Council Officers, either as applicant or agent and applications by or on behalf of any elected Member, either as applicant or agent.
- (f) There are substantive objections from one or more statutory consultees such as Cumbria Highways, English Heritage or the Environment Agency raising material planning considerations contrary to officer recommendation.
- (g) There are substantive objections from a Parish / Town Council raising material planning considerations contrary to officer recommendation.

- (h) Applications which the Development Control Manager considers to be of sufficient importance in planning terms to refer to the Planning Panel for determination even though the application may meet the criteria for officer delegation in other respects.
- (i) Applications which involve the proposed entering into, variation or discharge of a Section 106 agreement or other form of planning obligation.

Delegated authority is also granted to the Development Control Manager to:-

1. Determine minor variations to permissions.
2. Determine submissions for discharge of planning conditions.
3. Determine applications under Section 64 of the Town and Country Planning Act 1990 (whether planning permission is required), including the Council's own "Householder Development Enquiry Forms".
4. Authorise the service of Planning Contravention Notices, Breach of Condition Notices and Planning Enforcement Notices in consultation with the Council's Head of Legal and Democratic Services (or nominee).
5. Determine applications to fell, lop, top or carry out other works to trees the subject of Tree Preservation Orders and / or located within Conservation Areas.
6. Determine the publicity arrangements required under the Town and Country Planning legislation.

The Head of Development Operations is also delegated authority to duly authorize relevant officers to enter land and property for planning purposes by virtue of Sections 196, 198-200, 214, 220, 221, 225 and 324 of the Town and Country Planning Act 1990 (as amended) and Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Provisos and Clarification

- The Development Control Manager shall only exercise his / her delegated powers after taking into account all material planning considerations, including any written planning representations which may have been received.
- The Development Control Manager shall only exercise his / her delegated powers in accordance with planning legislation, regulations and procedures and following the expiry of relevant consultation periods.
- The Development Control Manager shall report details of all applications determined under his / her delegated powers to the Planning Panel on a monthly basis.

Revised April 2010