

Powers and Functions Delegated by the Planning Committee (Table 3)

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers can make on behalf of the Council. Decisions on the majority of planning proposals and associated applications are delegated to designated officers without the need for them to be decided by members at Planning Committee

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning Committees can concentrate on the most contentious and significant proposals.

Applications will be dealt with under delegated powers unless:

a) A Local Member or Parish Council writes, or emails a request for a particular application to be considered by Planning Committee, sound planning reasons are given for why this is considered necessary and the request is accepted by the Chairman of Planning in consultation with designated Officers.

The request by Parish councils should be made within 21 days of the date of registration and by Local Members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Chairman declines a request, a written explanation will be given to the Parish Council and copied to the Local Member.

b) An application is made by an elected Member or an officer of the Council, or a household member of either of such persons, and representations objecting to the application have been received (delegation is still permitted if the application is refused);

c) If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application is to be refused). Significant departures will include but are not limited to development which requires referral to the Secretary of State;

d) Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;

e) The application is for the demolition of a listed building or a Building of Local Interest or

f) The application is one that in the opinion of officers, in consultation with the Chairman and Vice-Chairman, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and/or strategic importance to an area beyond both specific site and parish.

Note:

For the purposes of considering requests under clause a The Chairman in consultation with designated officers will have regard to the following criteria:

Area Planning Officers – Delegated Powers

- Relevant material planning considerations raising significant planning concerns
- Significant implications for adopted policy
- The nature, scale and complexity of the proposed development.

Building Control Manager –Delegated Powers

The Building Control Manager is authorised to:

1. pass or Reject Building Plans deposited for Building Regulation consent, or Pass them subject to certain conditions, as may be specified being met (Section 16 Building Act 1984) and, where appropriate, state the grounds for rejection of Building Plans include those linked powers in the Building Act of Section 18 (Building over Sewers etc.), Section 21 (Provision of Drainage), & Section 25 (Provision of Water Supply).
2. relax or Dispense with a requirement of the Building Regulations upon receipt of an application. In considering the request, consultation shall be made, where appropriate, with the Fire Authority, and adjoining owners of the premises. (Section 8 Building Act 1984)
3. serve all relevant notices under Section 36 of the Building Act 1984 (Removal or alteration of Offending Work) in respect of work contravening the Building Regulations and relevant Sections of the Building Act 1984.
4. serve all relevant notices under Section 71 of the Building Act 1984 (Entrances, exits etc. to be required in certain cases) to ensure public safety in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
5. serve all relevant notices under Section 72 of the Building Act 1984 (Means of Escape in case of Fire) to ensure the health and safety of occupants in certain buildings. Before the serving of such notices, consultation shall be made with the Fire Authority.
6. apply to a magistrates' court, where necessary, for an order under Section 77 of the Building Act (Dangerous Building) to ensure the execution of any such work to obviate or remove the danger or restrict the use of a building.
7. serve notice under Section 78 of the Building Act (Dangerous Building – emergency measures) on the owner and occupier of a building which is in such a dangerous condition that immediate action is necessary to obviate that danger.
 - The Building Control Manager, and Building Control Surveyors of any designation are considered Authorised Officers in respect of the definition in the Building Act 1984.
 - The powers set out above are also delegated to the Planning & New Communities Director.

Conservation Manager – Delegated Powers

1. The Conservation Manager is authorised to exercise the following powers under the Listed Buildings Act 1990 (“the 1990 Act”), in accordance with the provisions of the development plan and the Council's planning and conservation policies:
 - (A) the determination, with or without conditions, of applications for:
 - (a) Listed Building Consent and any amendments;
 - (b) Conservation Area Consent and any amendments;
 - (c) approval of any schemes, matters or details reserved in relation to (a) or (b) above for the further approval of the Council;
except where any of the following apply:
 - (i) material or contrary representations have been received through consultation procedures and cannot be substantially satisfied by the proposed decision of the Conservation Manager;
 - (ii) in the case of reserved matters or details, approval has been specifically retained by the Planning Committee.
 - (B) the serving of Listed Building Repairs Notices and Building Preservation Notices in cases of emergency; in accordance with the provisions of the 1990 Act; and the determination of applications for consent for tree works in accordance with the Town and Country Planning Act 1990.
 - (C) the instigation of legal proceedings, after consultation with the Chairman of the Planning Committee and Head of Legal Practice, in relation to any matter contained in the 1990 Act or any statutory modification or re-enactment thereof.
 - (D) the determination of ‘Householder applications’ following a ‘Chairman’s Delegation Meeting’ involving applications (relating only to single dwelling houses) for or amendments to Listed Building Consent and Conservation Area Consent. Chairman’s Delegation Meeting relates to cases where the proposed decision of the officer would conflict with or would not substantially satisfy the written representation of the parish council. Such decisions would be taken only after consultation with the Chairman and / or Vice-Chairman of the Planning Committee and the local member(s) meeting to discuss the matter.
2. The Conservation Manager is authorised to serve remedial notices relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
3. The Planning & New Communities Director has the same delegated powers as set out above

Trees and Landscape Officer – Delegated Powers

1. The Trees and Landscape Officer is authorised to determine applications for tree surgery grants, in consultation with the **Sustainability, Planning and Climate Change Portfolio Holder** and the local member(s), where the grant award does not exceed 10% of Level 1
2. The Trees and Landscape Officer (or the Trees and Landscape Assistant in his absence) in consultation with the Chairman of the **Planning Committee** and the local member(s), may
 - (a) determine applications for consent for tree works in conservation areas, the decision to be reported for information to the next meeting of the **Planning Committee**,
 - (b) issue and serve any Breach of Condition notices (or withdraw any that have been served) relating to the submission or implementation of any landscaping scheme required by any condition of any planning permission,
 - (c) issue and serve, in an emergency, any Tree Preservation Order.
3. The Planning & New Communities Director has the same delegated powers as set out above.

Additional Delegated Powers

1. The Head of Legal Practice and Planning and New Communities Director are individually authorised to issue and serve Enforcement Notices and Stop Notices in connection with material changes of use of land and operational development associated with caravan use in breach of planning control.
2. The Head of Legal Practice and Planning and New Communities Director are individually authorised, in cases of emergency, and after consulting the Chairman of the committee and informing the local member(s), to institute proceedings for an injunction in respect of a threatened, suspected or actual breach of planning control. Normally the power is reserved to the committee.