

**TABLE 3**

**Executive Director / Corporate Manager for Planning and Sustainable Communities / Development Control Quality Manager / Conservation and Design Manager / Major Developments Manager**

***Powers and Functions delegated by the Planning Committee***

A. Powers delegated to Executive Director, Corporate Manager (Planning and Sustainable Communities), Development Control Quality Manager, Conservation and Design Manager and Major Developments Manager to be exercised in accordance with the provisions of the approved Development Plan and the Council's planning policies.

1. The determination, with or without conditions, of applications for or amendments to:
  - (a) Planning Permission
  - (b) Listed Building Consent
  - (c) Conservation Area Consent
  - (d) Advertisement Consent
  - (e) Approval of Reserved Matters
  - (f) Hazardous Substance Consent
  - (g) Consent to cut down, top, lop, uproot or destroy trees under Section 198 of the Town and Country Planning Act 1990
  - (h) Consent under Sections 36 and 37 of the Electricity Act 1989 (i.e., generating stations and overhead lines) (Circular 14/90)
  - (i) Prior notifications of permitted development for:
    - (i) agricultural buildings and operations
    - (ii) demolition
    - (iii) telecommunication apparatus.

Except where any one of the following apply:

- (i) A proposed recommendation of approval would conflict with or would not substantially satisfy through the imposition of conditions, written representations received from a parish council, within the specified consultation period (other than those applications which may be considered at the "Chairman's Delegation Meeting") (ChDM) except in the case of a reserved matters application, the parish council expresses in writing within the specified consultation period, an objection which relates solely to the principle of development approved by the outline planning permission.
- (ii) In the case of reserved matters or details, the Committee has specifically retained approval.
- (iii) An elected member of the District Council has, within 28 days of the date of registration of an application, requested in writing that Committee determine the application with or without a site visit by members. The written request should include the material planning reason(s) why the application should be determined by Committee (where the application for 'other' development would be considered by ChDM, that request shall first be considered at that meeting).
- (iv) A proposed recommendation of approval on an application for a major development would conflict with or would not substantially satisfy through the imposition of conditions, written representations on material planning reasons received from owners or occupiers of property (but no other statutory consultee) within the specified consultation period, in which case the application will be referred to ChDM,.

- (v) A proposed recommendation of approval would be contrary to the provisions of the approved Development Plan and has attracted an objection on material planning reasons or would need to be referred to the Secretary of State.
  - (vi) The application is submitted by or on behalf of a councillor of the District Council (or by their spouse / partner), by any member of staff of the District Council's Planning Service (or their spouse / partner) or by a Director of the District Council (or by their spouse / partner).
  - (vii) The application for Major or Minor development is submitted by or on behalf of the District Council or on land owned by the District Council except for the approval of developments to which no objection on material planning reasons has been received.
  - (viii) The application proposes affordable housing on an exception site outside a village framework in the approved Development Plan.
  - (ix) The Executive Director, Corporate Manager (Planning and Sustainable Communities), Development Control Quality Manager, Conservation and Design Manager or the Major Developments Manager considers that the application should be presented to Committee for decision.
2. Chairman's Delegation Meeting - The extended delegation will cover applications for Minor and Other development and for Prior notifications of permitted development where the proposed decision of the officer to approve the application would conflict with, or would not substantially satisfy through the imposition of conditions, the written representations of the parish council received within the statutory consultation period. Such decisions would only be taken following, and in consultation with, the Chairman and Vice-Chairman of Planning Committee and the local member(s).
- 3 (1) To make all discretionary assessments referred to in the statutory provisions listed in sub-paragraph 3 (5) below, subject to the following safeguards:
- (a) the Chairman of Planning Committee and the local member(s) should first be consulted but no assessment or action shall be invalid by reason of any failure to consult
  - (b) in the following cases any assessment shall be referred to Planning Committee (with the appropriate officer's recommendation) and shall not be determined by officers:
    - if he thinks the matter is too important or controversial for him to decide and in any event if it is an assessment whether or not it is expedient to revoke any planning permission or listed building consent or to seek any injunctive remedy; or
    - if any member (whether or not a member of the Planning Committee) so requires; or
    - if the determination of the assessment has been specifically reserved to it by the Planning Committee.
- 3 (2) to delegate to the Corporate Manager for Planning and Sustainable Communities to issue, serve, suspend or withdraw such notices, to make, suspend or withdraw such orders and notifications, to grant such permissions or consents, with such conditions or limitations as he may think fit, and to take such proceedings as he shall think fit or as may be required by law consequent upon any of the discretionary assessments referred to above, subject if discretionary to the same qualifications as assessments referred to in 5(1) (a) and (b) above;

- 3 (3) that before any such legal proceedings are instituted (other than for injunctions, which is specifically reserved to committee) the Legal Office shall be consulted and its recommendation shall be communicated to the Chairman of Planning Committee and the local member(s) before any discretionary assessment is made or other consequent action is taken;
- 3 (4) all references in 3 (1) and (2) above to the Corporate Manager (Planning and Sustainable Communities) would also include the Conservation and Design Manager, Major Developments Manager and Development Control Quality Manager.
- 3 (5) (a) Town and Country Planning Act 1990 S.72: Whether there should be conditions on planning permission
- (b) Ibid S.171C: Whether there appears to have been a breach of planning control – Breach of Condition Notice
- (c) Ibid S.172: Whether there appears to have been a breach of planning control and whether it is expedient to issue – Enforcement Notice
- (d) Ibid S.183: Whether it is expedient that relevant activity should cease – Stop Notice
- (e) Ibid S.198: Whether it is expedient to make provision for the preservation of trees or woodlands – TPO
- (f) Ibid S.207: Whether tree replacement or conditions of tree replacement are not complied with – TPO
- (g) Ibid S.215: Whether the amenity of area is adversely affected by condition of land – Amenity Notice
- (h) Listed Building Act 1990 S.3 (1): Whether a building not listed is of special interest and in danger – Building Preservation Notice
- (i) Ibid S.4: Whether so urgent that notice should be fixed to the building – BPN
- (j) Ibid S.38: Whether works to listed building involved a contravention of listed building control and whether it is expedient to issue – Listed Building Enforcement Notice
- (k) Town and Country Planning (Assessment of Environmental Effects) Regulations: SI 1999 293: Whether it appears that an application for planning permission is a Schedule 1 or Schedule 2 application and to adopt screening and scoping opinions
- (l) Town and Country Planning (Control of Advertisements) Regulations 1992 SI 1992 666, regulation 4(3): Whether an advertisement should be limited or restricted in the interests of amenity or public safety
- (m) Town and Country Planning (Environmental Assessment and Unauthorised Development) Regulations SI 1995. 2258, regulation 4(1): Whether breach of planning control in an enforcement notice includes ‘unauthorised’ (Schedule 1, or Schedule 2 with significant effects on the environment) development

- (n) Hedgerow Regulations SI 1997. 1160, regulation 8: Whether a hedgerow has been removed in contravention – Replanting Notice
- (o) Town and Country Planning (General Development Procedure) Order 1995. SI 1995. 419, regulation 5: Whether a planning application is invalid – notification to applicant
- (p) Ibid, regulation 24: Whether application for Certificate of lawful use or development is invalid – notification to applicant

B. The following powers and functions are delegated to the Executive Director, Corporate Manager for Planning and Sustainable Communities, Development Control Quality Manager, Conservation and Design Manager, Major Developments Manager and Principal Solicitor to be exercised individually:

1. The determination of applications for:
  - (a) Lawful Development Certificates
  - (b) The making of Tree Preservation Orders and Building Preservation Notices in cases of emergency subject to notification of any such action to be made as soon as practicable to a meeting of the committee
2. The service of:
  - (a) Planning Contravention Notices (delegated powers also to the Enforcement Officer)
  - (b) Breach of Condition Noticesbut not the power to prosecute for non-compliance of the above Notices unless authorised by the committee.

## AREA PLANNING OFFICER **DELEGATED POWERS**

- A. The following powers are delegated to each Area Planning Officer to be exercised in accordance with the provisions of the Development Plan and the Council's planning policies.
1. The determination, with or without conditions, of applications for or amendments to:
    - (a) Change of use other than where it constitutes an application for a major development
    - (b) Advertisement Consents
    - (c) Dwelling extensions and other development within the curtilage of a dwelling house
    - (d) Extensions or alterations to existing buildings
    - (e) Shopfronts / canopies
    - (f) Consents under S.198 of the 1990 Act (trees)
    - (g) Gates, fences, walls or other means of enclosure
    - (h) Construction or alterations of a means of access to a highway.
    - (i) Stationing of temporary buildings
    - (j) Plant and machinery
    - (k) Minor amendments
    - (l) Prior notifications of permitted development for:
      - (i) agricultural buildings and operations
      - (ii) demolition
      - (iii) telecommunication apparatus.

Except in any case as provided in A. 1 (i) to (ix) above or where consideration of the application or the amendment has been reserved by the Executive Director, Corporate Manager (Planning and Sustainable Communities), the Development Control Quality Manager, Conservation and Design Manager or the Major Developments Manager under their own delegated powers.

2. These powers shall be exercisable by any Area Planning Officer in respect of any relevant application or amendment, but shall normally be exercised only in respect of matters within the respective area of each officer.
  3. The same delegated powers be given to the Northstowe, City Edge and Cambourne Principal Officers to determine planning applications for development at Northstowe, City Edge and Cambourne as the Area Planning Officers have for applications within their area.
- B. The following powers are delegated to each Area Planning Officer to be exercised in accordance with the provisions of the Development Plan and the Council's planning policies:
1. The determination, with or without conditions, of applications for or amendments to Minor and Other developments and Prior notifications of permitted development.

- C. The following powers are delegated to each Senior Planning Officer to be exercised in accordance with the provisions of the Development Plan and the Council's planning policies:

1. The determination, with or without conditions, of applications for or amendments to Other developments.

The powers incorporated at B1 and C1 above shall apply except in any case as provided in A.1 (i) to (ix) above or where consideration of the application or the amendment has been

reserved by the Executive Director, Corporate Manager (Planning and Sustainable Communities), the Development Control Quality Manager, Conservation and Design Manager or the Major Developments Manager under their own delegated powers.

These powers shall be exercisable by any Area and Senior Planning Officer in respect of any relevant application or amendment, but shall normally be exercised only in respect of matters within the respective area of each officer.

**Notes:**

For the purposes of the Delegation Powers specified in Table 3 the following definitions apply:

***Major Developments***

For dwellings: where 10 or more are to be constructed (or if number not given, area is more than 0.5 hectares).

For all other uses: where the floorspace will be 1000 sq. metres or more (or site is 1 hectare or more).

***Minor Developments***

is development which does not meet the criteria for Major Development or the definitions of Change of Use, or Householder Development.

***Other Developments*** comprise:

Change of Use (*if it does not concern a major development and no building or engineering work is involved*):

Householder development

Advertisements

Listed Building Consents

Conservation Area Consents

Certificates of Lawfulness

Other decisions including certificates of appropriate alternative development and notifications under Circular 14/90.

**ANTI-SOCIAL BEHAVIOUR ACT 2003 – HIGH HEDGES  
DELEGATION OF POWERS**

<b>SOURCE</b>	<b>POWER DELEGATED</b>	<b>DELEGATION TO</b>
Anti-Social Behaviour Act 2003 s68 (2)	To determine whether or not to proceed with a complaint.	Executive Director, further delegation to accord with the provisions of Article 12.08 above
Anti-Social Behaviour Act 2003 s 6 (3) (4) and (5)	To decide whether a high hedge is affecting the complainant's reasonable enjoyment of a domestic property and, if so, what action (if any) should be taken to remedy the adverse effect or prevent its recurrence.  To issue such notifications, other than remedial notices, required by these sections to give effect to that decision.	Executive Director, further delegation to accord with the provisions of Article 12.08 above In consultation with the local SCDC ward councillor(s) *  * Where the ward member disagrees with the assessment by officers, the matter may be referred to the Planning Committee Chair's Delegation Meeting.
Anti-Social Behaviour Act 2003 s 68 (4) and s 69	To issue Remedial Notices.	Executive Director, further delegation to accord with the provisions of Article 12.08 above.
Anti-Social Behaviour Act 2003 s 68 (1)	To determine the level of fee to be charged.	Executive Director, further delegation to accord with the provisions of Article 12.08 above
Anti-Social Behaviour Act 2003 s 68 (8)	To refund the fee paid when a Tree Preservation Order is placed on the hedge subject of the complaint.	Executive Director, further delegation to accord with the provisions of Article 12.08 above
Anti-Social Behaviour Act 2003 s 70	To withdraw a Remedial Notice, waive or relax a requirement of a remedial notice.	Executive Director, further delegation to accord with the provisions of Article 12.08 above
Anti-Social Behaviour Act 2003 s 75	To institute proceedings where action has not been taken to comply with a remedial notice	Executive Director, further delegation to accord with the provisions of Article 12.08 above.
Anti-Social Behaviour Act 2003 s77	To execute works required by a remedial notice	Executive Director, further delegation to accord with the provisions of Article 12.08 above in consultation with Principal Solicitor.
Anti-Social Behaviour Act 2003 s77	To take appropriate action to recover costs reasonably incurred by the Council in securing compliance with a remedial notice	Executive Director, further delegation to accord with the provisions of Article 12.08 above

**AUTHORISATION TO ENTER PREMISES**

Anti-Social Behaviour Act 2003 s 70	To enter land for the purposes of the Act and any amending statutes or regulations made pursuant to the Acts	Executive Director, further delegation to accord with the provisions of Article 12.08 above.
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## **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 Executive Director.



## CONSERVATION AND DESIGN MANAGER

### **DELEGATED POWERS**

1. The Conservation and Design 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 and Design 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 Principal Solicitor, 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 and Design Manager is authorised to serve remedial notices relating to high hedges under Part 8 of the Anti-Social Behaviour Act 2003.
3. The Executive 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 **Planning 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 Executive Director has the same delegated powers as set out above.

## ADDITIONAL DELEGATED POWERS

1. The Principal Solicitor and Corporate Manager for Planning and Sustainable Communities 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 Principal Solicitor and Corporate Manager for Planning and Sustainable Communities 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.