

# REPORT OF THE EXECUTIVE DIRECTOR OF PLACE TO PLANNING & REGULATORY BOARD ON 26TH OCTOBER 2021

## APPENDIX 2: Proposed Amended Scheme of Delegation

### Planning Regulatory Board

Within the overall policy framework approved by the Council to exercise the functions of the Council (with exceptions relating to preparation of the Local Plan, supplementary planning documents, designation of conservation areas, areas of archaeological interest and nature reserves, removal of permitted development rights through Article 4 Directions and making compulsory purchase orders which are the responsibility of the Executive) in relation to:-

All matters of town and country planning regarding development and listed building control and related regulatory functions, including the making of appropriate statutory orders, public rights of way; minerals and waste disposal planning and control; building control matters; matters connected with the safety of sports grounds; supervision of all land subject to reclamation for the time being owned by the Council; and, in particular, the following are reserved for Board unless expressly delegated-

- I. Planning applications or reserved matters where any Member of the Council raises in writing any material planning consideration that the Head of Planning and Building Control, in consultation with the Chair, agrees should be determined by the Board:
- II. Planning applications that would be contrary to the provisions of the adopted Development Plan but are recommended for approval
- III. Major Planning applications (i.e. of 10 or more dwellings, more than 1,000 sq.m. of development or a site area of more than 0.5 ha) where a member of the public has submitted a material objection **and** has requested to speak at the Board **and** where the Head of Planning and Building Control, in consultation with the Chair, agrees that the application should be determined by the Board
- IV. the issue of repairs notices and making compulsory purchase orders under sections 47 & 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- V. Confirming Tree Preservation Orders where they have been opposed

### Delegations to Officers from the Planning Regulatory Board

1. **Executive Director, Core Services**

- (a) The issue, replacement, amendment, suspension or revocation of a General Safety Certificate and the service of Prohibition Notices under the Safety of Sports Grounds Act 1975.

**2. Head of Planning & Building Control in consultation with the Service Director, Legal**

- (a) All Notices served under the Building Act 1984 but excluding those under Sections 80, 81 and 82 which are expressly delegated to the Head of Highways and Engineering.
- (b) Notices under Part II of the Mines and Quarries (Tips) Act 1969.
- (c) To determine applications for and issue of Certificates of Lawfulness under the Town and Country Planning Act 1990
- (d) To exercise the Council's powers and functions under Part 7 of the Town and Country Planning Act 1990 (enforcement), and section 330 (but excluding sections 191 to 196 relating to certificates of lawfulness of existing or proposed development or use)
- (e) To exercise the Council's powers and functions under Sections 215 to 219 (proper maintenance of land) and 224 - 225 (enforcement and removal of advertisements and posters) of the Town and Country Planning Act 1990
- (f) To undertake enforcement action in relation to sections 220 and 224 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- (g) To undertake enforcement under part 1 chapter 4 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of breaches of control under the said Act
- (h) To decide a complaint and serve, withdraw or enforce a High Hedge Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003
- (i) The service of Notices in relation to trees under part 8 of the Town and Country Planning Act 1990, and the making of Tree Preservation Orders and the confirming of unopposed Tree Preservation Orders.

**3. Head of Planning and Building Control following consultation with Planning and Regulatory Board Members (subject to members rights in I and III of this scheme)**

- a) Planning applications submitted on behalf of the Council for its own development

- b) Planning applications submitted by or on behalf of a Member of the authority or any officer employed in Development Management, or their respective spouse or partner
- c) The determination of the matters to be included in Section 106 Agreements or Unilateral Undertakings in relation to Planning Applications within the officers delegation.

#### **4. Head of Planning and Building Control**

- (a) To process and determine all applications under the Building Regulations
- (b) In consultation with the Service Director, Finance, to make recommendations to the Place (Regeneration and Culture) Cabinet Spokesperson for the variation of the standard scales of Building Regulation Fees in the Local Government Model Scheme by plus or minus 10% in appropriate cases.
- (c) To approve the numbering of properties.
- (d) To determine proposals submitted under the Hedgerow Regulations and to serve hedgerow retention notices where appropriate.
- (e) To determine applications made under the South Yorkshire Act 1980.
- (f) In consultation with Yorkshire Water the granting of consent to building over sewers.
- (g) To deal with any matters related to safety under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, including the issue and service of prohibition notices.
- (h) To advise appropriate licensing bodies in respect of applications received under various licensing legislation on matters relating to Building Regulations or other safety issues.
- (i) In consultation with the Chairperson of the Planning Regulatory Board, to determine submissions of development details in Enterprise Zones in respect of which approval is not granted under the scheme, but in accordance with the overall requirements of the planning schemes.
- (j) To determine submissions under the prior notification procedure pursuant to the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
- (k) To respond to consultations from Government and other bodies in relation to Town and Country Planning and related matters.
- (l) To respond to appeals (written representations, hearings and public

- inquiries) made under Town and Country Planning Acts and Regulations
- (m) To determine all other matters (not dealt with in this scheme) relating to Town and Country Planning (save for matters expressly dealt with in this scheme of delegation).
- 5. Head of Highways and Engineering in consultation with the Service Director, Legal**
- (a) Enforcement action under the Highways Act 1980.
- (b) The prosecution of persons who fail to pay or secure advance payment deposits under section 219 of the Highways Act 1980.
- (c) The making and advertising of Orders under section 21 of the Town Police Clauses Act 1847 or section 16A of the Road Traffic Regulation Act 1984 for the purpose of appropriate events in highways.
- (d) The temporary closure of public rights of way under the Road Traffic Regulation Act 1984.
- 6. Head of Highways and Engineering**
- (a) To administer the provisions of the New Roads and Street Works Act 1991 as respects Streets, Street Works and Undertakers.
- (b) Protection of the rights of the public to use a highway under section 130 of the Highways Act 1980.
- (c) To control the placing of builders' skips on highways under section 139 of the Highways Act 1980.
- (d) To take enforcement action considered necessary in pursuance of the Council's duty to protect the rights of the public to the use of public highways and / or public rights of way as prescribed in the Highways Act 1980.
- (e) The enforcement of legislation on obstruction to public rights of way under sections 134 and 137 of the Highways Act 1980 as amended by the Rights of Way Act 1990.
- (f) The granting of consent for licensed obstructions (e.g. gates, stiles, etc.) under the Highways Act 1980.
- (g) To accept dedications of public rights of way under section 25 of the Highways Act 1980 subject to consultation with user groups, Local Members and, where appropriate, parish councils.
- (h) To approve or refuse any proposal to divert, create or stop up a public

right of way under the Highways Act 1980 or Town and Country Planning Act 1990, following consultations with user groups, Ward Members and, where applicable, Parish Councils, except where:

- A Member of the Council requests that the proposal be considered by the Planning Regulatory Board.
  - The Head of Highways and Engineering is of the opinion that the issues raised should be considered by the Planning Regulatory Board.
- (i) To determine whether the Definitive Map and Statement should be modified following the discovery of relevant evidence.
  - (j) To enter into permissive path agreements under Section 39(1) of the Wildlife and Countryside Act 1981.
  - (k) To accept deposits made under section 31(6) of the Highways Act 1980.
  - (l) To grant consent to planting in the highway by individuals under section 142 of the Highways Act 1980.
  - (m) To control the erection of scaffolding on the highway under section 169 of the Highways Act 1980.
  - (n) To control the deposit of building materials and the making of excavations in the highway under section 171 of the Highways Act 1980.
  - (o) To control the erection of hoardings adjacent to the highway under section 172 of the Highways Act 1980.
  - (p) To regulate the placing of cables, pipes, wires etc. over highways under section 178 of the Highways Act 1980.
  - (p) To regulate the construction of cellars under highways under section 179 of the Highways Act 1980.
  - (r) To regulate the construction of openings into cellars under streets under section 180 of the Highways Act 1980.
  - (s) To grant consent to the placing of private apparatus within the highway under sections 50 of the New Roads and Street Works Act 1991.
  - (t) Notices and appeals under sections 81 and 82 of the Building Act 1984.
  - (u) Content and enforcement of notice requiring works under section 99 of the Building Act 1984.
  - (v) Appeal against notice requiring works under section 102 of the Building

Act 1984.

- (w) To determine applications for modifications to the Definitive Map and Statement of Public Rights of Way
- (x) To grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway under Section 115 of the Highways Act 1980