

11.5 *Planning*

11.5.1 That the Head of Regulatory Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of application submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 including the extension of time limits, agreement to minor amendments and non-material amendments to previously approved proposals provided that:-

- (1) For approvals; that they accord with the provisions of the appropriate development plan, other policy guidance or supplementary planning guidance.
- (2) The application had not been called in by any three Members of the District Council's Planning Committee or by the Parish Councils within the specified consultation period, and that the decision would not conflict with any objection received from three Members of the District Council's Planning Committee within the specified consultation period.
- (3) The decision would not conflict with an objection received from an adjoining local authority.
- (4) The Head of Regulatory Services considers it prudent to exercise his/her delegated authority, failing which s/he shall report the matter to the appropriate Committee.

(5) Note Tree Preservation Order applications are specifically dealt with at 11.56-40 below.

11.5.2 Decisions taken by the Head of Regulatory Services in relation to paragraph (1) above shall be incorporated in the Information Bulletin for Members. However, on receipt of a request from not less than three Members of the Planning Committee, or from the appropriate Committee of a Parish Council, any items under paragraph* (2) above shall not be dealt with under delegated powers but referred to the Planning Committee for determination in accordance with the procedure agreed at Minutes ST11/92 and ST32/95, provided such request is received from Members within 28 days of the application appearing on the weekly bulletin or within 21 days of notification of the planning application in the case of the Parish Councils.

*Right of call-in does not apply to Certificates of Lawfulness Applications and Applications for Prior Approval.

11.5.3 To authorise Section 106 obligations and their modification or discharge in cases which would normally be delegated.

- 11.5.4 To take all actions in respect of Environmental Impact Assessments, including but not limited to their approval.
- 11.5.5 To take enforcement action, including the issue of planning contravention notices and notices requiring information as to interests in land, enforcement notices, breach of condition notices, stop notices, temporary stop notices, notices in respect of unauthorised adverts , applications for an injunction (and other related applications) and power to remove/obliterate unauthorised advertisements and associated structures used for unauthorised display, together with any prosecutions arising from a breach of planning control.
- 11.5.6 To authorise the execution of works required by an enforcement notice and recover the costs reasonably incurred in doing so
- 11.5.7 To issue notices pursuant to Section 215 of the Town and Country Planning Act 1990 (as amended) in respect of derelict and untidy land, together with any prosecutions arising from non compliance with an S 215 Notice, under Section 216 of the Town and Country Planning Act 1990.
- 11.5.8 To issue Certificates of Lawful Existing Use or Development and Proposed Use or Development pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended)
- 11.5.9 To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.
- | 11.5.~~1015~~ To serve a completion notice
- | 11.5.~~1146~~ To grant consent for the display of advertisements
- | 11.5.~~127~~ To authorise entry onto land
- | 11.5.~~138~~ To require the discontinuance of a use of land
- | 11.5.~~149~~ To institute prosecutions under Section 210 of the Town and Country Planning Act 1990 (as amended) for contravention of a Tree Preservation Order and for works carried out, which might be prohibited by a Tree Preservation Order, to a tree in a Conservation Area, without notification having been made under Section 211.
- | 11.5.~~1520~~ To determine the level of public consultation other than statutory consultation appropriate to each development control application.
- | 11.5.~~1624~~ To carry out consultations on behalf of the Local Planning Authority on Pastoral Schemes under Section 30 of the Pastoral Measures Act 1968, where no major planning implications are involved, such consultations to be the subject of a subsequent report to the Planning Committee.
- | 11.5.~~1722~~ In consultation with the Solicitor of the Council to authorise institution of High Court proceedings under the Town and Country Planning Act 1990

to appeal against a decision of the Secretary of State for Communities and Local Government in planning/ enforcement appeals.

- | 11.5.~~1823~~ To make and confirm Footpath Diversion Orders under the Town and Country Planning Acts in the event of no objections being received.
- | 11.5.~~1924~~ To take enforcement action in respect of listed buildings, unlisted buildings within a conservation area including an application for an injunction, temporary listings, Building Preservation Notices and Listed Buildings Enforcement Notices under the Planning (Listed Building and Conservation Areas) Act 1990.
- | 11.5.~~205~~ To grant or refuse requests for planning approval made pursuant to Section 20 and Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 and to impose conditions on approvals granted.

11.6 That the Head of Community Services is approved and authorised after having ensured that all statutory requirements have been complied with and after considering all representations received, to:-

DETERMINE all types of applications submitted under the Town and Country Planning Act 1990 and Planning (Listed Building and Conservation Areas) Act 1990 relating to trees protected by Tree Preservation Order or by virtue of growing with a designated Conservation Area; specifically,

11.6.1 To authorise the making of Tree Preservation Orders in cases of urgency and to authorise and make and confirm Tree Preservation Orders where no objections have been received.

11.6.2 To revoke Tree Preservation Orders only in cases where significant trees on the site are also protected by other Tree Preservation Orders.

11.6.3 To modify Orders at the confirmation stage to correct drafting inaccuracies.

11.6.4 (1) To grant or refuse, following consultation with Members, via the Tree Bulletin, applications to lop, top or fell trees within a Tree Preservation Order or on land in the Council's ownership; note that specifically in relation to applications to fell protected trees where they are implicated in subsidence claims, Members will be made aware of these applications via the weekly tree bulletin but will no longer be able to call in such applications to Planning Committee (as in 11.5.2 above).

(2) To determine, following consultation with Members, via the Tree Bulletin, applications to lop trees where such work is necessary in the interests of good forestry practice or to ensure the future health and safety of a tree;

(3) To determine whether the Council's consent is required in cases where it is claimed the tree is dead, dying or dangerous or to abate a nuisance; and

(4) To consider, following consultation with Members via the Tree Bulletin, notices affecting trees in Conservation Areas and to determine whether or not a Tree Preservation Order should be made.

(5) To deal with hedgerow removal notices, following consultation with Members via the Tree Bulletin.