

ANNEX 4

Functions delegated to Head of Development Management

Function	Consultation
1 Planning Matters To deal (in accordance with the requirements set out in part 2 of this Annex) with all matters relating to the exercise of the Authority's functions under the Planning Acts including all matters relating to the exercise of the Authority's functions under Part VIII Chapter 1 of the Town and Country Planning Act Town (as amended), the Country Planning (Tree Preservation)(England) Regulations 2012 and applications made under the Hedgerow Regulations 1997 except for the determination of (a) any application which must be accompanied by an Environmental Impact Assessment (b) any application which a member of the Authority has requested be referred to the Development Control Committee for decision in accordance with the provisions of Part 3 of Annex 5 (c) any application which the Head of Development Management knows is made by or relating to property owned by the Authority, a member or employee of the Authority or by a close relative of a member or employee of the Authority (d) any application made by the Authority, other than an application that raises no objections from a Town or Parish Council or Parish Meeting or from the public	

PART 2

REQUIREMENTS TO BE OBSERVED BY THE HEAD OF DEVELOPMENT MANAGEMENT IN THE EXERCISE OF DELEGATED FUNCTIONS UNDER ANNEX 5

- 1 All determinations shall be carried out in accordance with the Development Plan unless material considerations indicate otherwise.
- 2 Any determination of applications for certificates of lawfulness made under sections 191 and 192 of the Town and Country Planning Act 1990 shall be subject to consultation with the Authority Solicitor
- 3 No determination shall be made which conflicts with the substantive representations received from a Town or Parish Council or Parish Meeting.
- 4 No determination shall be made which conflicts with a substantive resolution of a Unitary Council.
- 5 No determination shall be made which conflicts with substantive representations received from five or more households.

- 6 No determination shall be made which conflicts with a decision made by the Development Control Committee (or by officers acting under delegated powers) on a previous similar application on the same site unless there has been a material change in circumstances. For the avoidance of doubt, this does not prevent the Head of Development Management making a determination by exercise of delegated functions where material changes in circumstances overcome previous reasons for refusal.
- 7 All determinations made under the Scheme of Delegation shall be reported to the first available meeting of the Development Control Committee.
- 8 Nothing in the Scheme of Delegation shall prevent the Head of Development Management reporting any matter to Development Control Committee for decision when they consider it to be in the public interest to do so. In reaching this decision matters such as the type and scale of development, policy issues, novel proposals, and the nature of the representations made regarding the application, including any petitions received may be taken into account.
- 9 Nothing in this Scheme of Delegation shall prevent the Head of Development Management making a determination by exercise of delegated functions if a failure to determine under the Scheme would result in a deemed approval.
- 10 For the purposes of this part “substantive” shall mean that the representations explain the nature of the views taken (i.e. approve, refuse, or neutral), and provide reasons that are capable of being material planning considerations in relation to the decision, and are not contrary to the representations of a statutory consultee.

PART 3

PROCEDURE TO BE FOLLOWED BY MEMBERS IN REQUIRING THAT A PARTICULAR APPLICATION BE PRESENTED TO THE DEVELOPMENT CONTROL COMMITTEE

- 1 Each week all Members of the Authority will receive, by e-mail, a list of new applications registered by the Authority.
- 2 Members are encouraged to contact the Head of Development Management to discuss any application that they are considering requesting being referred to the Development Control Committee as soon as they are able. The Head of Development Management shall advise upon the matter, the timescale for processing the application and by when any formal request should be received. The Member shall provide a written planning reason for the application to proceed to Committee (email is appropriate) by the appropriate date. This procedure shall not preclude a revised date being provided if the process timetable is revised for some reason.
- 3 A Member’s request that an application be referred to the Development Control Committee shall be met.