

MATTERS DELEGATED TO THE EXECUTIVE DIRECTOR OF REGULATORY SERVICES

MATTERS NOT SUBJECT TO CALL IN PROCEDURE

The Executive Director of Regulatory Services shall be responsible for the day to day management of the Council's functions in relation to

- (1) Development Control
- (2) Conservation
- (3) Forward Planning

To act on behalf of the Council and in accordance with the legislation, in relation to all Town and Country Planning and Development Control matters as set out in Regulation 2 and Schedule 1 to the Local Government (Functions and Responsibilities)(England) Regulations 2000, including determining applications for planning permission or advertisement control applications for listed building, tree works consent and Conservation Area Consent, lawful development certificates and under the Building Regulations, responding to consultations and all other matters submitted for the determination formal approval or comments of the Council as Local Planning Authority under the relevant Town and Country Planning Act and associated legislation.

the determination of the validity of applications;

the refusal of planning applications for insufficient information (all applications);

declining to accept repeat applications which have previously been refused where there has been no material change in circumstances and raise no significant new issues.

determination of whether variations and amendments to existing permissions may be treated as working amendments and the determination of these amendments and variations. Where a planning application is not required.

matters submitted for approval in accordance with a condition of a planning permission.

prior notifications and determinations of details (including those where prior approval is not required) where the period of response is less than 42 days;

certificates of lawfulness of existing or proposed uses or development.

determination of whether an environmental statement is required, the adoption of screening opinions and scoping opinions under the Town and Country Planning

(Environmental Impact Assessment)(England and Wales) Regulations 1999;

enforcement action, service of enforcement notices, breach of condition notices, stop notices, temporary stop notices, tree replacement notices and untidy land notices under the Town and Country Planning Act 1990;

enforcement action, service of repair, urgent works, and building preservation notices under the Planning (Listed Buildings and Conservation Areas) Act 1990;

the carrying out of work where notices have not complied and the recovery of costs incurred;

service of planning contravention notices and consideration of any offers and representations pursuant to such notices;

service of discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations;

notices and action under the Building Act 1984;

powers to deal with dangerous and dilapidated buildings, dangerous trees and dangerous excavations on land accessible to the public;

the authorisation of the completion, variation or discharge of Section 106 Agreements;

the making of Article 4 Directions withdrawing permitted development rights conferred by a development order, subject to consultation with the Portfolio Holder for Spatial Development;

to exercise the powers of the Council relating to the protection of important hedgerows under the Hedgerow Regulations 1997;

all powers to serve notices shall include power to withdraw such notices.

to determine all complaints made under Part 8 of the Anti Social Behaviour Act 2003 for high hedges.

injunction proceedings;

to exercise powers of entry under the Anti Social Behaviour legislation and deal with;

determination of whether claims for deemed hazardous substances consent are invalid;

authorising the prosecution of offenders for offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Building Act 1984, and Regulations made under those Acts;

substitution of house types up to 15 in number;

the settlement of the amount of costs awarded to or against the Council on appeal;

the imposition of conditions on planning permissions and consents and the determination of reasons for imposing conditions;

the determination of reasons for refusal;

responses to consultations from other local planning authorities on applications other than relating to strategic applications/ consultations on LDFS documents;

the making/ modification and amendment of tree preservation orders and the confirmation of tree preservation orders where no objections have been received;

consent to fell, lop or top protected trees;

appointment of consultants in connection with any planning applications or any appeal;

to authorise the use of powers of entry under Local Government Legislation;

applications for approval of reserved matters which do not fall within Paragraph 5 of Appendix 2.

this delegation to be read in addition to the current scheme of delegation and all powers conferred para 5 of the Council's Constitution Para (5)e

applications or notifications which receive six or more material planning objections and which are recommended by Officers for refusal and applications or notifications which receive up to six or more material planning objections.

#### MATTERS TO BE SUBJECT TO CONSULTATION WITH THE PORTFOLIO HOLDER

Amendments to minutes in cases of error

Consultations on Strategic planning applications in cases in which the time limit for response expires before the next Committee

#### EXERCISE OF DELEGATED POWERS

The Executive Director of Regulatory Services may authorise the Planning Manager and other officers to determine these matters on their behalf.

SCHEDULE OF DELEGATION ARRANGEMENTS FOR DEVELOPMENT AND RELATED MATTERS

MATTERS TO BE DETERMINED BY DEVELOPMENT CONTROL COMMITTEE

1. Applications made by the Council , Councillors or their spouses or partners, Members of Staff or where the Executive Director of Regulatory Services has been made aware that a member of the Council or an Officer has an interest in the property.
2. All planning applications on Council owned land, by or on behalf of the Council, its parties, organisations or other agents.
3. The consideration of objections and the confirmation/modification of tree preservation orders to which objections have been received.
4. The nomination of a member of the Development Control Committee to represent the Council at any hearing or Inquiry, where the decision was made contrary to policy and officer advice.
5. Planning applications relating to Strategic applications which include:-
  - (a) the provision of dwellinghouses where:-
    - (i) 15 or more dwellings are to be provided; or
    - (ii) the site area is 0.5 hectare or more; or
  - (b) buildings are to be provided with a floor space of 1000 square metres or more; or
  - (c) the site to be developed is 1 hectare or more; or
  - (d) developments which require an environmental statement.
6. Applications or notifications which have received six or more material planning objections and which are recommended by Officers for approval.

PLANNING CALL IN PROCEDURE FOR DELEGATED APPLICATIONS

1. This procedure must be followed if a member is to require an application, which is delegated to be determined by the Head of Planning, Legal and Democratic Services, to be referred to the Development Control Committee.
  1. All members will receive a weekly list of all planning applications received.
  2. Any member considering calling in an application must first discuss the reason for call in with the Director of Regulatory Services or the Planning Manager.
  3. A member may only call in an application if it is within their ward area and one of the nominated Councillors on the Development Control Committee agrees that the matter should be called in.
  4. The call in period is 14 days from the receipt of the call in list.
  5. There will be two nominated Call in Councillors on the Development Control Committee who will organise and submit the call in and who must agree with the Ward member to the use of the planning call in and that nominated Councillor will complete the call in form. The names of the two nominated Councillor must be provided to the Head of Planning Legal and Democratic Services after Annual Council.
  6. Where a member requires a delegated application to be decided by the Development Control Committee, the Development Control Team Manager must be notified in writing within 28 days of the date on the weekly list.
  7. Where an application is amended and subject to re-notification of neighbours, the ward member shall be re-notified in writing and a 10 day call up period shall recommence.
  8. The attached Call In Form should be used for Call In. This will be attached to the weekly list.
  9. Call Ins will be date stamped on receipt. They must be emailed to [planning@rossendalebc.gov.uk](mailto:planning@rossendalebc.gov.uk)
  10. Planning reasons for Call In are required.
  11. When a Call In is received outside the Call in period, the member will be notified that the Call In is invalid. If there has been no Call In within the

Call In period the application will be decided by the Head of Planning, Legal and Democratic Services.

12. Members may withdraw a call in once made.

NB

1. Call Ins should be kept to a minimum, as they increase costs and processing times. They have also affected BVPI performance targets as due to call ins we have been unable to place all required applications on the agenda.

