

APPENDIX B - Scheme of Delegation

Tracked Changes

8. Head of Service Director (Development and PlanningHousing)

8.1 General

8.1.1

Subject to the reservations and exceptions set out in this Scheme, the Service Director and Service Lead with responsibility for Planning, and the Development Manager Head of Development and Planning shall be authorised to exercise the functions, duties and powers of the Council as set out in any relevant legislation relating to town and country planning and housing, which shall include but not be limited to the following:

- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Planning and Compulsory Purchase Act 2004
- Planning Act 2008
- Housing and Planning Act 2016
- Localism Act 2011
- Housing Grants, Construction & Regeneration Act 1996
- Caravan Act 1968
- Local Government and Housing Act 1989
- Housing Act 1985
- Housing Act 1996
- Housing Act 1988
- Housing Act 2004
- Homelessness Reduction Act 2017

8.1.2

Subject to the conditions set out below, the determination, granting or refusal of Notifications and Applications for permission, certification approval or consent relating to developments and works.

8.1.3

Subject to the conditions set out below, the approval or refusal of items reserved or conditioned by any permission, approval or consent.

8.1.4

Subject to the conditions set out below, the determination of applications for advertisement consent.

8.1.5

In respect of applications determined by the District Planning Committee or relevant Area Planning Committees and subject to the conditions set out below and consultation with the Ward Members, the acceptance of minor amendments to schemes already permitted, approved or consented to.

8.1.6

Prior to determination of submitted application, the acceptance of amendments to submitted application for permission approval or consent.

8.2 Conditions

8.2.1

The delegations set out above shall be exercised subject to the following:

The Area Planning Committees will consider applications within their prescribed parishes where: shall reserve the authority to determine any type or class of application.

- (a) The Service Director/Service Lead with responsibility for Planning, or the Development Manager refer an application to the Committee;
- (b) The relevant Area Planning Committee Chairman refers an application to Committee;
- (c) The application is called-in to the Committee by a Member for the Ward to which the application relates, or a Member for a Ward adjoining the Ward to which the application relates, and that member:
 - a. Has provided a planning reason for the call-in and obtained the consent of the relevant Area Planning Committee Chairman (or Vice Chairman in their absence) to the call-in; and
 - b. Has completed the required call-in form and submitted it within the deadline published by Planning on the weekly list, this date being four weeks from the publication of the respective weekly list;
- (d) The application is recommended for approval and it is submitted by, or on behalf of, West Berkshire Council, or where the land in question is owned by the Council, if:
 - a. The application is defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015; or
 - b. The application is not defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and five or more representations have been made in objection;
- (e) The application is recommended for approval and it is submitted by or on behalf of:
 - a. A member of staff of the Planning Service;
 - b. A member of staff who works directly with the Planning Service;
 - c. A member of staff who is part of the [corporate/senior] leadership team;
 - d. A West Berkshire Council Member, if five or more representations have been made in objection, or the application is defined as major development (in terms of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
- (f) The application is recommended for approval and:
 - a. Representations stating objections have been received from at least 10 contributors before the Overall Expiry Date of any public

consultation. (For the avoidance of doubt, where a representation is submitted in multiple people's names it shall be counted once, and where a contributor (or group of contributors) make more than one submission, they shall only be counted once. This count does not include statutory and non-statutory consultees); or

- b. A petition of objection has been received naming at least 20 signatories before the Overall Expiry Date of any public consultation.

The following applications, notification and other Development Management matters will be determined under delegated authority, irrespective of any terms of paragraph 2(c)-(f):

- (a) Applications for prior approval, or notices, required under permitted development rights (including but not limited to permitted development rights for communication equipment, agricultural, changes of use, large domestic extensions, development authorised by Acts of Parliament, demolition, solar PV);
- (b) Applications for the approval of details reserved by conditions on any planning permission or associated consent, or confirmation of compliance with the same;
- (c) Applications for non-material amendments under section 96A of the Town and Country Planning Act 1990;
- (d) Applications for Lawful Development Certificates under sections 191 and 192 of the Town and Country Planning Act 1990;
- (e) Applications for screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

A call-in made under either paragraph 2(a), 2(b) or 2(c) may be withdrawn by agreement between the relevant Area Planning Committee Chairman and Service Director / Service Lead / Development Manager. In the case of an application called in by a Ward Member under paragraph 2(c), this must be upon request of the Member who called-in the application. If a call-in is withdrawn it will be determined under delegated authority unless any of the other provision under paragraph 2 apply.

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8.2.2

The Council may modify or revoke the scheme of delegation at any time.

8.2.3

~~An application may be referred to the appropriate Area Planning Committee for determination by:~~

- ~~• (a) the relevant Area Planning Committee Chairman; or~~
- ~~• (b) a Member for the Ward to which the application relates;~~

- ~~(c) a Member for a Ward adjoining the Ward to which the application relates.~~
- ~~(d) the Head of Development and Planning or the Development Control Manager~~

8.2.4

~~Members who wish to 'call-in' an item to be discussed at an Area Planning Committee will be required to complete the agreed pro forma which must be submitted either in hard copy by letter or fax or electronic copy via e-mail. The consent of the Chairman of the appropriate Area Planning Committee, or if unavailable, the Vice-Chairman, is required.~~

~~(Note: If the Chairman or, if unavailable, the Vice-Chairman, does not give consent then the application will not be referred to a Planning Committee.)~~

~~The Officers will refer for determination to the appropriate Area Committee any application, including:~~

8.2.5

~~Where the application is a major one or there are five or more objections and it is submitted by, or on behalf of West Berkshire Council, or where the land in question is owned by the Council if there are five or more objections or if the application is a major one:~~

~~8.2.5.1 those submitted by or on behalf of a member of staff of Planning;~~

~~8.2.5.2 those submitted by or on behalf of a West Berkshire Council Member, if there are five or more objections or if the application is a major one;~~

~~8.2.5.3 those recommended for approval, for which a petition of objection has been received of at least 20 signatories;~~

~~8.2.5.4 those recommended for approval, for which at least 10 letters of objection have been received;~~

~~8.2.5.5 those applications not considered prudent by the Development Control Manager to be determined under delegated authority.~~