

### **Appendix 3**

Authority to determine all applications made to the Council as local planning authority under the provisions of:

- the Town and Country Planning Act 1990;
- the Planning (Listed Buildings and Conservation Areas) Act 1990;
- the Hazardous Substances Act 1990;
- the Town and Country Planning (Tree Preservation Orders) Regulations 1969;
- the Town and Country Planning (General Permitted Development) Order 1995
- the Hedgerow Regulations 1997
- the Town and Country Planning (Control of Advertisements) Regulations 1992

#### **Applications excluded from delegated powers**

Applications in the following categories may not be determined under delegated powers and must be referred to the Development Control Committee.

- (a) Applications made, or deemed to be made, wholly or jointly by the Council under regulation 4 of the Town and Country Planning Regulations 1992;
- (b) Applications where officers are minded to recommend a decision contrary to the development plan;
- (c) Applications involving the construction of three or more houses on one site;
- (d) Other major commercial, industrial and residential applications where the officer is minded to recommend a decision contrary to written comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted. Major for this purpose means:
  - (i) in the case of residential development, development on a site area of 0.5 hectares or more;
  - (ii) in the case of other development, development incorporating floorspace of 1000sq m or more, or on a site area of one hectare or more.
- (e) Applications made by any member of the Council or any member of staff employed in the Planning Services Unit.

Where a planning application as defined in (c) to (e) above is unable to be determined within the statutory period because all material is not available then, exceptionally, the Corporate Director (Business) following consultation with the Chair and Vice-Chair may refuse planning permission.

#### **Applications which may only be determined after consultation with Chair and Vice**

Applications in the following categories may be determined under delegated powers but, where the officer is minded to make a decision that is contrary to a written

comment received from a local resident, a town or parish council or any other outside body or organisation that has been consulted, the Chair and Vice Chair of the Development Control Committee must first be consulted.

- (a) Any application for change of use
- (b) An application for development consisting of building, mining, engineering or other operations which is not within the curtilage of a residential property
- (c) An application to alter/extend a property under section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which is not within the curtilage of a residential property.