

EXISTING SCHEME OF DELEGATION FOR ASSISTANT DIRECTOR PLANNING AS OF MARCH 2020

DEVELOPMENT CONTROL COMMITTEE

Officer(s) Authorised	Authority to:	Responsibility Delegated from
Building Regulations		
CP (1)	Give consents where applications conform with Regulations.	Leader
CP (2)	Refuse applications which do not conform with Regulations.	Leader
CP (3)	Decide applications for relaxation where the Council have the power of decision.	Leader
CP (4)	Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations.	Leader
DCS/CP (5)	Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations.	Leader
DECS (6)	The Executive Director of Environment and Community Services be authorised to amend the building control fees as required with the aim of ensuring the service is provided on a cost recovery basis in line with the 2010 Building (Local Authority Charges) Regulations and to change staffing levels to reflect changes to activity volume as required.	Leader
CP (7)	To be designated as "Appointing Officer" under Section 10 (8) of the Party Wall etc Act 1996 and have delegated power to act in that capacity.	Leader
Dangerous Structures		
CP (8)	Take appropriate action in respect of dangerous structures as set out in sections 60-70, 125, 126, and 142 of the London Building Acts (Amendments) Act 1939 Part VII including the removal of any	Leader

danger where immediate action is required.

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| CP | (9) | To make appropriate charges regulations for dangerous structures as provided for within the relevant sections of the following Acts –

London Building Acts (Amendment) Act 1939: Part VII.
London County Council (General Powers) Act, 1955: Part II (including section 9 (power of entry with respect to dangerous and neglected structures).
London County Council (General Powers) Act, 1958: Part III.
London Local Authorities Act 1994. | Leader |
| CP | (10) | To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship. | Leader |
| CP | (11) | Authorise and serve notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 to obtain particulars of persons interest in land and where there is default in compliance with any such notice refer the matter to the Director of Corporate Services to consider taking legal proceedings. | Council |

Operation of Tree Preservation Orders

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| CP | (12) | Consent with or without conditions, or refuse consent to the pruning, cutting down, topping, lopping or destruction of trees which are the subject of Tree Preservation Orders in accordance with the provisions of such orders. | Council |
| CP | (13) | Consent with or without conditions to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas. | Council |
| CP | (14) | The making of Tree Preservation Orders and provisional TPOs Section 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in | Council |

Conservation Areas.

CP	(15)	Confirm opposed or unopposed TPOs.	Council
CP	(16)	Agree to the revocation of TPOs.	Council
CP	(17)	Issue tree planting notices.	Council
CP	(18)	Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.	Council
CP/DECS	(19)	Authorise legal proceedings to be taken in respect of breaches of TPOs and the legislation relating to trees in Conservation Areas, subject to the Director of Corporate Services being satisfied as to the evidence.	Council

Determination

CP (Subject to consultation with DCS)	(20)	Determine applications for certificates of lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.	Council
CP (Subject to consultation with DCS)	(21)	Determine applications for certificates of lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.	Council
CP	(22)	Determine applications for prior approval under any part of the Town and Country Planning (General Permitted Development) Order 2015 including determination of whether prior approval is required and the granting or refusing of prior approval	Council
CP	(23)	Determine applications for hazardous substances consent.	Council
CP	(24)	The power to grant outline or full planning permission, approve reserved matters, approve details pursuant to or vary conditions, give advertisement and listed building consent, with or without conditions to planning applications or proposals excluding those in the following categories:	Council
	(i)	Applications submitted by or on behalf	Council

of the Council or on land substantially owned by the Council where the Council has a financial interest (but not details pursuant, reserved matters revised plans and proposals to renew deemed permissions).

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| (ii) | Permission to applications involving ten or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, reserved matters, details pursuant, revised plans and renewal permission applications. | Council |
| (iii) | Permissions to applications for new commercial development such as industry, offices and shops (but not other associated buildings, conversions, extensions and change of use, reserved matters, details pursuant, revised plans and renewal applications). | Council |
| (iv) | Applications submitted by members of staff in the Planning Division, or other Chief Officers, or submitted by or on behalf of Bromley Councillors or Members of Parliament. | Council |
| (v) | Applications and other matters which one or more Members formally request in writing are put before a Committee or Sub-Committee of Members. | Council |
| (vi) | Permission to applications for development that is subject to a current formal planning enforcement notice of the following types:- enforcement notice, breach of condition notice. | Council |

CP

(25)

The power to:

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| (i) | refuse planning permission; | Council |
| (ii) | refuse express consent for advertisements; | Council |
| (iii) | refuse Listed Building Consent; | Council |

	(iv)	not approve details submitted pursuant to a condition of a permission or consent;	Council
	(v)	refuse revisions and amendments to plans and to specify reasons for so doing whatever representations are received for or against the application;	Council
	(vi)	determine whether or not to contest an appeal against non-determination and where relevant provide grounds of appeal and contest all appeals, including all action necessary to prevent or reduce the likelihood of an award of costs against the Council;	Council
	(vii)	observations on proposals for development by Government departments or in adjoining authority areas which would otherwise fall within the delegated categories.	Council
CP/DCS	(26)	Power to authorise the issue of the following (the signing and actual issue of the notices to be dealt with by the Director of Corporate Services):	
	(i)	Enforcement Notices under Section 172 of the Town & Country Planning Act 1990.	Council
	(ii)	Stop Notices under Section 183 of the Town & Country Planning Act 1990.	Council
	(iii)	Completion Notices under Section 94 of the Town & Country Planning Act 1990.	Council
	(iv)	Unopposed revocations under Section 97 of the Town & Country Planning Act 1990 and Section 239 of Planning (Listed Building & Conservation Areas) Act 1990.	Council
(with DECS)	(v)	Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation including	Council

modification and discharge.

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| (vi) | Orders under Section 102 Town & Country Planning Act 1990 requiring discontinuance of use, or alteration, or removal of buildings and works. | Council |
| (vii) | Unopposed revocations of Listed Buildings Consent under Section 23 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (viii) | Notices under Section 54 and 55 of the Planning (Listed Building & Conservation Areas) Act 1990 concerning urgent works and recovery of expenses. | Council |
| (ix) | Making and recovery of grants under Section 57 and 58 of Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (x) | Listed Building Enforcement Notices under Section 38 of the Planning (Listed Building & Conservation Areas) Act 1990. | Council |
| (xi) | The enforcement of Advertisement Control. | Council |
| (xii) | The authorisation of Rights of Entry to premises and any land for all the purposes of the Town & Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Building Act 1984 (all these Acts as amended) and any Orders or Regulations made there under. | Council |
| (xiii) | The power to require information as to interests in land under Section 330 of the Town & Country Planning Act 1990. | Council |

and to give reasons in the Notice or Order for taking such action;

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| (xiv) | Planning Contravention Notices under | Council |
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Section 171C of the Town & Country
Planning Act 1990

- (xv) Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990 Council

CP

(27) The power to:

- (i) give directions and notifications under Regulation 4 of the Town & Country Planning (Applications) Regulations 1988 and Article 7 of the Town & Country Planning General Development Order 1988 to require applicants to submit further information to enable the Council to deal with an application or to verify any particulars; Council
- (ii) make determinations as to whether planning applications are departures from the development plan; Council
- (iii) make determinations as to whether development would affect the character or appearance of a conservation area or the setting of a listed building to enable such applications to be advertised; Council
- (iv) make determinations under Section 73 of the Planning (Listed Building & Conservation Areas) Act 1990 as to whether a proposal should be advertised as affecting the character or appearance of the Listed Building or Conservation Area; Council
- (v) determine applications for non-material amendment to planning permission, minor material amendments to planning permission and extensions to time limits of existing planning permissions. Council

Notes:

- (i) No decision will normally be issued within 3 weeks of the date of the weekly lists supplied to Members.

- (ii) In relation to paragraph 19(ii) above the definition of “dwelling” includes bungalows, flats, maisonettes and multi-occupied premises.
- (iii) “Details” as mentioned herein include siting, design, external appearance, materials, car parking, landscaping, site lines, access, levels and drainage.
- (iv) The Chief Planner will continue long established practice to deal administratively with very minor revisions, details, without formal registration, circular consultations or consultations from adjoining boroughs.

CP/DCS	(28)	In relation to all delegated authorities listed under Development Control - Delegated authority shall not apply under any circumstances where an application, amendment, alteration, revision or other change (whether major or minor) to a planning application is called in to a Plans Sub-Committee by one or more Councillors.	Council
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Means of Escape in Case of Fire

CP	(29)	Decide what means of escape in the case of fire are necessary at premises to which the Housing Acts 1985 and 2004 and Sections 24 and 71 of the Building Act 1984 apply; and serve a notice under those sections where these means are not provided.	Leader
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Buildings of Special Architectural or Historic Interest

CP	(30)	Approach Historic England to spot list properties on the list of buildings of special architectural interest if they are threatened.	Leader
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Repeat Planning Applications

CP	(31)	Authority to decline to determine repeat, overlapping or retrospective applications in accordance with the provisions of Sections 70A, 70B and 70C of the Town and Country Planning Act 1990.	Council
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Control of Unauthorised Advertisements

CP	(32)	Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised advertisements.	Council
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Untidy Site Notices

CP	(33)	Authority to issue Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990, with such decisions being reported to the next available meeting of Plans Sub-Committee for information.	Council
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