

# DRAFT SCHEME OF DELEGATION FOR ASSISTANT DIRECTOR PLANNING – MARCH 2020

## DEVELOPMENT CONTROL COMMITTEE

| Officer(s)<br>Authorised       | Authority to:  | Responsibility<br>Delegated from |
|--------------------------------|--|----------------------------------|
| <b><i>Building Control</i></b> |  |                                  |
| ADP (1)                        | Give consents where applications conform with Regulations.   | Leader                           |
| ADP (2)                        | Refuse applications which do not conform with Regulations.   | Leader                           |
| ADP (3)                        | Decide applications for relaxation where the Council have the power of decision.   | Leader                           |
| ADP (4)                        | Decide upon the observations to be made to the appropriate Minister with applications for relaxation of the Regulations.   | Leader                           |
| DCS/ADP (5)                    | Authorise and serve notices under Section 36 of the Building Act 1984 and the current Building Regulations.  | Leader                           |
| ADP (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                           |
| ADP (8)                        | 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                           |
| ADP (9)                        | 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 danger where immediate action is required.        | Leader                           |
| ADP (10)                       | To make appropriate charges regulations  | Leader                           |

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.

|     |      |  |        |
|-----|------|--|--------|
| ADP | (11) | To operate the new scale of fees for dangerous structure activities and to waive the fees in case of extreme hardship. | Leader |
|-----|------|--|--------|

|     |      |   |         |
|-----|------|---|---------|
| ADP | (12) | 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 |
|-----|------|---|---------|

***Tree and Wildlife Matters***

|     |      |  |         |
|-----|------|--|---------|
| ADP | (13) | Consent with or without conditions, or refusal of 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 |
|-----|------|--|---------|

|     |      |  |         |
|-----|------|--|---------|
| ADP | (14) | Consent with or without conditions, or refusal of consent to the pruning, cutting down, topping, lopping or destruction of trees within designated Conservation Areas. | Council |
|-----|------|--|---------|

|     |      |   |         |
|-----|------|---|---------|
| ADP | (15) | The making of Tree Preservation Orders (TPO) and provisional TPOs pursuant to Sections 198 and 201 of the Town & Country Planning Act 1990, including the making of TPOs in Conservation Areas. | Council |
|-----|------|---|---------|

|         |      |   |         |
|---------|------|---|---------|
| ADP     | (16) | Confirm opposed or unopposed TPOs.  | Council |
| ADP     | (17) | Agree to the revocation of TPOs.  | Council |
| ADP     | (18) | Issue tree planting notices.  | Council |
| ADP     | (19) | Enter into management agreements under Section 39 of the Wildlife and Countryside Act 1981.   | Council |
| ADP/DCS | (20) | 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 |

### ***Development Management***

|     |      |   |  |
|-----|------|---|--|
| ADP | (21) | Determine or respond to applications (except in the circumstances set out in (22) below) including: <ul style="list-style-type: none"> <li>(i) planning applications</li> <li>(ii) requests for approval (including prior approval) under any part of the Town and Country Planning (General Permitted Development) Order 2015 (including whether prior approval is required, the matters to be considered and granting or refusing approval)</li> <li>(iii) certificates of lawful development (existing or proposed)</li> <li>(iv) reserved matters</li> <li>(v) details pursuant to conditions</li> <li>(vi) hazardous substances consent (including revocation)</li> <li>(vii) listed building consent</li> <li>(viii) advertisement consent</li> <li>(ix) non material and minor material amendments</li> <li>(x) adjoining authority consultations</li> </ul> |  |
|-----|------|---|--|

- (xi) consultations to the Planning Authority from other bodies including Council departments
- (xii) Environmental Impact Assessment (EIA) screening or scoping
- (xiii) Requests for extensions of time to determine applications
- (xiv) Crown development applications
- (xv) Removal or variation of conditions

ADP (22)

Circumstances where powers set out in (21) do not apply:

- (i) Applications submitted by or on behalf of the Council or on land substantially owned by the Council where the Council has a financial interest (but not details pursuant, reserved matters or amended proposals).
- (ii) Permission for full or outline applications involving twenty one or more purpose-built new dwellings (but not other associated buildings, conversions, extensions and changes of use, reserved matters, details pursuant or amended proposals).
- (iii) Permission for applications for new major commercial development such as industry, offices and shops (but not non-major development, other associated buildings, conversions, extensions and change of use, reserved matters, details pursuant, revised plans or amended proposals).
- (iv) Applications submitted by any member of staff within the Assistant Director of Planning's entire team, or other Directors or Assistant Directors, or submitted by or on behalf of Bromley Councillors or Members of Parliament.

- (v) Any application listed in (20) above which one or more Bromley Councillor formally requests in writing (“calls in”) with a reason(s) be determined by Committee.
- (vi) Permission for applications for development that is subject to a current formal planning enforcement notice of the following types:- enforcement notice or breach of condition notice.
- (vii) Applications for residential development or extensions within a Conservation Area or Area of Special Residential Character which do not provide a minimum one metre space between the flank wall of the new development and the site boundary
- (viii) Where less than 21 days has passed since the application appeared on a ‘Weekly List’ of applications circulated to Members other than where all Ward Members have agreed otherwise in writing

- ADP (23) 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.
- ADP (24) Make determinations as to whether planning applications are departures from the development plan;
- ADP (25) 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;
- ADP (26) 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;

### **Appeals**

ADP (27) Decide whether to contest all types of appeal including the grounds to contest and including appeals against non-determination except where the original decision was made by Committee

### **Enforcement**

ADP / DCS (28) Power to authorise the issue of the following and to give reasons in the Notice or Order for taking such action; (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
- (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.

- |         |   |         |
|---------|---|---------|
| (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)    | Action relating to the enforcement of Advertisement Regulations 2007.   | 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 |
| (xiv)   | Planning Contravention Notices under Section 171C of the Town & Country Planning Act 1990   | Council |
| (xv)    | Breach of Condition Notices under Section 187A of the Town & Country Planning Act 1990  | Council |
| (xvi)   | Untidy Site Notices under Section 215 of the Town & Country Planning Act 1990   | Council |
| (xvii)  | Approach Historic England to spot list properties on the list of buildings of special architectural interest if they are threatened.  |         |
| (xviii) | Authority to take action under Sections 10-12 of the London Local Authorities Act 1995 relating to the control of unauthorised  | Council |

advertisements.

**S106**

**Agreements**

- ADP / DCS (29) Approval of Section 106 Agreements (Town & Country Planning Act 1990) and similar agreements concerning related legislation including modification and discharge
- ADP / DCS (30) The authority to authorise spending (including by third parties) pursuant to and in accordance with s106 agreements Council

**Fees and Charges**

- ADP (31) Agree fee levels and charges for services for all areas within the AD Planning & Building Control team areas (in accordance with relevant legislation)
- CIL
- ADP (32) Issue all types of CIL notice and authorise action to recover funds where appropriate including responding to CIL appeals, and decisions as to whether to proceed with court action

**Planning Policy**

- ADP (33) Authorisation of Planning Policy matters in accordance with specific written agreement with the Chairman of DCC