

## CONSTITUTION – PART 5 – TABLE 5.08

<b>PLANNING &amp; REGENERATION</b>			
<b>1. <u>Building Control</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Applications	<p>To approve or reject applications deposited under Building Regulations, except applications which require a relaxation of Reg. B1 (Means of Escape) and to determine matters arising from the following associated statutory provisions:-</p> <p>Highways Act 1989 (Sections 169, 172 &amp; 173)</p> <p>Building Act 1984 (Sections 8, 15, 16, 18-30, 32, 33, 36, 71, 72 (1)(b), 80, 81.</p>	Exec	Head of Planning & Regeneration / Building Control Manager
Taking Action	<p>To take action as appropriate under the following enactments:-</p> <p>Public Health Act 1936 Section 262.</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <ul style="list-style-type: none"> <li>- Dangerous Excavations.</li> <li>- Building Act 1984, Sections 77 and 78.</li> </ul>	Exec	<p>Head of Planning &amp; Regeneration / Building Control Manager</p> <p>As above</p> <p>Head of Planning &amp; Regeneration / Building Control Manager / Principal Solicitor</p>
Entering Premises	<p>To enter premises for the purposes of enforcement and administering the Building Regulations and appropriate provisions of the Building Act 1984 as set out above and additionally Section 94.</p>	Exec	Head of Planning & Regeneration / Building Control Manager

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<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Issuing Notices	To issue notices of the Council's decisions on all applications and submissions made to it on Building Control Matters.	Exec	Head of Planning & Regeneration / Building Control Manager
Serving Requisitions	To serve requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Exec	Head of Planning & Regeneration / Building Control Manager
Fees & Charges	Council's Scheme of Charges under the Building (Local Authority Charges) Regulations 1998 - To vary the standard fee scales of the Local Government Association Model Scheme by up to plus or minus 10%.	Exec	Director of Planning, Regeneration, Regulation and Housing, in consultation with CX)

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<b>2. <u>Development Management / Plans</u></b>			
<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Calling in procedure for Ward Members for Planning Committee	<p>When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The Case Officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Planning Committee Chair and any other ward member(s) for the area in which the application site is situated, of the request and reasons.</p> <p>If a request is made after the deadline set out above, the Planning Committee Chair shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the Case Officer of his/her decision within 2 working days of receiving the request from the Case Officer. The ward member who made the request will also be informed of the Chair's decision.</p>		
Planning Applications	All planning decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers,	Council	Head of Planning & Regeneration

**UNLESS:**

	<ol style="list-style-type: none"> <li>1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee.  <i>(see procedure set out above)</i></li> <li>2. The Planning Officer considers that the application should be considered by Committee.</li> <li>3. The approval of the application would represent a departure from the policies of the statutory development plan.</li> <li>4. The proposal involves the Borough or County Council either as applicant or landowner.</li> <li>5. The applicant is a Councillor or known to</li> </ol>		Head of Planning and Regeneration/ Planning officers
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	<p>be an employee of either Redditch Borough Council or Bromsgrove District Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements.</p> <p>6. There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</p> <p>7. The application is for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floor space) where the recommendation is for approval or where five or more letters of support have been received.</p>		
	<p>8. The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</p> <p>9. Two or more individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p>10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.</p> <p>11. The application seeks erection of a new, or Change of Use to, A3 use (restaurants and café) A4 (Pubs and wine bars), A5 (hot food take away), or D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or seeks (change of use or erection of a new) consent for a night club, theatre or casino.</p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <ul style="list-style-type: none"> <li>• Town &amp; Country Planning Act 1990 (as amended)</li> </ul>		

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	<ul style="list-style-type: none"> <li>• Planning and Compensation Act 1991</li> <li>• Town &amp; Country Planning (General Permitted Development) Order 1995 (as amended)</li> <li>• Town &amp; Country Planning (General Development Procedure) Order 1995 (as amended)</li> <li>• Planning (Listed Buildings &amp; Conservation Areas) Act 1990 (as amended)</li> <li>• Building Act 1984 (as amended)</li> </ul>		
	<ul style="list-style-type: none"> <li>• Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications)</li> <li>• Circular 18/1984: Crown Land &amp; Crown Development</li> <li>• Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011</li> <li>• Highways Act 1980</li> <li>• Planning (Hazardous Substances) Act 1990</li> <li>• Hedgerow Regulations 1997</li> <li>• Goods Vehicles (Licensing of Operators) Act 1995</li> <li>• Goods Vehicles (Licensing of Operators) Regulations 1995</li> <li>• Town &amp; Country Planning (Control of Advertisements) Regulations 2007</li> <li>• Wildlife and Countryside Act 1981</li> <li>• Caravan Sites and Control of Development Act 1960</li> <li>• Acquisition of Land Act 1981</li> </ul>		

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	<ul style="list-style-type: none"> <li>• Telecommunications Act 1991</li> <li>• Electricity Act 1989</li> <li>• Planning and Compensation Act 1991</li> <li>• Flood and Water Management Act 2010</li> <li>• Ancient Monuments and Archaeological Areas Act 1979</li> </ul>		
	<ul style="list-style-type: none"> <li>• Local Government Planning and Land Act 1980</li> <li>• Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended)</li> <li>• Planning Act 2000</li> <li>• Anti Social Behaviour Act 2003</li> <li>• Planning and Compulsory Purchase Act 2004</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Localism Act 2011</li> </ul>		
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	Head of Planning & Regeneration and/or Development Plans Manager
Planning Obligations	<p>All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless any of the following apply:-</p> <p>1. Deletion or addition of one or more of the</p>	Council	Head of Planning & Regeneration

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	<p>heads of terms.</p> <ol style="list-style-type: none"><li>2. Significant change in overall area of land to be transferred to Redditch Borough Council.</li><li>3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)].</li><li>4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure.</li></ol>		
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Subject	Detail	Delegated by:	Delegated to:
Planning Enforcement	<p>All planning enforcement decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless they include the serving of any of the following notices; and/or in the following cases:-</p> <ol style="list-style-type: none"> <li>1. A Stop Notice (but not a Temporary Stop Notice)</li> <li>2. A Listed Building Enforcement Notice</li> <li>3. An Advertisement Discontinuance Notice</li> <li>4. A Tree Replacement Notice</li> <li>5. Prosecution proceedings (except for advertisement offences)</li> <li>6. Where direct action by Redditch Borough Council is required</li> <li>7. When a Member makes a written request for a case to be considered by the Planning Committee as set out above in the Calling in Procedure.</li> </ol>	Council	Head of Planning & Regeneration

### 3. Local Land Charges

Local Land Charges	To keep and maintain the Register of Local Land Charges. To respond to applications for Searches on the Register, and to co-ordinate answers in respect of CON 29 and associated questions.	Executive Committee	Head of Planning & Regeneration
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### 4. Regeneration

Subject	Detail	Delegated by:	Delegated to:
<b><u>Regeneration - Business Centres:</u></b>			
Day-to-day Management / Fees & Charges	<p>To manage and control the Centres and all lettings and licences, including:</p> <p>(a) Annual rent review – to set rent annually, any change to be limited to plus or minus 10% of the preceding year’s level, unless first approved by the Executive Committee;</p> <p>(b) To secure new lettings in times of decreased demand, to agree a rent-free period and/or a period of reduced rent up to 20% of the current year’s levy, judged on a case by case basis;</p> <p>(c) To maximise income from new lettings in times of increased demand, to increase rents by up to 20% of the current year’s levy, judged on a case by case basis;</p> <p>(d) To agree a period of reduced rent for specific licensees in response to evidence of hardship, from time to time during their tenancy, judged on a case by case basis.</p>	Exec	Head of Planning & Regeneration, Business Centres Manager and Economic Development Manager, following consultation with the Portfolio Holder
Secretarial Services	<p>Following consultation with the Portfolio Holder, to set fees annually, limited to plus or minus 10% of the preceding year’s level unless first approved by the Executive Committee.</p> <p>To agree a discounted rate for bulk orders, judged on a case-by-case basis.</p>	Executive	Head of Planning & Regeneration, Business Centres Manager and Economic Development Manager
<b><u>Regeneration - Redditch Market:</u></b>			
Day-to-day Management	To deal with the day-to-day management of the Redditch Market including the letting of stalls, kiosks and pitches.	Exec	Executive Director - Planning, Regeneration,

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			Regulatory, Housing Services/ Head of Planning & Regeneration
Fees & Charges	The setting of fees / rents as published in the “Fees and Charges” booklet, or as agreed by the Executive Committee.	Executive Committee	Executive Director - Planning, Regeneration, Regulatory, Housing Services/ Head of Planning & Regeneration
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive Committee	Executive Director - Planning, Regeneration, Regulatory, Housing Services/ Head of Planning & Regeneration, in consultation with Chief Executive or Head of Resources
Disruption Discount	To apply discounts to Redditch Market stall fees in cases where significant disruption to trading is experienced, up to a maximum of 50% of the otherwise applicable fee.	Executive Committee	Head of Planning & Regeneration
Charity Stalls	To allocate up to two stalls per day free of charge to charitable / not for profit organisations when stalls are not required by licensed or casual traders.	Executive Committee	Head of Planning & Regeneration

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### 5. Tree Preservation Orders

Subject	Detail	Delegated by:	Delegated to:
Tree Preservation Orders	<p>All planning decisions, actions or advice/responses on behalf of the Local Planning Authority that relate to the protection of trees and falls within the list of Planning and Associated legislation/regulations are considered to fall within the delegation scheme and will be determined by officers, unless:</p> <ol style="list-style-type: none"><li>1. Objections have been received where it is proposed that a tree preservation order protects a tree/trees previously unprotected; or</li><li>2. It is proposed that a tree be protected which is located on Council-owned land.</li></ol> <p>In all cases relating to trees, decisions made using delegated powers shall be reported to members at Planning Committee within six months of the decision being made, for information purposes.</p>	Council	Head of Planning & Regeneration

### 6. Other Matters

Subject	Detail	Delegated by:	Delegated to:
Community Right to Bid – Assets of Community Value	<p>To manage the application process for Assets of Community Value in accordance with Council policy.</p> <p>To assess and decide compensation claims.</p>	Executive  Executive	Head of Planning & Regeneration  Executive Director, (Planning, Regeneration, Regulatory and Housing Services)