

## CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

| <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 and Leisure Services] |

UNLESS:

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|  | <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.<br/><br/>(see procedure set out above)</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 be an employee of either Redditch</li> </ol> |  | [Head of Planning, Regeneration and Leisure Services]/<br>Planning officers |
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|  | <p>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. a) The application <b>is</b> a Householder application and between 11 and 20 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, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p>More than 21 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>b) The application is <b>not</b> a Householder application and between 5 and 10 individual letters of objection from separate addresses and raising material planning considerations are received</p> |  |  |

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|  | <p>from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p>More than 11 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 <u>to</u>, 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>12. The action involves responding to a consultation request from an adjoining Local Planning Authority, in which case, and if a response is justified, this will be prepared by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</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> <li>• Planning and Compensation Act 1991</li> <li>• Town &amp; Country Planning (General Permitted Development) Order 1995 (as amended)</li> </ul> |  |  |
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|--|---|--|--|
|  | <ul style="list-style-type: none"> <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> <li>• Telecommunications Act 1991</li> <li>• Electricity Act 1989</li> <li>• Planning and Compensation Act 1991</li> </ul> |  |  |

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|                      | <ul style="list-style-type: none"> <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>• Planning and Compulsory Purchase Act 2004</li> <li>• Clean Neighbourhoods and Environment Act 2005</li> <li>• Localism Act 2011</li> <li>• The Town and Country Planning (Permission in Principle) Order 2017 (as amended)</li> </ul> <p>Any reference to an Act of Parliament, Regulation or Order in this scheme of delegation shall be deemed to include reference to any statutory modification re-enactment or replacement thereof for the time being in force</p> |         |  |
| 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 Leisure Services]<br>and/or<br>[Development Plans Manager] |
| Planning Obligations | 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  | Council | [Head of Planning, Regeneration and Leisure Services]  |

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|  | <p>scheme and will be enacted by Officers unless any of the following apply:-</p> <ol style="list-style-type: none"><li>1. Deletion or addition of one or more of the heads of terms.</li><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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