

**PART 4 – TABLE 4.09 – Plg**

<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>	Executive	[Assistant Director of Planning, Leisure and Culture Services]/ [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 - Dangerous Excavations.</p> <p>Building Act 1984, Sections 77 and 78</p>	Executive	<p>[Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager]</p> <p>As above [Assistant Director of Planning, Leisure and Culture Services]/ [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>	Executive	[Assistant Director of Planning, Leisure and Culture Services]/ [Building Control Manager]
Issuing Notices	<p>To issue notices of the Council's decisions on all applications and</p>	Executive	[Assistant Director of Planning,

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	submissions made to it on Building Control Matters.		Leisure and Culture Services]/ [Building Control Manager]
Serving Requisitions	To serve requisitions for Information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.		[Assistant Director of Planning, Leisure and Culture Services]/ [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%.		[Assistant Director of Planning, Leisure and Culture Services] in consultation with the [Chief Executive]

**2. Development Management / Plans**

<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>		

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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	[Assistant Director of Planning, Leisure and Culture Services]
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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 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.</li> <li>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</li> <li>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</li> </ol>		[Assistant Director of Planning, Leisure and Culture Services] / Planning officers
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	<p>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 Assistant Director 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 from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Assistant Director of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the</p>		

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	<p>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 to, 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 Assistant Director 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</li> </ul>		
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	<p>amended)</p> <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 and 2017</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> </ul>		

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	<ul style="list-style-type: none"> <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>• 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	[Assistant Director of Planning, Leisure and culture Services] and/or [Strategic DevelopmentManager]
Planning Obligations	All planning obligation variations and discharges, other actions or advice /	Council	[Assistant Director of Planning, Leisure and

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	<p>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> <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>		Culture Services]
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Subject	Detail	Delegated by	Delegated to

3. Regeneration			
Subject	Detail	Delegated by:	Delegated to:
Regeneration – Redditch Business Improvement District	To exercise the Council’s vote in support of the proposed BID (Business Improvement District) in the ballot in respect of properties in the Council’s ownership/occupation within the BID area, which will be entitled to cast a vote in the ballot.	Executive	[Assistant Director of Regeneration and Property]

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<b>Regeneration - Business Centres:</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>	Executive	[Assistant Director of Regeneration and Property] [UK Shared Prosperity Manager] and 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	[Assistant Director of Regeneration and Property] and [UK Shared Prosperity Manager] []
<b>Regeneration - Redditch Market:</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.	Executive	[Head of Assistant Director of Regeneration and Property]
Fees &	The setting of fees / rents as published in	Executive	[Assistant

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Charges The setting Committee.	the “Fees and Charges” booklet, or as agreed by the Executive Committee.		Director of Regeneration and Property]
Refund of Fees	To deal with the refund of fees / rents due to inclement weather or, in other exceptional circumstances.	Executive	[Assistant Director of Regeneration and Property], in consultation with [Chief Executive]
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	[Assistant Director of Regeneration and Property]
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	[Assistant Director of Regeneration and Property]

**4. Assets of Community Value**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Community Right to Bid – Assets of Community Value	To manage the application process for Assets of Community Value in accordance with Council policy.	Executive	[Assistant Director of Planning, Leisure and Culture Services]
	To assess and decide compensation claims	Executive	[Assistant Director of Planning, Leisure and Culture Services]

**5. Nationally Significant Infrastructure Project – Arrow Valley Solar**

<b>Subject</b>	<b>Detail</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
Arrow Valley Solar – Nationally	1. To make representations and/or respond to consultations and engagement, from the Applicant and	Council	[Assistant Director of Planning, Leisure

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<p>Significant Infrastructure Project (NSIP under the Planning Act 2008)</p>	<p>the Planning Inspectorate during all stages of the Development Consent Order process for the Arrow Valley Solar Project.</p> <p>2. To permit the necessary Officers to attend the Preliminary Meeting, hearings, prepare and give evidence, as is required, during the examination of the Development Consent Order.</p> <p>3. To deal with post-decision matters (if the Development Consent Order is granted for the Arrow Valley Solar Project).</p>		<p>and Culture Services] following consultation with the Leader.</p> <p>[Assistant Director of Planning, Leisure and Culture Services]</p> <p>[Assistant Director of Planning, Leisure and Culture Services]</p>
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