

## PART 4 - EMPLOYEE DELEGATION SCHEME

General scheme of delegation

### Extract – planning delegations

8. Director of Place	
8.1 Planning:	
<ul style="list-style-type: none"> <li>To manage the Council's functions in relation to the planning function, listed building consent, building preservation, conservation areas, tree preservation, enforcement and planning contravention, purchase notices, high hedges and hedgerows in compliance with current legislation and Council policy.</li> </ul>	Council
<ul style="list-style-type: none"> <li><u>To determine all applications relating to planning which are not planning applications including Lawful Development Certificates, Prior Approvals, Screening and Scoping Opinions relating to potential Environmental Impact Assessments (as maybe amended/replaced by legislation), discharge of conditions (not including reserved matters), Non-Material Amendments and Minor Material Amendments, Biodiversity Net Gain Plans.</u></li> </ul>	
<ul style="list-style-type: none"> <li>To determine applications for planning permission except in the following circumstances:</li> </ul>	
<ul style="list-style-type: none"> <li>(i) Where the applicant is the Council and the proposed development is <u>contrary to Local Planning Policy</u>, a major proposal or for non-operational purposes.</li> </ul>	Council
<ul style="list-style-type: none"> <li>(ii) Where the applicant is a member of the Council or an officer directly or indirectly involved in the planning process.</li> </ul>	Council
<ul style="list-style-type: none"> <li>(iii) Where the Director of Place refers the application to the Planning Committee (eg where the proposals are a significant departure from the development plan or otherwise are of a strategic nature in the context of the Council's planning and development policies).</li> </ul>	Council
<ul style="list-style-type: none"> <li>(iv) Where the proposal has other major implications for the authority.</li> </ul>	Council
<ul style="list-style-type: none"> <li>(v) Where a member of the Council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by Committee. In these cases members should identify the material planning considerations to warrant consideration by Committee.</li> </ul>	Council

<p><del>(vi) Where a parish council has within 21 days of the publication of the weekly list of planning applications requested that an application be determined by Committee. In these cases Parish Councils should identify the material planning considerations to warrant consideration by Committee, otherwise the Director of Place will deal with the application.</del></p>	<p>Council</p>
<p>(vii) Where <del>more than five</del><u>three or more</u> relevant letters of representation are received (which may include letters from an Amenity Society but must also include at least <del>two</del><u>four</u> from separate households in the vicinity of the site) contrary to the proposed officer decision unless following consultation with the Chair<del>person</del><u>man</u>, Vice Chair<del>person</del><u>man</u> and designated Opposition Spokesperson(s) it is considered inappropriate to refer an 'other' application to the Planning Committee for determination. For the avoidance of doubt, the decision not to refer the 'other' application will need to be unanimous in each case and in the event of there not being a consensus, that application will be referred to the Planning Committee for determination.</p> <p>'Other' applications consist of:</p> <ul style="list-style-type: none"> <li>• Householder applications</li> <li>• Change of use (no operational development)</li> <li>• Adverts</li> <li>• Listed building extensions/alterations</li> <li>• Listed building demolitions</li> <li>• Application for relevant demolition of an unlisted building within a Conservation Area</li> </ul> <p><del>Certificates of Lawfulness (191 and 192).</del></p>	<p>Council</p>
<p>(viii) Where one letter of representation is received from a Parish Council or a Residents' Association/Society contrary to the proposed officer decision (except, in the case of a representation by a Parish Council or a Residents' Association/Society, where the Director of Place, in consultation with the Chair<del>person</del><u>man</u> and Spokes<del>persons</del><u>men</u> of the Planning Committee, is of the opinion that the representation contains no reasonable planning grounds supporting the representation) <u>and, in respect of the Parish Council, they have indicated that they would like the application to be determined by Planning Committee rather than officer delegation.</u></p>	<p>Council</p>

<ul style="list-style-type: none"> <li>• To determine <del>details reserved by conditions, minor amendments to proposals for which consent has been granted,</del> applications for <u>felling,</u> lopping or topping trees <u>protected by tree preservation order, high hedge complaints, application for works to trees in conservation areas,</u> to confirm or reject tree preservation orders where no more than <del>five</del><sup>three</sup> representations are received from separate households contrary to the proposed decision, <del>applications on the direction of the Secretary of State in respect of a trunk road, applications for Certificates of Lawfulness of existing or proposed use and to determine applications submitted pursuant to s.10 of the Planning (Hazardous Substances) Act 1990.</del></li> </ul>	Council
<ul style="list-style-type: none"> <li>• To contest planning appeals in accordance with Council or Committee policy including the appointment of appropriate legal and professional representatives.</li> </ul>	Council
<ul style="list-style-type: none"> <li>• To submit observations and representations upon proposals and plans outside of Medway upon which the Council has been consulted or which it is considered could impact on Medway, following prior consultation with the Portfolio Holder for Climate Change and Strategic Regeneration or, in the case of consultation on planning applications submitted to neighbouring authorities, prior consultation with members representing the wards adjoining the proposed development.</li> <li>• To attend any hearing, inquiry or examination to provide evidence/statements to substantiate the observations/representations submitted, negotiate any Section 106 agreements that may be required for those hearings/inquiries/examinations and then to discharge the requirements that may flow from any consent issued.</li> </ul>	Leader/Cabinet