

Development Management Officer Scheme of Delegation

Approved by the Regulatory and Appeals Committee of the Council on 12 November 2020 and took effect on 19 January 2021

Delegation to Strategic Director of Place

Subject to the exceptions listed below the Strategic Director of Place, or the subsequent post that replaces the said director, is authorised to discharge the following Council (non-executive) functions and be authorised to sub-delegate these functions to other Officers within the said Director's Directorate as set out within a "Development Management Officer Scheme of Delegation".

All functions and responsibilities of the Council as

- (i) Local Planning Authority (within the meaning of Section 1(2) Town and Country Planning Act 1990, Section 81 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 2 of the Hedgerow Regulations 1997)
- (ii) Mineral Planning Authority (within the meaning of Section 1(4) of the Town and country Planning Act 1990)
- (iii) Relevant Authority (within the meaning of the Part 8 of the Anti-Social Behaviour Act 2003)
- (iv) Hazardous Substances Authority (within the meaning of Section 1 of the Hazardous Substances Act 1990)
- (v) For screening to determine whether an Environmental Impact Assessment is required and the issuing of any subsequent scoping opinion (under the provisions of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017)

The Strategic Director of Place is always entitled to refer any item to the Bradford & District Planning Panel or the Regulatory and Appeals Committee, or the body that subsequently replaces the said committee and/or panel, where he/she/they considers it expedient to do so.

Exceptions

The Strategic Director of Place is not authorised to discharge the following functions:

1. The determination of Applications following a written request to the Strategic Director of Place from a ward councillor or Member of Parliament for the area/constituency containing the application site, that an Application be referred to the appropriate Regulatory and Appeals Committee or Bradford and District Planning Panel, or subsequent replacement committee and/or panel.
 - a) The request in paragraph 1 must;
 - (i) not relate to a matter where the Council has previously made a decision relating to an identical or substantially similar Application in the previous 24 months: and

- (ii) include reason(s) for the requested referral which the Director, after consultation with the relevant committee or panel chair, considers are based on material planning considerations and give rise to concerns affecting more than neighbouring properties.
 - b) In the event that a decision not to refer an Application in accordance with 1(a)(ii) above is taken an officer decision record shall be made.
2. The approval of Applications for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development within the meaning of Paragraph 3 of the Town and Country Planning (Consultation) (England) Direction 2009 (or as amended) which do not accord with the provisions of the development plan.
 3. The determination of Applications for or including the provision of 150 or more dwellings except those applications where the principle of development has already been established by a previous outline or full planning permission including reserved matters, Applications seeking the renewal of a previous permission or variations of house types or similar changes on an already approved scheme.
 4. The determination of Applications for or including the provision of over 5000 square metres of office, commercial or retail development except those applications where the principle of development has already been established by a previous outline or full planning permission including reserved matters, Applications seeking the renewal of a previous permission or variations of unit designs or similar changes on an already approved scheme.
 5. The approval of Applications, where approval would reverse a previous decision taken by the Regulatory and Appeals Committee or Bradford and District Planning Panel unless there has been a material change in the proposal and impact in planning terms.
 6. The approval of Applications, where approval would conflict with a direction raised by a statutory consultee defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (or as amended).
 7. Where the Strategic Director of Place considers that the Application should be referred to the Regulatory and Appeals Committee or Bradford & District Planning Panel for determination because of the significance, impact or sensitivity of the proposal.
 8. The determination of Applications submitted by or on behalf of Councillors, the Council's Senior Leadership or any officer employed within the Department of Place or those of a spouse, partner, business associate or client, or close relative.

Information required to be reported to Bradford and District Planning Panel or Regulatory and Appeals Committee

The following shall be reported to the Bradford and District Planning Panel or Regulatory and Appeals Committee for information:

1. Enforcement action authorised; enforcement notice, breach of condition notice, listed building enforcement notice, advertisement discontinuance notice, section 215 notice, tree replacement notice
2. Stop notices and Injunctions authorised

General Matters and definitions

1. When issuing formal determinations on behalf of the Council (e.g., grants or refusals of planning permission, certificates of lawfulness), relevant officers shall do so in the name of the Strategic Director of Place.
2. Any decision taken in pursuance of this scheme must comply with:-
 - a) Any statutory requirements with regard to the matters to be taken into consideration in making the decision;
 - b) The Council's Constitution;
 - c) The general principles of the Human Rights Act 1998 & Equality Act 2010;
 - d) The Members' Planning Code of Conduct;
 - e) Any other relevant protocols adopted by the Council from time to time
3. In this Scheme of Delegation an "Application" means:
 - (i) An application for outline or full planning permission
 - (ii) An application for listed building consent
 - (iii) An application for permission in principle

For the purposes of exception 1 only, "Application" also includes an application for reserved matters approval.

For the purposes of exception 8 only "Application" also includes an application for advertisement consent and an application to carry out works to trees protected by a Tree Preservation Order.

4. In this Scheme of Delegation references to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force.
5. In this Scheme of Delegation the "Strategic Director of Place" shall include any subsequent equivalent officer responsible for the planning function and responsibilities set out in this document.

6. In this Scheme of Delegation, the scope of the Regulatory and Appeals Committee and Bradford and District Planning Panel, shall include any such subsequent replacement Committee or Panel with equivalent decision making responsibilities.