

APPENDIX 1 PLANNING

1. Assets of Community Value

Subject	Detail	Delegated by:	Delegated to:
Confirmation of valid application	To check validity of nominations of an asset of community value and reject if not appropriate or incomplete.	Cabinet.	Assistant Director of Planning, Leisure and Cultural Services.
Consultation	To arrange consultation on valid nominations of an asset; consultees to include Ward members.	Cabinet.	Assistant Director of Planning, Leisure and Cultural Services.
Recommend nomination	To recommend to Cabinet whether or not a nomination should be accepted and included on the list of Assets of Community Value.	Cabinet.	Assistant Director of Planning, Leisure and Cultural Services.
Review of decision	To review a decision to list a property as an Asset of Community Value.	Cabinet.	Executive Director of Environment and Communities
Assess compensation claims	To assess claims for compensation.	Cabinet.	Assistant Director of Planning, Leisure and Cultural Services.
Review compensation claims	To review and decide initial decisions about compensation.	Cabinet.	Executive Director of Environment and Communities

2. Building Control

Subject	Detail	Delegated by:	Delegated to:
Building Regulations - Applications.	To determine applications under the Building Regulations 1991 and 2000.	Council.	Assistant Director of Planning, Leisure and Cultural Services.
Building Regulation - Charges.	To review and determine the scale of charges in accordance with the Building Act 1984 and the Building (Local Authority Charges) Regulations 1998.	Council.	Assistant Director of Planning, Leisure and Cultural Services.
Dangerous Buildings.	To take such action as is considered necessary under sections 77 and 78 of the Building Act 1984 when the condition of any building is such as to render it necessary to require the owner to make it safe for the Council to take action to remove the danger, as a matter of urgency.	Council.	Assistant Director of Planning, Leisure and Cultural Services in consultation with the relevant Portfolio Holder.
Demolition.	To determine applications for demolition under sections 80 and 81 of the Building Act 1984.	Council.	Assistant Director of Planning, Leisure and Cultural Services.
Ground Movement.	To take such action as may be necessary to deal with any events of structural distress and ground movement affecting properties in order to safeguard the public interest.	Council.	Assistant Director of Planning, Leisure and Cultural Services.

3. Development Control			
Subject	Detail	Delegated by:	Delegated to:
Prior Notification Procedure.	To require further details from the applicant when an application for prior determination is submitted in respect of permitted development for agricultural, forestry and telecommunications development.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Article 4 Directions.	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Certificate of Lawfulness.	To determine applications for Certificates of Lawfulness of Proposed Use of Development or Certificates of Existing Use of Development under sections 191 and 192 of the Town & Country Planning Act 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Development Proposals by other Public Authorities.	To comment on proposals for development submitted by Worcestershire County Council and other public authorities.	Council.	Assistant Director of Planning, Leisure and Cultural Services.
Entry of Premises -Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A, 196B, 214B , 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B , 324 and 325 of the	Planning Committee.	Principal Solicitor.

Commented [SS1]: Amended to remove references to planning enforcement/ tree enforcement - retained for general DM purposes of entering land under sections 324 and 325

Commented [SS2]: As above - amended to remove for planning enforcement/ trees - retained for DM

	Town and Country Planning Act 1990.		
Landscaping Schemes.	To approve landscaping/tree planting schemes submitted as a result of planning permissions subject to such conditions as may be appropriate.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Minor Amendments.	To determine applications for minor amendments to approved plans.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Planning Agreements and Unilateral Undertakings.	To negotiate with developers and to approve the amounts to be received by the Council as financial contributions in lieu of on-site provision of affordable housing or recreational facilities/open space and as contributions towards the costs of highways works, educational provision or any other kind of provision by the Council or County Council.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Planning Agreements and Unilateral Undertakings.	To negotiate the legal, drafting and all terms of the agreements and undertaking, except for those which involve planning gain, restriction of the development or use of the land, obligations relating to the land and financial contributions. To execute and complete planning agreements.	Planning Committee. Planning Committee.	Principal Solicitor. Principal Solicitor.
Planning Agreements and Unilateral Undertakings.	To determine applications or requests for discharge or modification of planning agreements or undertakings (whether by approval or further agreement) unless it includes the following: a. Deletion, addition or variation of one or more of	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.

	<p>the heads of terms originally approved by the Planning Committee.</p> <p>b. Significant change in the overall area of land to transferred to the Council.</p> <p>c. Significant change in financial contributions to be provided to the Council (except where this is as a result of a subsequent decision by the Planning Committee).</p> <p>d. Significant change in the any obligation to be performed by the developer or any restriction on the developer or the development or use in land.</p> <p>e. A member makes a written request for a case to be considered by the Planning Committee.</p>		
Planning Agreements and Unilateral Undertakings.	To approve the enforcement of a planning obligation.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Planning Applications.	<p>1. To determine:</p> <p>a) applications for dwelling houses where the number of houses to be provided is 10 or more.</p> <p>b) applications for the provision of a building or buildings with a floor space of 1000 square metres or more.</p> <p>c) other applications which have been called-in by a member for determination by Planning Committee</p>	1. Council	1. Planning Committee

	<p>provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory paragraphs to the Scheme of Delegations.</p> <p>d) applications by serving Officers and members</p> <p>e) applications by the Council or by Council Service Areas or Council departments.</p> <p>f) The Assistant Director of Planning and Regeneration considers that the application should be considered by the Planning Committee.</p> <p>2. To determine all other planning applications.</p> <p>NB: For the avoidance of doubt the term 'planning applications' include applications to vary or remove planning conditions attached to a planning permission, applications for development which has already been carried out and applications to extend the time for implementing planning permissions.</p>	<p>2. Planning Committee</p>	<p>2. Assistant Director of Planning, Leisure and Cultural Services.</p>
<p>Planning Applications.</p>	<p>To impose conditions on applications (for planning permission, listed building consent or Conservation area consent) which have been approved by the Planning Committee contrary to the Planning Officer's</p>	<p>Planning Committee.</p>	<p>Assistant Director of Planning, Leisure and Culture Services.</p>

	<p>recommendation where such conditions are:</p> <ul style="list-style-type: none"> a. Necessary. b. Relevant to planning. c. Relevant to the development which has been applied for. d. Enforceable. e. precise and f. Reasonable in all other aspects. 		
Listed Building and Conservation Area Consent.	<p>To determine applications for listed building consent and Conservation Area consent unless they are:</p> <ul style="list-style-type: none"> a. Applications for dwelling houses where the number of houses to be provided is 10 or more. b. Applications for the provision of a building or buildings with a floor space of 1000 square metres or more. c. Other applications which have been called-in by a member for determination by Planning Committee provided that the application has been called-in in accordance with the procedure set out in paragraphs 6 - 7 of the introductory paragraphs to the Scheme of Delegations. d. Applications by serving Officers and members. e. Applications by the Council or by Council Service Areas or Council departments. 	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.

	The Assistant Director of Planning and Regeneration considers that the application should be considered by the Planning Committee.		
Appeals.	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent or conservation area consent: or any appeal arising out of the taking of enforcement action.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor.
Revocation and modification.	To revoke or modify planning permissions, listed building or conservation area consent under section 97 of the Town and Country Planning Act 1990 and sections 23 and 74 of the Planning (Listed Buildings & Conservation Area Acts) 1990	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Completion Notice.	To authorise and serve a completion notices.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Declining Planning Applications.	To decide to decline to determine application on the grounds set out in sections 70A and 70B of the Town and Country Planning Act 1990 and sections 81A and 81B of the Planning (Listed Buildings & Conservation Area Acts) 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.
Advertisements.	To determine applications for express advertisement consent	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.

Commented [SS3]: Amended to cover all types of appeals including those arising from the taking of any enforcement action

4. Heritage

Subject	Detail	Delegated by:	Delegated to:
Local Heritage List	<ol style="list-style-type: none">1. To administer the Local Heritage List for Bromsgrove;2. To approve draft selection criteria and final lists;3. To publish for consultation draft sections of the Local Heritage List.	Council	<ol style="list-style-type: none">1. Assistant Director of Planning, Leisure and Cultural Services.2. Assistant Director of Planning, Leisure and Cultural Services following consultation with the Portfolio Holder for Planning.3. Assistant Director of Planning, Leisure and Cultural Services

5. Neighbourhood Planning

Subject	Detail	Delegated by:	Delegated to:
Designation of Neighbourhood Area	To decide whether to accept and designate a Neighbourhood Area	Council	Assistant Director of Planning, Leisure and Cultural Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Designation of a Neighbourhood Forum	To decide whether to designate a community organisation as a Neighbourhood Forum		Assistant Director of Planning, Leisure and Cultural Services following consultation with the Ward Member(s) for the area affected and

			the Portfolio holder for Planning.
Assessing the validity and acceptance of plans	To decide the validity and acceptance of submissions for a Neighbourhood Development Plan or a Neighbourhood Development Order, including assessing the compliance of the Plan/Order with other relevant policies and legislation.		Assistant Director of Planning, Regeneration and Leisure and Cultural Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Repeat proposals	To decide whether to decline to accept repeat proposals for Neighbourhood Development Plans or Neighbourhood Development Orders		Assistant Director of Planning, Leisure and Cultural Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.
Appointment of Examiner	To appoint an Examiner for a Neighbourhood Development Plan or Order		Assistant Director of Planning, Leisure and Cultural Services following consultation with the Ward Member(s) for the area affected and the Portfolio holder for Planning.

6. Planning Enforcement

Subject	Detail	Delegated by:	Delegated to:
Article 4 Directions:	To make Directions under Article 4(1) of the Town & Country Planning (General Permitted Development) Order 1995 1.	Planning Committee:	Assistant Director of Planning, Leisure and Cultural Services:
Breach of Condition Notices:	To authorise the issue and service of Breach of Condition Notices under section 187A of the Town & Country Planning Act 1990 2.	Planning Committee:	Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor:
Cautions:	To administer formal cautions to offenders as an alternative to Court proceedings:	Planning Committee:	Officers authorised in writing by the Assistant Director of

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Commented [SS4]: Deleted – this is duplicated from the DM delegations

Commented [SS5]: Moved to WRS Section

			Planning, Leisure and Cultural Services;	Commented [SS6]: Moved to WRS section
Enforcement Notices:	To authorise the issue and service of Enforcement Notices under section 172 of the Town & Country Planning Act 1990:	Planning Committee:	Assistant Director of Planning, Leisure and Cultural Services;	Commented [SS7]: Moved to WRS section
Entry of Premises – Proper Officer:	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under sections 196A and 196B, 214B, 324 and 325 of the Town & Country Planning Act 1990:	Planning Committee:	Assistant Director of Planning, Leisure and Cultural Services;	Commented [SS8]: Powers of entry for enforcement in WRS section. Powers of entry already included in tree section for tree matters. DM section includes general right of entry under sections 324 and 325 for DM related need to enter land
Inspection Notices:	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990:	Planning Committee:	Principal Solicitor;	Commented [SS9]: As above, powers found in WRS section for enforcement and set out in tree section and DM section for service of notices
Injunctions:	To seek injunctions in the High Court under Section 187B of the Town & Country Planning Act 1990 or any other relevant statutory power restraining breaches of planning control 3:	Planning Committee:	Assistant Director of Legal, Democratic and Procurement Services or Principal Solicitor following consultation with, where practicable, the Chairman of Planning Committee;	Commented [SS10]: Moved to WRS section
Listed Buildings – Enforcement Notices:	1.–To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990: 2.–To authorise the issue and service of Listed Building Enforcement Notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in circumstances in cases of urgency when, in the opinion of Assistant Director of	1. Council. 2. –Planning Committee:	1. – Planning Committee. 2. – Assistant Director of Planning, Leisure and Cultural Services;	Commented [SS11]: Moved to WRS section

	Planning & Environment Services, reporting to Planning Committee is impractical:		
Planning Contravention Notices:	<p>1.-To serve Planning Contravention Notices under section 171C of the Town & Country Planning Act 1990 (and any other statutory power which enables the Council to require information about land):</p> <p>2.-To respond to offers to apply for planning permission or to refrain from carrying out any operations or activities following the service of a Planning Contravention Notice:</p> <p>3.1. _____</p>	<p>1.- Planning Committee:</p> <p>2.1. _____ Planning Committee.</p>	<p>1.- Assistant Director of Planning, Leisure and Cultural Services</p> <p>2.1. _____ Assistant Director of Planning, Leisure and Cultural Services Planning Contravention Notices.</p>
Stop Notices:	<p>1.- To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990:</p> <p>2.1. _____ To authorise the issue and service of Stop Notices under section 183 of the Town & Country Planning Act 1990 in cases of urgency when, in the opinion of Assistant Director of Planning & Environment Services, reporting to Planning Committee is impractical:</p>	<p>1.- Council:</p> <p>2. Planning Committee:</p>	<p>1.- Planning Committee:</p> <p>2. Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor:</p>
Temporary Stop Notice:	The issue and service Temporary Stop Notices under ss171E-H of the Town & Country Planning Act 1990:	Planning Committee:	Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor:
Proper Maintenance of Land:	1.- To authorise the issue of notices under section 215 of the Town and Country Planning Act 1990:	Planning Committee:	1.- Assistant Director of Planning, Leisure and Cultural Services:

Commented [SS12]: Moved to WRS Section

Commented [SS13]: Moved to WRS Section

Commented [SS14]: Moved to WRS Section

	2. To serve notices under section 215 of the Town and Country Planning Act 1990:		2. Principal Solicitor:
Appeals:	To take all action to defend the Council where there has been an appeal against a refusal to grant planning permission, listed building consent or conservation area consent.	Planning Committee:	Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor.
Advertisement Controls:	1. To authorise the service of an advertisement discontinuance notice: 2. To take action for the control of advertisements (but not including the service of a discontinuance notice) in the interest of amenity and public safety under the Town and Country Planning (Control of Advertisements) Regulations 2007:	1. Council. 2. Planning Committee:	1. Planning Committee: 2. Assistant Director of Planning, Leisure and Cultural Services in consultation with the Principal Solicitor:

Commented [SS15]: Moved to WRS Section

Commented [SS16]: Moved to DM section and included with responding to all types of appeals (WRS agreement does not cover defending appeals)

67. Strategic Planning			
Subject	Detail	Delegated by:	Delegated to:
Inspection Notices.	To serve notices of intended inspection under sections 196A, 196B, 214B, 324 and 325 of the Town and Country Planning Act 1990.	Planning Committee.	Principal Solicitor.
Local Plan Enquiry.	To provide direction on behalf of the Council to any Local Plan/Local Development Framework Inquiry on policy issues and site details.	Council	Assistant Director of Planning, Leisure and Cultural Services.
Rights of Entry - Proper Officer.	To be designated as the Proper Officer for the purposes of authorising persons to enter onto land in connections with the exercise of functions under section 324 and 325 of the Town & Country Planning Act 1990.	Planning Committee.	Assistant Director of Planning, Leisure and Cultural Services.

Note: All delegations to Assistant Director of Planning, Regeneration and Leisure Services are to include any designated deputy, such designation to be in writing.

REGENERATION			
1. Economic Development			
Subject	Detail	Delegated by:	Delegated to:
Business Start - Up Grants.	To approve Business Start-Up Grants of up to £1,000 per individual applications.	Cabinet/Leader.	Assistant Director of Regeneration and Property Services.
Farmers' Markets.	To determine applications for consent for Farmers' Markets.	Cabinet/Leader.	Assistant Director of Regeneration and Property Services following consultation with the Executive/ Leader and or the relevant Portfolio Holder Deputy Executive/Leader.
Financial Assistance to Small Businesses.	<ol style="list-style-type: none"> To determine applications for grants of up to £500. To determine applications for grants of between £500 and £1,000. 	<ol style="list-style-type: none"> Cabinet/Leader. Cabinet/Leader. 	<ol style="list-style-type: none"> Assistant Director of Regeneration and Property Services. Assistant Director of Regeneration and Property Services following consultation with the relevant Portfolio Holder.
Markets.	<ol style="list-style-type: none"> To approve events to be held. 	<ol style="list-style-type: none"> Cabinet/Leader. 	<ol style="list-style-type: none"> Assistant Director of Regeneration

	2. To let stalls.	2. Cabinet/ Leader.	and Property Services. 2. Assistant Director of Regeneration and Property Services.
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