

## Deputy chief executive - place

### Head of planning

(Development management)

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.0	PLANNING	
1.1	To <b>determine all applications</b> made to either District Council relating to planning matters, except in the following cases:	
	(a) i <b>VALE ONLY</b> A <b>ward councillor</b> (to include adjacent ward councillor whose parish has been consulted) <b>calls in the application</b> to be considered by the Planning Committee within 28 days of the start of the consultation period and the request is agreed by the head of planning. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous. Councillors' right of call-in does not apply to applications for certificates of lawful use or development, prior approvals and notifications.	Chair or, in their absence, the Vice-Chair of the Planning Committee
	(a) ii <b>SOUTH ONLY</b> A <b>ward councillor</b> (to include adjacent ward councillor whose parish has been consulted) <b>calls in a planning application</b> (except an application for a certificate of lawful use or development, prior approval or notification) within 28 days of the start of the consultation period, to be considered by the Planning Committee. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous.	
	(b) No application being determined before the <b>expiry of the consultation period(s)</b> .	
	(c) <b>Where the following applies</b> the planning matter shall be referred to the Planning Committee for determination:  (i) The head of planning, in consultation with the Planning Committee Chair, considers that <b>the Planning Committee should consider it</b> .	Chair of the Planning Committee

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	<p>(ii) The application is recommended for approval and would represent a <b>significant departure</b> from:</p> <p>a. the policies of the development plan (includes the adopted local plan, neighbourhood plans, and the waste and minerals local plan);</p> <p>b. the views of a technical statutory consultee (e.g. the County Highway Authority, the Environment Agency, Natural England);</p> <p><b>or</b> the development plan policies are 'set aside'.</p> <p>(iii) An outline or full application is recommended for approval and falls into the category of a '<b>large scale major</b>' application (defined as 200 or more dwellings). This does not apply to a reserved matters application where the principle has been agreed.</p>	
VALE ONLY	<p>(iv) <b>In major applications</b> (defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size) where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council or parish meeting (in whose area the application is located) where that is received in writing not later than 12 noon on the last day of the consultation period, unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chair and the local ward councillor or cannot be resolved by condition or negotiation.</p>	Chair of the Planning Committee and relevant ward councillor
SOUTH ONLY	<p>(v) <b>In applications categorised as major</b> (defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size) <b>or in applications classified as minor</b> (from one to nine dwellings) where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council or parish</p>	Chair and Vice-Chair of the Planning Committee and relevant ward councillor(s)

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	<p>meeting (in whose area the application is located) where that is received in writing not later than 12 noon on the last day of the consultation period, unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chair, vice-chair and the local ward councillor or cannot be resolved by condition or negotiation.</p> <p>(vi) The proposal <b>involves either council as applicant or landowner</b>, except in the case of '<b>minor proposals</b>' (<i>defined as fewer than ten dwellings; commercial space of less than 1,000 square metres; or sites of less than a hectare in size</i>) or '<b>other proposals</b>' (<i>defined as changes of use, householder development (development within the curtilage of a residential property), adverts, listed building consents, conservation area consents, lawful development certificates, agricultural notifications, telecommunications, etc.</i>) and where no objections on planning grounds have been received by the Head of Planning; and subject to the decision being signed off by the Monitoring Officer of the District Council.</p> <p>(vii) The <b>applicant, landowner or planning agent or consultant is a councillor</b> of either Council.</p> <p>(viii) Any application where <b>an employee of either council is involved in any capacity as either agent or consultant</b> and objections have been received on planning grounds.</p> <p>(ix) The <b>applicant is a member of staff in the planning service</b>.</p> <p>(x) The <b>applicant is a member of staff</b> who, in the course of their duties has an input in to the planning process and objections have been received on planning grounds. (Any other application from employees of either council may be delegated to the head of</p>	

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	planning)	
1.2	To invoke in the following circumstances a ‘ <b>cooling off period</b> ’ following a decision taken by the planning committee:	
	(a) where the committee refuses an application on grounds that the head of planning / or an officer authorised by him/her considers it puts the <b>council at significant risk</b> of having a cost award made against it in the event of an appeal being lodged.	
	(b) where the committee approves an application that the head of planning / or an officer authorised by him/her considers it is clearly <b>contrary to the development plan</b> and could set a planning precedent for the future.	
	(c) When the <b>head of planning</b> , or an officer authorised by him/her, considers that he/she may wish to use the “cooling off” powers, s/he will inform the planning committee accordingly before the meeting proceeds to the next item. S/he will then consult with the cabinet member for planning or in his/her absence the leader of the council and confirm his/her decision by noon on the second working day after the date on which the decision was taken. If he/she confirms a “cooling off period”, s/he will not issue the decision notice but will bring a further report to the committee at the first opportunity setting out the relevant issues and inviting it to reconsider the matter. The decision taken by the committee having considered this second report will be final and the head of planning will issue the decision notice.	Relevant cabinet member for planning or in his/her absence the leader
1.3	To refuse a planning application in circumstances where a <b>section 106 agreement is not signed</b> within the application target decision date.	
1.4	To grant planning permission in circumstances where a <b>section 106 agreement is signed</b> outside the application target decision date.	

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1.5	To decline to accept a <b>repeat planning application</b> following a previous refusal.	
1.6	To <b>determine all notifications</b> under the Town and Country Planning (General Permitted Development) Order 2015.	
1.7	To approve or refuse <b>non-material amendments</b> to approved plans.	
1.8	To determine <b>Certificates of Lawfulness</b> of existing and proposed uses or development.	
1.9	To approve or refuse <b>items reserved for further approval</b> by a condition attached to a planning permission or approval, or an advertisement or listed building consent (for example, details of landscaping or materials).	
1.10	To determine which applications should be the subject of a <b>formal site visit</b> .  Note - This does not preclude the Planning Committee from agreeing to hold a site visit in respect of any application submitted to it for determination.	Chair of the Planning Committee
1.11	To authorise the entering into, acceptance of, amendment to, or revocation of any planning or any other <b>agreement, consent or obligation</b> regulating or controlling the use or development of land.	Chair of the Planning Committee (for all applications referred to committee)
1.12	To receive and consider all <b>environmental statements</b> submitted with an application for planning permission, and to request further information when necessary.	
1.13	To determine requests made by <b>ward councillors</b> to attend, observe and take part in pre-application discussions where a formal officers' development team has been set up.	
1.14	To determine which applications need to be <b>referred to the Secretary of State</b> .	
2.0	APPEALS	
2.1	To deal with all matters relating to <b>planning appeals</b> , subject to the following:	

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	(a)	any proposal to challenge appeal decisions; and	Chief executive, leader of the council and Chair of the Planning Committee
	(b)	any <b>amendment to the grounds</b> on which the council will defend an appeal against a decision made by the planning committee.	Chair of the Planning Committee
3.0	CONSULTATION / RESPONSES		
3.1	To determine which applications should be the subject of <b>consultation</b> and to undertake that consultation.		
3.2	To determine and undertake any <b>publicity</b> required in respect of planning applications.		
3.3	To <b>issue directives</b> requiring the submission of information relating to planning applications.		
3.4	To determine the <b>council's response to all consultations on planning matters</b> by statutory undertakers and utility companies, government departments and other authorities and bodies (e.g. ecclesiastical exemptions), including the council's view on applications that are the subject of appeals against non-determination.		
3.5	To <b>comment on any planning applications</b> submitted to adjacent local authorities or by Oxfordshire County Council in cases when this council is a consultee.		
3.6	To submit and pursue objections with the traffic commissioners against applications for <b>goods vehicles operators' licences</b> .		Head of legal and democratic
3.7	To <b>express the opinion</b> of the council as local planning authority on whether a proposal is affected by the Town and Country Planning (Assessment of Environmental Effects) Regulations and The Environmental Assessment of Plans and Programme Regulations, to include providing a screening or scoping opinion, and assessment of statements.		
4.0	ENFORCEMENT / EXERCISE OF POWERS		

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4.1	To exercise the council's powers in relation to <b>planning enforcement</b> .	Local ward councillor(s) to be kept informed
4.2	To authorise the service of notice on the owner of any <b>listed building</b> of the council's intention to <b>execute urgent works</b> for the preservation of such building, and to authorise the execution of those works.	Chair of Planning Committee
4.3	To issue <b>stop notices and temporary stop notices</b> .	Chair of the Planning Committee
4.4	To authorise and serve any <b>requisition for information</b> including planning contravention notices.	
5.0	FOOTPATHS AND BRIDLEWAYS	
5.1	To authorise and certify the <b>necessary works</b> for the creation of any footpath or bridleway (S 26 & 27 HA 1980).	
5.2	To authorise the <b>making and confirmation of any footpath and bridleway orders</b> for the stopping up, or diversion of footpaths and bridleways, subject to:	
	- where there are objections	Chair of the planning committee with the local ward councillor(s) being kept informed
5.3	To authorise the <b>making of footpath and bridleway dedication agreements</b> .	
6.0	TREES	
6.1	To make, confirm, vary, modify and / or revoke a tree preservation order (including those in the conservation area) subject to:	
	- where there are objections.	Chair of the Planning Committee with the local ward

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		councillor(s) being kept informed
6.2	To <b>grant or refuse consent</b> under a tree preservation order to cut down, top, lop, destroy or uproot any trees.	
6.3	To determine notices in relation to <b>trees in conservation areas</b> .	
6.4	To exercise the council's powers relating to <b>dangerous trees</b> (s.23 and 24 of the Local Government (Miscellaneous Provisions) Act).	
7.0	HEDGEROWS	
7.1	To exercise the council's <b>powers</b> relating to hedgerows to include the issuing of any Notices.	Head of legal and democratic
	- where there are objections	Chair of the Planning Committee with the local ward councillor(s) being kept informed
7.2	To authorise the service of any <b>high hedges remedial notice</b> , and to authorise works to be carried out in default of compliance with any high hedges remedial notice.	Head of legal and democratic
8.0	LOCAL AMENITY (OVERGROWN GARDENS)	
8.1	To serve Notice in respect of the <b>condition of land and buildings</b> (S.215 TCPA 1990)	
8.2	To serve <b>notice in respect of information</b> relevant to the S.215 procedure (S.330 TCPA 1990).	
8.3	To <b>instigate powers</b> to undertake clean up works in default of a Notice (S.219 TCPA 1990).	
8.4	To instigate <b>legal proceedings</b> under for failure to comply with a Notice (S.216 TCPA 1990).	Head of legal and democratic



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9.0	LICENSING	
9.1	To <b>apply to the licensing authority for a review</b> of a premises licence or club premises certificate.	
10.0	BUILDING CONTROL	
10.1	To exercise the council's powers under the <b>Building Act 1984</b> .	
11.0	DEFECTIVE AND DANGEROUS BUILDINGS AND DEMOLITIONS	
11.1	To authorise and make application to the magistrates' court for an <b>order to demolish</b> or to obviate the danger in respect of dangerous buildings (S.77 BA 1984).	Head of legal and democratic
11.2	In cases of urgency to take such <b>emergency measures</b> including the service of any notice to make safe any dangerous building and authorise the recovery of any expenses in so doing. (S.78 BA 1984).	Head of legal and democratic
11.3	To authorise and serve any notice to provide for the <b>satisfactory drainage of any courtyard or passage</b> (BA 1984).	
11.4	To authorise the execution of <b>default works</b> and the recovery of expenses of so doing, including the recovery of expenses by the sale of materials. (S.99-100 BA 1984).	
11.5	To authorise and serve any notice and take all necessary action including default action to deal with <b>dangerous excavations</b> . (S.25 and 26 LG (MP) A 1976).	
11.6	To act as the <b>appointing officer</b> as required by S.10(8) of the Party Wall Act 1996.	