

Scheme of Delegation of Development Control Decisions to Officers

Approved by the Planning and Development Control Committee on 26 October 2010 and amended by that committee on 1 November 2011, 12 June 2013 and 17 July 2013

1 APPLICATIONS AND NOTIFICATIONS

A Subject To Member Request For A Committee Decision

Approval or refusal of all applications and notifications to the City Council under planning legislation (other than those listed under B below), except:

1. Where a Member of the City Council has asked that the matter be reported to Committee;
2. Where officers consider that the matter should be reported to Committee;
3. Approval of a development which is contrary to a specific proposal of the local development framework;
4. Approval of an application where 6 or more objections on planning grounds relevant to the proposal are received in the form of letters or a petition before the decision is made;
5. Approval of significant development proposals of the City Council;

B Not Subject To Member Request For A Committee Decision

1. Notifications of prior approval for permitted development under the Town and Country Planning (General Permitted Development) Order 1995 as amended.
2. Provisional Tree Preservation Orders (TPOs) and determining whether or not to make TPOs in Conservation Areas as a result of notification of the intention to carry out work to those trees.
3. Making Hedgerow Retention Notices.
4. Making screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
5. Applications for non-material changes to a planning permission.
6. Applications for certificates of lawfulness for **proposed*** use or development.
7. Discharging conditions that require matters to be agreed with or carried out to the satisfaction of the City Council as local planning authority.
8. Applications for confirmation of compliance with a condition or conditions attached to a planning consent.
9. Making a direction under Article 4 of the Town and Country Planning (General Permitted Development Order) 1995 to

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prevent the carrying out without specific planning permission of permitted development which is subject to prior notification.+

* Existing use and development applications are subject to 1A provisions above.

+ Objections to confirmation of a direction must be reported to committee.

2 ENFORCEMENT ACTION

A Subject To Member Request For A Committee Decision

All decisions to take or not to take enforcement, discontinuance or prosecution action under planning legislation in relation to a breach of planning control (other than action listed under B below) except:

1. Where a Member of the City Council has asked that the matter be reported to Committee;
2. Where officers consider that the matter should be reported to Committee;
3. Where a relevant planning decision has previously been taken by the Committee contrary to officer advice;
4. A decision not to take action in relation to a breach of planning control about which 6 or more named persons have complained on planning grounds in the form of letters or a petition before the decision is made;
5. A decision not to serve or to substantially vary an Enforcement Notice authorised by Committee unless the requirements have been complied with.
6. When at least 14 days had not elapsed from the relevant list of cases being sent to Members

B Not Subject To Member Request For A Committee Decision

1. Service of a Planning Contravention Notice.
2. Service of a Breach of Condition Notice.
3. Service of a Section 215 notice (untidy site).
4. Service of a Stop Notice relating to a breach of control subject to an enforcement notice

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5. Initiate prosecution proceedings against illegal poster panel advertisements and flyposting.
6. Initiate prosecution proceedings following unauthorised work to or felling of a tree protected by a Tree Preservation Order.
7. Initiate prosecution proceedings to secure compliance with a notice served in accordance with a Committee resolution or under this scheme of delegation.
8. Initiate prosecution proceedings in relation to unauthorised works to or demolition of a listed building.
9. Service of a temporary stop notice.

3 OTHER MATTERS

Not Subject To Member Request For A Committee Decision

1. Response to notifications concerning places of worship under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) (Amendment) Order 2010.
2. Response to notifications and consultation from other bodies relating to the City Council's planning function, including consultation on planning applications outside the City from other planning authorities.
3. To decide and issue a certificate of Appropriate Alternative Use after consultation with the City Barrister & Head of Standards.
4. Discharging conditions which require matters to be agreed with or carried out to the satisfaction of the City Council as local planning authority.

Leicester City Council: Planning

17 July 2013

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