

## BOLSOVER AND NORTH EAST DERBYSHIRE DISTRICT COUNCILS

### RECORD OF DECISION TAKEN BY THE JOINT ASSISTANT DIRECTOR (PLANNING) 16 JULY 2015

#### AUTHORITY TO OTHER OFFICERS FOR THE EXERCISE OF FUNCTIONS DEVELOPMENT CONTROL/DEVELOPMENT MANAGEMENT FUNCTIONS

| Authority for decision                                                                                                                                                                                                                | Decision                                                                                                                                                                                                                                                              | Reasons                                                                                                                                                            | Alternative options considered and rejected                                                                                                                                                                                                                              | Conflicts of interest and any dispensation |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Under section 3 of the Scheme of Delegation for Officers officers with delegated powers may authorise in writing another officer or officers to exercise those powers. Such authorities may be subject to limitations and conditions. | Joint Assistant Director (Planning) authorises the officers specified in columns 3 and 4 of the attached schedule to undertake the functions and exercise the decisions specified in column 1 of the attached schedule subject to the specified terms and conditions. | These decisions and functions are day to day operational matters which are most effectively and appropriately exercised by the officers specified in the schedule. | An alternative would be for all these functions to remain with the Assistant Director/Managers. However, this is not considered the most efficient use of resources and team processes have been structured to allow delegation to ensure lean and streamlined processes | None                                       |

Please complete the following where relevant:

| Key Decision? | Confidential/<br>Exempt (if yes, please state paragraph)? | Do General Exception or Special Urgency Rules apply to this decision? | Consultation has taken place with the Section 151 & Monitoring Officer? | The Leader, Deputy Leader or relevant Portfolio Member have been consulted? |
|---------------|-----------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| No            | No                                                        | No                                                                    | Yes                                                                     | Yes/No                                                                      |

Authorising Signature: .....

Job title: .....

PA D. PLANNING  
S.E.H.

To be completed by PA to Director of Transformation:

Unique Reference Number: ..NEDDC.DD/1.12/15/JA.....  
BDC DD/077/15/JA

Date decision may be implemented following call in (if necessary): .....

Circulation to:

Councillors  
Chief Executive  
Monitoring Officer  
Section 151 Officer  
Scrutiny Officer  
Internal Audit

# SCHEME OF DELEGATION TO OFFICERS

## JOINT ASSISTANT DIRECTOR (PLANNING) AUTHORITY TO OTHER OFFICERS FOR THE EXERCISE OF FUNCTIONS DEVELOPMENT CONTROL/DEVELOPMENT MANAGEMENT FUNCTIONS BOLSOVER AND NORTH EAST DERBYSHIRE DISTRICT COUNCILS

| 1<br>FUNCTION                                                                                                                                                                                                     | 2<br>DERIVATION                                 | 3<br>BDC                     | 4<br>NEDDC                            | 5<br>TERMS AND CONDITIONS                                                                 |
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| <b>ENTRY TO LAND</b><br>To authorise entry onto land for the purpose of surveying it in connection with any planning application or any other planning functions including planning enforcement and TPO functions | Town and Country Planning Act 1990 (as amended) | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                   |                                                                                           |
| <b>PLANNING APPLICATIONS</b>                                                                                                                                                                                      |                                                 |                              |                                       |                                                                                           |
| To determine applications for planning permission                                                                                                                                                                 | Town and Country Planning Act 1990 (as amended) | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                   | The decision shall be made by an officer other than the case officer/recommending officer |
| To determine applications for reserved matters following an outline permission                                                                                                                                    | Town and Country Planning Act 1990 (as amended) | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                   | The decision shall be made by an officer other than the case officer/recommending officer |
| To determine details submitted pursuant to conditions of planning permission                                                                                                                                      | Town and Country Planning Act 1990 (as amended) | DCM<br>PP<br>PEO<br>PO<br>EO | PMDM<br>PPO<br>PEO<br>SPO<br>PO<br>EO |                                                                                           |
| To determine applications to develop land without compliance with conditions previously attached                                                                                                                  | Town and Country Planning Act 1990 (as amended) | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                   | The decision shall be made by an officer other than the case officer/recommending officer |
| To grant planning permission for development already carried out                                                                                                                                                  | Town and Country Planning Act 1990 (as amended) | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                   | The decision shall be made by an officer other than the case officer/recommending officer |

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| To decline to determine applications for planning permission                                                                                               | Town and Country Planning Act 1990 (as amended)                                                                                                                                                                                                                                  | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                    |                                                                                           |
| To determine applications for non material changes to a planning permission                                                                                | Town and Country Planning Act 1990 (as amended)                                                                                                                                                                                                                                  | DCM<br>PP<br>PEO<br>PO<br>EO | PMDM<br>PPO<br>PPEO<br>SPO<br>PO<br>EO |                                                                                           |
| To determine applications for planning permission made by a local authority, alone or jointly with another person                                          | Town and Country Planning Act 1990 (as amended)<br>Town and Country Planning General Regulations 1992                                                                                                                                                                            | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| To revoke or modify a planning permission                                                                                                                  | Town and Country Planning Act 1990 (as amended)                                                                                                                                                                                                                                  | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| Duties relating to the validation, processing, fee collection and administration of all types of planning and related applications                         | Town and Country Planning Act 1990 (as amended)<br>Town and Country Planning (Development Management Procedure)(England) Order 2015<br>Town and Country Planning General Regulations 1992 (as amended)<br>Town and Country Planning (Applications) Regulations 1988 (as amended) | DCM<br>PP<br>PEO<br>PO<br>EO | PMDM<br>PPO<br>PPEO<br>SPO<br>PO<br>EO |                                                                                           |
| <b>PERMITTED DEVELOPMENT</b>                                                                                                                               |                                                                                                                                                                                                                                                                                  |                              |                                        |                                                                                           |
| To make determinations on prior notifications, give approvals and determine certain other matters relating to the exercise of permitted development rights | Town and Country Planning (General Permitted Development)(England) Order 2015                                                                                                                                                                                                    | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| <b>ENVIRONMENTAL ASSESSMENT</b>                                                                                                                            |                                                                                                                                                                                                                                                                                  |                              |                                        |                                                                                           |
| To screen applications and make development proposals and make determinations as to the need for Environmental Impact Assessment                           | Town and Country Planning Act 1990 (as amended)                                                                                                                                                                                                                                  | DCM<br>PP<br>PEO             | PMDM<br>PPO<br>PPEO                    |                                                                                           |

| To give scoping opinions for Environmental Impact Assessment                                                                                                                             | Town and Country Planning Act 1990 (as amended)                                                                                     | DCM<br>PP<br>PEO       | PMDM<br>PPO<br>PPEO |                                                                                                                                                                                                                                                          |
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| <b>S106 OBLIGATIONS</b>                                                                                                                                                                  |                                                                                                                                     |                        |                     |                                                                                                                                                                                                                                                          |
| To enter into agreement/planning obligation and accept a unilateral obligation regulating development or use of land                                                                     | Town and Country Planning Act 1990 (as amended)                                                                                     | DCM<br>PP<br>PEO       | PMDM<br>PPO<br>PPEO | The decision shall be made by an officer other than the case officer/recommending officer.<br>S106 obligations must be executed under seal. The seal shall be witnessed by an authorised officer and the Chair or, in his/her absence, any other Member. |
| To modify or discharge a planning obligation by agreement with the parties to it. To determine applications for modification, variation or discharge of planning obligations under S106A | Town and Country Planning Act 1990 (as amended)                                                                                     | DCM<br>PP<br>PEO       | PMDM<br>PPO<br>PPEO | The decision shall be made by an officer other than the case officer/recommending officer.                                                                                                                                                               |
| <b>LAWFUL DEVELOPMENT</b>                                                                                                                                                                |                                                                                                                                     |                        |                     |                                                                                                                                                                                                                                                          |
| To determine applications for existing or proposed lawful use or development                                                                                                             | Town and Country Planning Act 1990 (as amended)                                                                                     | DCM<br>PP<br>PEO       | PMDM<br>PPO<br>PPEO | The decision shall be made by an officer other than the case officer/recommending officer                                                                                                                                                                |
| <b>ADVERTISEMENTS</b>                                                                                                                                                                    |                                                                                                                                     |                        |                     |                                                                                                                                                                                                                                                          |
| To determine applications for the display of advertisements                                                                                                                              | Town and Country Planning Act 1990 (as amended)<br>Town and Country Planning (Control of Advertisements) (England) Regulations 2007 | DCM<br>PP<br>PEO       | PMDM<br>PPO<br>PPEO | The decision shall be made by an officer other than the case officer/recommending officer                                                                                                                                                                |
| <b>HAZARDOUS SUBSTANCES CONSENTS</b>                                                                                                                                                     |                                                                                                                                     |                        |                     |                                                                                                                                                                                                                                                          |
| To determine applications for hazardous substances consent                                                                                                                               | Planning (Hazardous Substances) Act 1990                                                                                            | DCM<br>PP<br>PEO       | PMDM<br>PPO<br>PEO  | The decision shall be made by an officer other than the case officer/recommending officer                                                                                                                                                                |
| Duties relating to the validation, processing, fee collection and administration of all types of planning and related applications                                                       |                                                                                                                                     |                        |                     |                                                                                                                                                                                                                                                          |
| <b>LISTED BUILDINGS AND CONSERVATION AREAS</b>                                                                                                                                           |                                                                                                                                     |                        |                     |                                                                                                                                                                                                                                                          |
| To determine applications for listed building consent                                                                                                                                    | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)                                                            | DCM<br>PP<br>PEO<br>CM | PMDM<br>PPO<br>PPEO | The decision shall be made by an officer other than the case officer/recommending officer                                                                                                                                                                |
| To determine applications for                                                                                                                                                            | Planning (Listed Buildings and Conservation                                                                                         | DCM                    | PMDM                |                                                                                                                                                                                                                                                          |

|                                                                                                                                    |                                                                                                                                                                  |                                    |                                        |                                                                                           |
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| variation of conditions on applications for listed building consent                                                                | Areas) Act 1990 (as amended)                                                                                                                                     | PP<br>PEO<br>CM                    | PPO<br>PPEO                            |                                                                                           |
| To determine details submitted pursuant to conditions of listed building consents                                                  | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)                                                                                         | DCM<br>PP<br>PEO<br>PO<br>EO       | PMDM<br>PPO<br>PEO<br>SPO<br>PO<br>EO  |                                                                                           |
| Duties relating to the validation, processing, fee collection and administration of all types of planning and related applications | Planning (Listed Buildings and Conservation Areas) Act 1990<br>Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 | DCM<br>PP<br>PEO<br>PO<br>EO<br>CM | PMDM<br>PPO<br>PPEO<br>SPO<br>PO<br>EO |                                                                                           |
| To decline to determine an application for listed building consent                                                                 | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)                                                                                         | DCM<br>PP<br>PEO<br>CM             | PMDM<br>PPO<br>PPEO                    |                                                                                           |
| To revoke or modify a listed building consent or conservation area consent                                                         | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)                                                                                         | DCM<br>PP<br>PEO<br>CM             | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| To determine lawful development certificate applications for works to a listed building                                            | Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)                                                                                         | DCM<br>PP<br>PEO<br>CM             | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| <b>HEDGEROWS</b><br>To determine applications for hedgerow removal and take action to secure the protection of important hedgerows | The Hedgerows Regulations 1997                                                                                                                                   | DCM<br>PP<br>PEO                   | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| <b>TREES</b><br>To make, confirm (with or without modification) vary or revoke tree preservation orders                            | Town and Country Planning Act 1990 (as amended)                                                                                                                  | DCM<br>PP<br>PEO                   | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |

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| To determine applications for works to trees covered by tree preservation orders and decide upon notifications made of proposed works to trees in conservation areas                                  | Town and Country Planning Act 1990 (as amended)                                                                                                                                                                                     | DCM<br>PP<br>PEO                   | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| Duties relating to the validation, processing and administration of applications and notifications for works to trees.                                                                                | Town and Country Planning Act 1990 (as amended)                                                                                                                                                                                     | DCM<br>PP<br>PEO<br>PO<br>EO<br>CM | PMDM<br>PPO<br>PPEO<br>SPO<br>PO<br>EO |                                                                                           |
| <b>HIGH HEDGES</b>                                                                                                                                                                                    |                                                                                                                                                                                                                                     |                                    |                                        |                                                                                           |
| To determine applications in respect of high hedges                                                                                                                                                   | Anti-Social Behavior Act 2003                                                                                                                                                                                                       | DCM<br>PP<br>PEO                   | PMDM<br>PPO<br>PPEO                    | The decision shall be made by an officer other than the case officer/recommending officer |
| <b>APPEALS AND HEARINGS</b>                                                                                                                                                                           |                                                                                                                                                                                                                                     |                                    |                                        |                                                                                           |
| To represent the Council in all types of appeal including in making the Council's statement and making representations to Inspectors on appropriate conditions and variations to enforcement notices. | Town and Country Planning Act 1990 (as amended)<br>Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)<br>Anti Social Behaviour Act 2003 Planning (Hazardous Substances) Act 1990<br>Hedgerow Regulations 1997 | DCM<br>PP<br>PEO<br>PO<br>EO<br>CM | PMDM<br>PPO<br>PPEO<br>SPO<br>PO<br>EO |                                                                                           |
| <b>PRE-APPLICATION ADVICE</b>                                                                                                                                                                         |                                                                                                                                                                                                                                     |                                    |                                        |                                                                                           |
| To give an opinion on the likelihood of permission or consent being forthcoming from the Council for any development proposal                                                                         | National Planning Policy Framework<br>Local Planning Policy and Guidance                                                                                                                                                            | DCM<br>PP<br>PEO<br>PO<br>EO<br>CM | PMDM<br>PPO<br>PEO<br>SPO<br>PO<br>EO  |                                                                                           |
| To give advice on the need for planning permission or consent for any development proposal                                                                                                            | National Planning Policy Framework<br>Local Planning Policy and Guidance                                                                                                                                                            | DCM<br>PP<br>PEO<br>EO<br>PO<br>CM | PMDM<br>PPO<br>PEO<br>SPO<br>PO<br>EO  |                                                                                           |





# General Terms and Conditions:

The functions shall not be discharged under this authority if any one or more of the following circumstances applies:

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| (a) | The determination follows a written request <sup>1</sup> to the case officer by a Ward Member concerning an application within his/her ward that an application be referred to the relevant Planning Committee;             |
| (b) | The determination is in respect of development that would constitute a significant departure <sup>2</sup> from the Development Plan.                                                                                        |
| (c) | The determination is in respect of development that would be materially different from any supplementary planning guidance, supplementary planning document or planning brief approved by or on behalf of the Council;      |
| (d) | The determination would reverse a previous decision taken by Planning Committee;                                                                                                                                            |
| (e) | Where the Joint Assistant Director (Planning) considers that the application should be referred to Planning Committee for determination because of the significance, impact and sensitivity of the proposal;                |
| (f) | The determination involves an application submitted in a personal capacity by or on behalf of Members, the Chief Executive, Directors, Assistant Directors or any officer who carries out development management functions. |
| (g) | Any officer duly authorised shall exercise the functions at their discretion and may, in any particular case, refer the matter up to a more senior authorised officer.                                                      |

## Authorised Officers - Bolsover:

DCM Development Control Manager  
PP Principal Planner  
PEO Principal Enforcement Officer  
PO Planning Officer  
EO Enforcement Officer  
CM Conservation Manager

## Authorised Officers - North East Derbyshire:

PMDM Planning Manager – Development Management  
PPEO Principal Planning and Enforcement Officer  
PPO Principal Planning Officer  
SPO Senior Planning Officer  
PO Planning Officer  
EO Enforcement Officer

<sup>1</sup> This request must be made to the case officer within 14 days of the date of notification and must include reason(s) for the requested referral based on material planning consideration(s) and not matters of procedure.

<sup>2</sup> "Significant" in the context of the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999

