

Amendment to Review of Scheme of Delegation for Planning

Agenda No: 8

Amendment 1 of 1

Amendments:

Councillor Mrs Gabrielle Spray

As the proposer for the Motion (by way of the report to Full Council) Councillor Mrs Gabrielle Spray, Cabinet Member for Planning has made amendments to Appendix A of the Report. These amendments have been made in agreement with Councillor Mrs Wendy Scattergood, Chairman of the Planning Committee and are in **blue** Text with deleted text struck through.

Councillor Nick Unsworth (Proposer) Councillor Paul Thorogood (Seconder)

An Amendment was submitted by Councillor Nick Unsworth and Councillor Paul Thorogood in accordance with Council Procedural Rule 23 of Chapter two of the Constitution.

In accordance with Council Procedural Rule 23, Councillors Mrs Spray and Mrs Scattergood were consulted on the proposed Amendments, which have been declined. Consequently the proposed Amendments are to be considered by Full Council.

The Amendment seek to include the red text into Appendix one of the report.

Tracked changes to Motion by Councillors Unsworth and Thorogood:

[Inserted text in **red**]

APPENDIX 1: PROPOSED REVISED SCHEME OF DELEGATION

- A. Applications to be referred to Planning Committee for determination** (Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents. To be presented by Officers and debated by Members at Planning Committee):

Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising additional (gross) floorspace of 1,000sq.m, including any linked application for Listed Building Consent¹ **within the development boundaries of Braintree, Witham and Halstead.**

Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 5–9 proposed houses in all rural and village areas outside of the 3 town boundaries.

- Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- Where the Applicant is Braintree District Council.
- Where the Applicant is an employee or Member of Braintree District Council.
- Where the Applicant or Agent is related to an employee within the Planning & Economic Growth Service (change from Braintree District Council²) or a Member of Braintree District Council.
- Any application which is deemed to be 'significant' by the Planning Development Manager.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town / Parish Council representation, Member Call In, or representations from Local Residents:

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or [Permission in Principle](#)) for residential development comprising 3-9 proposed houses, within the development boundaries of Braintree, Witham and Halstead, or 3–4 proposed houses in all rural and village areas outside of the 3 town boundaries including any linked application for Listed Building Consent, **Unless**:
 - Either the Town or Parish Council's view is contrary to the Officer Recommendation;
 - Or the application has been 'Called In' for determination by a BDC Councillor by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination;
 - Or 6 or more valid planning representations from separate households have been received;

Then:

The application shall be referred to Chair's Briefing, with the Chair and Vice Chair of the Planning Committee² who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be 'similar' to the previously determined application by the Planning Development Manager.

² The normal expectation shall be that if clear and valid planning reasons have been given by a Town or Parish Council, or by a BDC Councillor who has 'Called In' an application, then the application shall be determined by the planning committee.

C. Applications which can be determined under Delegated Powers

(Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents):

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or [Permission in Principle](#)) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- All Section 73 applications to vary or remove planning conditions, including seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for 'Major', 'Minor', or 'Other' Planning Applications.
- Minor Planning Applications for replacement dwellings.
- Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- Minor Planning Applications for any other commercial development or change of use for up to 999sq.m of additional (gross) floorspace.
- All of the following Application Types*:

| Application Type | Description |
|------------------|---|
| ADV | Applications for Advertisement Consent |
| AGR | Agricultural Prior Approval |
| ALT | Certificate of Alternative Appropriate Development |
| AREM | Agricultural Reserved Matters |
| C19AEA | Covid-19 Additional Environmental Approval |
| C19CWH | Covid-19 Construction Working Hours |
| CLPLB | Certificate of Lawfulness for Works to a Listed Building |
| COMPA | Commercial Extensions Prior Approval |
| COUPA | Applications for Prior Approval (All) |
| DAC | Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent |
| ELD | Application for a Certificate of Lawfulness for an Existing Use or Development |
| FPO | Footpath Order |
| GOV | Development by Government Department |
| HDG | Hedges |
| HH | Householder Application for Planning Permission |
| HHPA | Householder Extensions Prior Approval |
| LBC** | Application for Listed Building Consent for alterations, extensions or demolition of a listed building* |
| LDOCC | Local Development Order Compliance Checklist |
| NDPA | New Dwelling Prior Approval |
| NMA | Application for a Non-Materials Amendment following a grant of planning permission |
| OHL | Overhead Electricity Lines |

| | |
|-----------------|--|
| P14JPA | Prior Approval – Part 14, Class J |
| P3RNOT | Notification – Part 3, Class R |
| PDEM | Prior Approval for Demolition |
| PIP | Permission In Principle |
| PLD | Application for a Certificates of Lawfulness for a Proposed Use or Development |
| S106A*** | S106A to modify or discharge S106** |
| SCO | EIA Scoping Opinion |
| SCR | EIA Screening Opinion |
| T56 | Telecoms 56 Day Notification |
| TDC | Technical Details Consent |
| TEL | Telecommunications General |
| TMPCOU | Temporary Change of Use |
| TPO | Works to Protected Trees (subject to a TPO) |
| TPOCON | Works to Trees within a Conservation Area |

***Application Types** – The list of application types suitable for delegation may be updated to include any new prior approval or notification application types introduced by the Government.

****LBC** – Except where the Listed Building Consent application has been submitted in connection with an application considered under Part ‘A’ or Part ‘B’.

*****S106A** – Where significant modifications are proposed to a Section 106 Agreement, the Planning Development Manager will consider whether the application is deemed to be ‘significant’ and therefore whether it should be referred to Planning Committee for determination under Part ‘A’ of the Scheme of Delegation.

Consultations on Essex County Council Applications or Out of District Applications³

- Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning:

| Application Type | Description |
|-------------------------|---|
| ECC | Consultation on Essex County Council Applications |
| ECCDAC | Consultation on Essex County Council Discharge of Conditions Applications |
| ODC | Out of District Consultation |

³ As the majority of these applications are for smaller scale development, Development Management will notify the Cabinet Member for Planning on receipt of the consultation and await confirmation of whether a response could be issued by Officers, or if a draft response should be prepared for review and approval by the Cabinet Member for Planning, prior to issue.

Clean text version:

APPENDIX 1: PROPOSED REVISED SCHEME OF DELEGATION

A. Applications to be referred to Planning Committee for determination (Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents. To be presented by Officers and debated by Members at Planning Committee):

Major Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 10 or more proposed houses or commercial development (including changes of use) comprising additional (gross) floorspace of 1,000sq.m, including any linked application for Listed Building Consent¹ within the development boundaries of Braintree, Witham and Halstead.

Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for residential development comprising 5–9 proposed houses in all rural and village areas outside of the 3 town boundaries.

- Major or Minor Planning Applications for Renewable Energy Schemes, including solar, wind and bioenergy projects, and proposals for Anaerobic Digestion Plants.
- Where the Applicant is Braintree District Council.
- Where the Applicant is an employee or Member of Braintree District Council.
- Where the Applicant or Agent is related to an employee within the Planning & Economic Growth Service (change from Braintree District Council²) or a Member of Braintree District Council.
- Any application which is deemed to be 'significant' by the Planning Development Manager.

B. Applications which can be determined under Delegated Powers which may be subject to referral to Chair's Briefing as a result of Town / Parish Council representation, Member Call In, or representations from Local Residents:

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or Permission in Principle) for residential development comprising 3-9 proposed houses, within the development boundaries of Braintree, Witham and Halstead, or 3–4 proposed houses in all rural and village areas outside of the 3 town boundaries including any linked application for Listed Building Consent, **Unless:**
 - Either the Town or Parish Council's view is contrary to the Officer Recommendation;
 - Or the application has been 'Called In' for determination by a BDC Councillor by the end of the specified consultation period and is accompanied by planning reasons for why the application should be referred to Planning Committee for determination;

- Or 6 or more valid planning representations from separate households have been received;

Then:

The application shall be referred to Chair’s Briefing, with the Chair and Vice Chair of the Planning Committee² who will consider whether the application should be referred to the Planning Committee for determination, except if a previous application for the same or substantially the same application site has been refused planning permission under Delegated Powers or by the Planning Committee where the proposal is deemed to be ‘similar’ to the previously determined application by the Planning Development Manager.

² The normal expectation shall be that if clear and valid planning reasons have been given by a Town or Parish Council, or by a BDC Councillor who has ‘Called In’ an application, then the application shall be determined by the planning committee.

C. Applications which can be determined under Delegated Powers
(Notwithstanding Town / Parish Council representation, Member Call In, or number of representations from Local Residents):

- Minor Planning Applications (Application for Outline Planning Permission, Reserved Matters Approval, Full Planning Permission or Permission in Principle) for residential development comprising 1-2 proposed houses, including any linked application for Listed Building Consent.
- All Section 73 applications to vary or remove planning conditions, including seeking minor material amendments, associated with any previous consent (Application for Outline Planning Permission, Reserved Matters Approval or Full Planning Permission) for ‘Major’, ‘Minor’, or ‘Other’ Planning Applications.
- Minor Planning Applications for replacement dwellings.
- Minor Planning Applications for agricultural workers dwellings (temporary or permanent).
- Minor Planning Applications for any other commercial development or change of use for up to 999sq.m of additional (gross) floorspace.
- All of the following Application Types*:

| Application Type | Description |
|-------------------------|--|
| ADV | Applications for Advertisement Consent |
| AGR | Agricultural Prior Approval |
| ALT | Certificate of Alternative Appropriate Development |
| AREM | Agricultural Reserved Matters |
| C19AEA | Covid-19 Additional Environmental Approval |
| C19CWH | Covid-19 Construction Working Hours |
| CLPLB | Certificate of Lawfulness for Works to a Listed Building |
| COMPA | Commercial Extensions Prior Approval |
| COUPA | Applications for Prior Approval (All) |

| | |
|-----------------|---|
| DAC | Application for Approval of Details reserved by condition following grant of planning permission or a listed building consent |
| ELD | Application for a Certificate of Lawfulness for an Existing Use or Development |
| FPO | Footpath Order |
| GOV | Development by Government Department |
| HGD | Hedges |
| HH | Householder Application for Planning Permission |
| HHPA | Householder Extensions Prior Approval |
| LBC** | Application for Listed Building Consent for alterations, extensions or demolition of a listed building* |
| LDOCC | Local Development Order Compliance Checklist |
| NDPA | New Dwelling Prior Approval |
| NMA | Application for a Non-Materials Amendment following a grant of planning permission |
| OHL | Overhead Electricity Lines |
| P14JPA | Prior Approval – Part 14, Class J |
| P3RNOT | Notification – Part 3, Class R |
| PDEM | Prior Approval for Demolition |
| PLD | Application for a Certificates of Lawfulness for a Proposed Use or Development |
| S106A*** | S106A to modify or discharge S106** |
| SCO | EIA Scoping Opinion |
| SCR | EIA Screening Opinion |
| T56 | Telecoms 56 Day Notification |
| TDC | Technical Details Consent |
| TEL | Telecommunications General |
| TMPCOU | Temporary Change of Use |
| TPO | Works to Protected Trees (subject to a TPO) |
| TPOCON | Works to Trees within a Conservation Area |

* **Application Types** – The list of application types suitable for delegation may be updated to include any new prior approval or notification application types introduced by the Government.

** **LBC** – Except where the Listed Building Consent application has been submitted in connection with an application considered under Part ‘A’ or Part ‘B’.

*** **S106A** – Where significant modifications are proposed to a Section 106 Agreement, the Planning Development Manager will consider whether the application is deemed to be ‘significant’ and therefore whether it should be referred to Planning Committee for determination under Part ‘A’ of the Scheme of Delegation.

Consultations on Essex County Council Applications or Out of District Applications³

- Consultation Responses which can be determined under Delegated Powers, following referral to the Cabinet Member for Planning:

| Application Type | Description |
|-------------------------|---|
| ECC | Consultation on Essex County Council Applications |

| | |
|---------------|---|
| ECCDAC | Consultation on Essex County Council Discharge of Conditions Applications |
| ODC | Out of District Consultation |

³ As the majority of these applications are for smaller scale development, Development Management will notify the Cabinet Member for Planning on receipt of the consultation and await confirmation of whether a response could be issued by Officers, or if a draft response should be prepared for review and approval by the Cabinet Member for Planning, prior to issue.