

Appendix B – Proposed Scheme of Delegation

All Development Control Decisions as clarified below * are delegated to the Strategic Director responsible for Services except in the following circumstances:

Decisions Referred to the Area Planning Sub-Committees

1. All applications (except Major) 'referred' to a Sub-Committee by a Ward Member for the Ward within which the application is situated shall be done on a conditional basis. Referrals shall be submitted within 28 days of validation.
2. Applications for 2 to 9 dwellings or non-residential development less than 1000sqm which are recommended for approval by Officers and there are objections from 15 or more households or from Claygate Parish Council (if a petition, or an objection letter is received from an organisation such as a residents' association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household).
3. Applications for Permission in Principle which are recommended for approval by Officers and there are objections from 20 or more households.
4. All applications submitted by or on behalf of Members, the Council or Officers of the Council.
5. All enforcement action that, following consultation, has been 'referred' to a Sub-Committee by a Ward Member for the Ward within which the application is situated.

Decisions referred to the Planning Committee

6. Major applications 'referred' to the Planning Committee by a Ward Member for the Ward within which the application is situated, which shall be done on a conditional basis. Referrals shall be submitted within 28 days of validation.
7. Any two Members of the Planning Committee may refer an application from an Area Planning Sub-Committee to the Planning Committee provided that they have been present for the complete consideration of that application at the Area Planning Sub-Committee meeting.
8. Major applications (10+ dwellings or 1000sqm+ non-residential floorspace) which are recommended for approval by Officers where there are objections from 20 or more households or from Claygate Parish Council (if a petition, or an objection letter is received from an organisation such as a

residents' association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household).

9. All departures from the Development Plan required to be referred to the Secretary of State.

***For the avoidance of doubt, this includes enforcement action, lawful development certificates, and Section 106 Agreements on applications to be determined by the Strategic Director of Services.**

Decisions will be taken in consultation with the Head of Legal Services where appropriate.

Protocol for operating the system set out in the Scheme of Officer Delegations

Applicability

10. These arrangements apply to all development management decisions under the Town and Country Planning legislation falling within the terms of reference of the Planning Committee. These include all planning applications and other related applications (e.g. advertisement consents, lawful development certificates), together with the issuing of related notices such as enforcement notices or tree preservation orders and the making of Section 106 Agreements.

Decisions Made by Officers

11. The relevant Officer in most cases is the Head of Planning Services. Some decisions (e.g. enforcement notices) are more appropriate to be issued in the name of the Head of Legal Services. Such arrangements will be updated from time to time as the legislation changes but in all cases appropriate consultation and agreement will be reached between the two directorates.
12. Decisions are taken on a daily basis by the Development Manager and Team Leaders on behalf of the Head of Planning Services.
13. All decisions made at officer level are reported at the next available meeting of the relevant Area Planning Sub-Committee for information.
14. All decisions to issue notices unprompted by applications (e.g. enforcement notices) are reported to the local Ward Members prior to issue. Note that in urgent cases this may have to be done by telephone.

Decisions Referred to the Area Planning Sub-Committees

15. If a Ward Member wishes to 'refer' an application within their respective Ward or enforcement item from officer delegation he/she needs to communicate it clearly to an Officer of the Planning Service in writing to tplan@elmbridge.gov.uk. It will then be recorded centrally and logged on the case file. Members may rescind a promotion if the original concern is resolved.
16. All referrals of applications should be conditional, i.e. the Ward Member should specify that he/she wishes an application to come to Committee only if the eventual Officer recommendation is in one particular direction, either to permit or refuse. It is not necessary to give a reason.
17. If an application has to be referred to a Sub-Committee due to unresolved planning objections, these have to have been received in writing. No decision is made until all the relevant publicity periods have expired.
18. For the purposes of this process if an objection letter is received from an organisation such as a residents association, political party or conservation area advisory committee each shall be treated in the same way as an objection from 1 household.
19. Where an Area Planning Sub-Committee reverses the Officer recommendation on a major application from permit to refuse, it does not automatically have to be ratified by the Planning Committee.

Decisions referred to the Planning Committee

20. If an item being considered by the Sub-Committee is to be referred to the Planning Committee by two Members of the latter Committee, provided that they have been present for the complete consideration of that application, this must be done during the Sub-Committee meeting, immediately following the Sub-Committee resolution but before the next item is considered.