

Appendix 1

Extract from the Scheme of Delegations: Functions delegated to the Executive Director Economy, Environment and Culture:

[..]

15. Town and Country Planning

- (1) To determine applications in relation to matters listed under Part I of **Schedule 4** to this Scheme of Delegation having regard to the Council's relevant planning policies and published guidelines.

PROVIDED THAT the powers delegated under the above shall NOT apply where:-

- (a) ~~Five or more~~ The specified number of individual written objections relating to material planning considerations pertinent to the application in question have been received within the public consultation period from separate persons or bodies in relation to applications that officers are minded to approve, or where ~~the specified number five or more of~~ individual written expressions of support from separate bodies or persons have been received within the public consultation period in relation to applications that officers are minded to refuse. Only written objections or expressions of support received from persons who live in the immediate vicinity of the application site or who otherwise may reasonably be considered to be potentially directly affected by the proposed development will be taken into account in determining the relevant number of representations required by this paragraph. For the purposes of this sub-paragraph "the specified number" shall be ten or more for applications falling within sub-paragraphs (1) (a) to (d) (inclusive) of Part I and shall be five or more for applications falling within sub-paragraph (1) (e) and paragraphs (2) to (5) (inclusive) of Part I. PROVIDED THAT where the specified number is ten or more and nine or fewer objections or expressions of support have been received, the application in question shall be referred to Planning Committee for determination should the Chair of Planning Committee and/or any of the Opposition Spokespersons deem it appropriate. The Head of Planning will consult with the Chair of Planning and Opposition Spokespersons for this purpose.
- (b) The Conservation Advisory Group (CAG) or Disabled Access Advisory Group (DAAG) requests, within the public consultation period, that an application be determined by the Planning Committee. In making the request CAG or DAAG shall state whether it would be seeking an approval or refusal of the application. If Officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn; or
- (c) A Member requests, within the public consultation period, that an application within their ward be determined by the Planning Committee. In making that request, the Member shall state whether they would be supporting an approval or refusal of the application and shall give their reason or reasons in

writing as to why they consider the application should be determined by Committee and shall set out their representations on the application as part of their request. Members making such requests may attend and address the Committee when the application falls to be determined or may ask for their representations to be read out at the meeting. If Officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn. (NB In any case where the Member is also a member of the Planning Committee and the application is referred to the Committee for determination, they will, if present, having exercised his/her right to make an oral representation to the Committee, need to leave the meeting during the consideration of the application); or

(d) Rottingdean Parish Council requests, within the public consultation period, that an application within the Parish Council area be determined by the Planning Committee. In making the request the Parish Council shall state whether it would be seeking an approval or refusal of the application. If Officers' determination of the application under delegated powers would be in accordance with that request then the request shall be deemed to have been withdrawn; or

(e) the application is an application for Listed Building Consent relating to any of the following:

- Booth Museum, 194 Dyke Road;
- Brighton Bandstand, Kings Road;
- Brighton Corn Exchange;
- Brighton Dome Theatre, Church Street;
- Brighton Museum and Art Gallery;
- Duke of York's Cinema, Preston Circus;
- Hove Library, Church Road;
- Hove Museum and Art Gallery;
- Saltdean Lido;
- Royal Pavilion;
- Preston Manor.

(2) To exercise the Council's functions in respect of certificates of lawful use, tree preservation orders, enforcement action etc. as more particularly set out in Part II of **Schedule 4** to this Scheme of Delegation to Officers.

SCHEDULE 4

Extract from the list of functions delegated to the Executive Director Economy, Environment and Culture in relation to Planning:

Part I

- (1) To determine planning applications and applications to vary or delete conditions attached to planning permissions (including, where relevant, identifying the need for and the settling of terms of Planning Obligations under S106 of the Town and Country Planning Act 1990, the imposition of conditions where consent is granted and the renewal of existing permissions) where the applications relate to the following categories of development:-

- (a) the provision of dwellinghouses where—
(i) the number of dwellinghouses to be provided is 10 or more; or
(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and the number of dwellinghouses to be provided is not known;
(b) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more;
(c) development carried out on a site having an area of 1 hectare or more;
(d) operational development designed to be used wholly or mainly for the purpose of, or material change of use to, treating, storing, processing or disposing of refuse or waste materials;
(e) development not listed in sub-paragraphs (a) to (d) above (inclusive)

- ~~(i) alterations/extensions to single dwellinghouses and buildings containing residential flats;~~
~~(ii) works within the curtilage of buildings which are incidental to their lawful use;~~
~~(iii) changes of use;~~
~~(iv) applications submitted pursuant to Article 4 Directions;~~
~~(v) alterations to or installation of shop fronts;~~
~~(vi) the provision of no more than 9 new dwelling units (net increase), either by the construction of new buildings or by conversion of existing buildings;~~
~~(vii) extensions and alterations to non-residential buildings;~~
~~(viii) applications relating to the formation of accesses, fire escapes, replacement windows, flag poles, the erection of and alterations to walls, fences or other means of enclosure, floodlights, radio and TV masts, telecommunications apparatus, material changes to the external appearance of buildings, including extensions;~~
~~(ix) renewals of temporary permissions;~~
~~(x) applications to vary or delete conditions attached to planning permissions;~~

~~(xi) all other minor planning applications not referred to above.~~

- (2) Applications for permission in principle.
- (3) Applications for technical details consent (including identifying the need for and settling the terms of Planning Obligations under s106 of the Town and Country Planning Act 1990 and the imposition of conditions where consent is granted).
- (4) Applications for consent under the Advertisements Regulations.
- (5) Applications for Listed Building Consent
- (6) To undertake all consultations, notifications and publication of advertisements on behalf of the Council in relation to any of the matters listed above.