

**TITLE OF REPORT: Brownfield Land Register and Permission in Principle**

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**Purpose of the report**

1. This report seeks approval for changes to the Council's constitution to enable the Council, in its capacity as Local Planning Authority, to discharge new statutory duties to create, maintain and publish a register of Brownfield Land, and the adoption of a decision making framework for allocation of sites to Part 2 of that register thereby granting Permission in Principle (PIP) for residential development of those sites.

**Background**

2. The Town and Country Planning (Brownfield Land Register) Regulations 2017 (the Regulations) came into force on 16<sup>th</sup> April 2017, initiating the requirement for councils to create and publish Brownfield Land Registers. All Local Planning Authorities (LPAs) must publish a Brownfield Land Register by 31<sup>st</sup> December 2017. A Brownfield Land Register must be made up of two parts – Part 1 and Part 2.

Brownfield Land Register Part 1

3. Part 1 of a Brownfield Land Register is a list of sites that an LPA considers to be appropriate for residential or residential-led development. Sites must be included if they meet the definition of Brownfield Land as set out in the glossary to the National Planning Policy Framework (NPPF) and meet certain criteria stated in the Regulations.

Brownfield Land Register Part 2 and Permission in Principle

4. Pursuant to the Town and Country Planning (Permission in Principle) Order 2017 sites allocated to Part 2 of the register are automatically granted permission in principle for residential or residential-led development. Sites allocated to Part 2 of the register will therefore have an implementable planning permission subject only to the requirement that a Technical Details Consent (TDC) dealing with issues such as design, layout and parking must be obtained from the LPA.

## Technical Details Consent

5. Once a site has a PIP, the developer or landowner has 5 years (or alternative period as agreed with the LPA) to seek TDC, the granting of which will mean that the site has an implementable planning permission. The LPA is under no obligation to approve TDC; however it cannot re-consider the *principle* of development on the site or the number of dwellings that the site can accommodate. A TDC application can only be submitted as a single application and not broken up into parts.

## **Proposals**

### Brownfield Land Register Part 1

6. To meet the government's timescales it is proposed to publish a Part 1 Brownfield Land Register by 31 December 2017.
7. An extract of the proposed Part 1 Brownfield Land Register is attached at Appendix 2.
8. Part 1 of the Register would be reviewed at least once per year and it is proposed that each review be under existing delegated powers given that the process is a legal requirement and that there is a duty to include sites on Part 1 of the register provided they meet the relevant criteria in the Regulations.

### Brownfield Land Register Part 2 and Permission in Principle

9. The Regulations mean it is necessary for the Council to adopt a legal framework for deciding:
  - i. whether a site should be included on Part 2 of the register and thereby granted PIP; and
  - ii. whether a developer or landowner should, on application, be granted TDC.
10. It is proposed that responsibility for inclusion of sites on Part 2 of the register and for deciding applications for TDC should lie with the Planning and Development Committee and should be further delegated to the Service Director, Development, Transport and Public Protection, subject to the same limits and triggers for referral to Planning and Development Committee as exist in relation to planning applications.
11. It is further proposed that Spatial Planning and Environment and Housing Growth (SPE&HG), in consultation with other sections of the Council, would be responsible for initially proposing which sites should be included under Part 2 of the Register. In doing this, the order of priority would be:
  - i. Council-owned sites which are earmarked for in-house development.
  - ii. Council-owned sites.
  - iii. Other sites.

12. SPE&HG would prepare a Development Framework for each site proposed to be on Part 2 of the Register to help to establish any constraints on the site and ultimately establish if the site is suitable for housing and the amount of housing that could be accommodated.
13. Consultation on the framework would then take place with internal consultees and Ward Members with any comments taken into consideration, and if necessary the framework amended or abandoned.
14. The framework would then be submitted to Development Management for independent assessment. As part of this process, external consultation would take place and site notices would be displayed along with the other consultation and procedural measures set out in the Regulations.
15. Consideration would then be given to any representations received and a decision (or where relevant recommendation) would be made whether to enter the site onto Part 2 of the Register (and therefore grant PIP), amend the framework and then enter onto Part 2 or not to proceed with the site's entry onto Part 2 of the Register.
16. The decision whether a site is entered into Part 2 of the register would be made either by the Service Director, Development, Transport and Public Protection under delegated authority or by the Planning and Development Committee, consistent with the Council's scheme of delegation for planning applications. The scheme of delegation in the Council's constitution would need to be amended to allow this (Appendix 3).

#### Technical Details Consent

17. It is further proposed that applications be made to the Development Management section and be considered in the same way as planning applications, albeit that the principle of development and amount of housing would not be relevant considerations and the timescales for determination would differ. The application would either be determined under delegated powers or by the Planning and Development Committee in accordance with the Council's scheme of delegation as proposed to be amended (Appendix 3).

#### **Recommendations**

18. It is recommended that Cabinet:
  - (i) notes the intended publication of Part 1 of the Brownfield Land Register in December 2017 and that it will be annually updated under existing delegated powers;
  - (ii) approves the decision making framework for Part 2 of the Brownfield Land Register and TDC; and

- (iii) recommends Council to approve the proposed amendments to the scheme of delegation in the Council's constitution (set out in full in Appendix 3)

For the following reasons:

- (i) To ensure that the regulatory requirements regarding the Brownfield Land Register and PIP are met.
- (ii) To ensure that the Council has a proper constitutional as well as statutory basis for decisions in respect of PIPs and TDCs.
- (iii) To ensure that the correct balance is struck between timely decision making and appropriate consultation, publicity, oversight and scrutiny.
- (iv) To assist in the delivery of additional housing in the Borough.
- (v) To encourage the use of brownfield land for housing or housing-led development.
- (vi) To assist in the use of appropriate Council-owned land for housing or housing-led development.
- (vii) To assist in-house delivery of new housing.

### Policy Context

1. The proposals will align with Vision 2030, in particular through City of Gateshead, Creative Gateshead and Sustainable Gateshead, by helping to increase the delivery of new housing in the Borough and increasing the redevelopment of brownfield land.
2. The proposals will also align with the Council Plan in terms of encouraging new housing and economic development in the Borough and by providing environmental benefits with the redevelopment of brownfield land.
3. The proposals are in accordance with the Town and Country Planning (Brownfield Land) Regulations 2017, the Town and Country Planning (Permission in Principle) Order 2017 and guidance on the implementation of these regulations contained in the Government's Planning Practice Guidance.

### Background

4. The Council (along with a number of other local authorities) took part in a Government pilot scheme in 2016 to produce a Part 1 Brownfield Land Register. The pilot register incorporated 57 sites, a high proportion of which were Council owned. The pilot register has been published on the Council's website at:  
<http://www.gateshead.gov.uk/Building%20and%20Development/PlanningpolicyandLDF/LocalPlan/Pilot-Brownfield-Register-July-2016.aspx>

### Part 1 of the Brownfield Land Register

5. Sites must be included if they meet the definition of Brownfield Land as set out in the glossary to the National Planning Policy Framework (NPPF) and meet certain criteria set out in the Regulations as follows:
  - 0.25 hectares or larger, or capable of supporting at least 5 dwellings (although the LPA may also choose to include sites smaller than 0.25 hectare).
  - "Suitable" – i.e. allocated in a development plan document (e.g. a local plan), benefitting from planning permission, or the LPA considers it suitable for residential development having considered any adverse impact on the natural environment, the local built environment (including heritage assets), local amenity and any "relevant" representations (i.e. from third parties);
  - "Achievable" – i.e. based on publically available information and any relevant representations, the LPA's opinion that the site will come forward within 15 years; and

- “Available” – either the owner(s) of the site, or the developer in control of the land have expressed an intention to develop (or sell in the case of the owner) the site within 21 days before the entry date on the register, or the LPA considers that there are no ownership or other legal matters that might prevent residential development (again, based on publically available information and any relevant representations).
6. Responsibility for Part 1 of the register falls within existing delegations in the Council’s constitution to the Planning and Development Committee, further delegated to the Service Director, Development, Transport and Public Protection pursuant to Part 3, Schedules 1 and 2 of the constitution regarding the delegation of non-executive functions.
  7. It should be noted that the Brownfield Land Register is different to the Strategic Housing Land Availability Assessment (SHLAA) and the Local Plan (which will comprise the Core Strategy and Urban Core Plan and the Making Spaces for Growing Places document). The SHLAA outlines actual and potential housing sites to form the Council’s housing land supply. Brownfield sites within the SHLAA have been identified to be included in the Brownfield Land Register. The Core Strategy and Urban Core Plan (CSUCP) includes large strategic housing allocations – some brownfield and others greenfield and Making Spaces for Growing Places (MSGP) will allocate further housing sites. A site can still be included in the Brownfield Land Register even if it is allocated in the Local Plan.

#### Part 2 of the Register and Permission in Principle

8. Once a site is entered into Part 2 of the Brownfield Land Register it is automatically granted PIP.
9. A PIP can include conversions of buildings and changes of use but must be for housing-led development – i.e. where the residential use makes up the majority of floorspace. Appropriate non-residential uses may include, for example, a small proportion of retail, office space or community uses. Non-residential development should be compatible with the proposed residential development.
10. Before entering a site into Part 2, the LPA must:
  - Display a site notice for at least 21 days.
  - Display specified information on their website – namely:
    - A statement that if the site is entered in Part 2 it will be granted PIP;
    - The LPA’s own reference for the land;
    - The name and address of the land;
    - A plan which identifies the land;
    - The area of the land in hectares;
    - The planning status of the land;

- Where the planning status of the land is permissioned, the date that permission was granted and the type of permission (i.e. full or outline permission);
  - The minimum and maximum net number of dwellings, given as a range, which in the LPA's opinion, the land is capable of supporting;
  - Where the development includes non-housing development, the scale of any such development and the use to which it is to be put;
  - Information required under Regulation 26 of the Planning (Hazardous Substances) Regulations 2015 (planning approvals for projects related to hazardous substances) if relevant;
  - The date by which any representations about the proposed entry of the land in Part 2 must be made, which must be at least 14 days from the date the information is published on the website;
  - Where and when the relevant information may be inspected; and
  - How representations may be made.
- Take into account any representations received.
  - Undertake specific notification/consultation requirements for sites within 10 metres of railway land, or where the LPA considers that residential development would constitute development that requires consultation with other parties.
  - Serve notice on a neighbourhood forum or a parish council, where they have previously requested to be notified.

11. It will be for LPAs to decide if they take further steps to inform communities and other interested parties beyond the statutory requirements

12. If development on a site would constitute Environmental Impact Assessment (EIA) development it cannot be included in Part 2 of the register. Development that would be prohibited under habitats protection legislation and development that would consist of the winning and working of minerals also cannot be included on Part 2.

13. It should be noted that PIP does not consider the details of a particular scheme and simply establishes the principle of residential-led development on a site and the number of dwellings that that site can accommodate. However, once PIP is granted these issues cannot be re-considered at TDC stage. No planning conditions can be attached to a PIP.

14. Whilst there has been legislation made for PIP through the Brownfield Land Register, from government consultation it is expected that there will be forthcoming legislation to make PIP available for housing-led development through the allocation of a site in a Development Plan and the ability to apply directly to the LPA for a PIP for small sites (that is sites of 9 dwellings or fewer). If these methods are brought forward there will still need to be a subsequent TDC application.

## Technical Details Consent

15. The timescales for an LPA to determine a TDC application are 5 weeks for minor development and 10 weeks for major development.
16. Planning conditions and obligations can be attached to a TDC and there is a right of appeal if a TDC application is refused. If the development is chargeable development within the Community Infrastructure Levy charging schedule in Gateshead it is at TDC where this charge would be levied.

## Implications for a Brownfield Land Register and PIP in Gateshead

17. One of the purposes of Brownfield Land Registers is to make information about previously-developed land that is suitable for housing-led development more accessible and given that the register needs to be published on the Council's website it is considered that this purpose will be achieved. It is also clear that the PIP deriving from Brownfield Land Registers provides a further tool for delivering housing growth.
18. In terms of small and medium-sized builders (SMEs), it is clear that the proposed measures will have the potential to increase the delivery of housing by these groups and thus diversify the housing market as the amount of housing delivered by SMEs has dramatically declined over the past 30 years. Some of the reasons for this have been cited as the increasing costs of the planning process, reluctance of banks to authorise borrowing and the greater resources of the volume housebuilders.
19. PIPs would reduce uncertainties and risk for SMEs as a site would automatically benefit from a PIP without having to submit an upfront application. This would mean that SMEs would have a better chance of borrowing money given the greater certainty that a site can be developed for housing and would reduce the upfront costs. The benefit to the Borough would be that there was greater diversity in housing being delivered and an increase in previously-developed land being used.
20. Other sites that are likely to benefit most from PIPs are those that are Council-owned and earmarked for in-house development. This is because drawing up a PIP can benefit from working across different areas in the Council such as Planning, Housing Growth, Council Housing, Design and Technical Services and Property Services. Prior to preparing the PIP there is also a high level of certainty that the site is available and deliverable.
21. It is acknowledged that the requirement to produce a Brownfield Land Register and keep it updated, along with PIPs will put greater demands on Council resources. In particular, a lot of upfront work will now fall on the Council to determine whether sites are suitable for housing and the number of dwellings that can be accommodated. The assessment of how many dwellings can be accommodated will need to be realistic otherwise developers will be inclined to use the traditional planning application route which will defeat the object of a Brownfield Land Register and PIPs.



22. PIPs will not replace the traditional planning application route and are intended to provide an alternative means of obtaining planning permission for housing development.

### **Consultation**

23. The following have been consulted in producing this report.

- Cabinet Members for Environment and Transport Portfolio.
- Members of the Planning and Development Committee

### **Alternative options**

24. Whilst it is mandatory for LPAs to produce Part 1 of the Brownfield Land Register and to update it at least every year, consideration was given to not entering any sites onto Part 2 of the register and therefore not granting PIP for any sites. However, this would mean that an opportunity would be lost to help deliver additional housing on brownfield land, including in-house development on Council-owned sites and increasing opportunities for SME developers.

### **Implications of recommended options**

#### **25. Resources**

- a) Financial Implications** – The Strategic Director, Corporate Resources confirms that the cost of implementing the above can be met from existing resources. The provision of the additional information will support the delivery of housing within the borough helping to provide additional revenue to the Council in future years in the form of Council Tax receipts and greater certainty around capital receipts.
- b) Human Resources Implications** - As above, the production and subsequent reviews of Part 1 of the register as well as the background work in support of Part 2 of the register and the granting of PIP and the consideration of TDC applications will require additional officer time. An additional post (1 FTE) was established in 2016 in preparation for the introduction of the new statutory duties.
- c) Property Implications** – Whilst there are no direct property implications for the Council arising from this report, if any Council land is included on the Brown Field Land Register and be the subject of a PIP this will have an impact on the marketing and disposal of the site. Any implications will be highlighted in any future disposal report for any Council land included in the Register.

**26. Risk Management Implications** – There are no risk management implications arising from this report.

**27. Equality and Diversity Implications** – There are no equality and diversity implications arising from this report.

**28. Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.

**29. Health Implications** – There are no health implications arising from this report.

**30. Sustainability Implications** - It is considered that the proposals will have positive sustainability implications by helping to deliver increase housing in the Borough and increase the redevelopment of brownfield land.

**31. Area and Ward Implications** – There are no area and ward implications arising from this report.

**32. Background information** – The Town and Country Planning (Permission in Principle) Order 2017, the Town and Country Planning (Brownfield Land Register) Regulations 2017 and guidance on the implementation of these regulations contained in the Government's Planning Practice Guidance.

## **APPENDIX 2**

**Extract of proposed Part 1 of the Brownfield Land Register (SEE SEPARATE DOCUMENT AT END OF THIS REPORT)**

## APPENDIX 3

### Changes to the scheme of delegation

#### SCHEDULE 1 – NON-EXECUTIVE FUNCTIONS – DELEGATION TO COUNCIL BODIES

##### 1. Planning and Development Committee

Except when a matter is delegated to the Head of Development and Public Protection, the Planning and Development Committee has delegated power:

- (i) to exercise the powers and duties of the Council as local planning authority under the following legislation (or any statutory modification or re-enactment) and any statutory instruments made under the legislation:
  - a. Part III and Part XV Town and Country Planning Act 1990 – control over development;
  - b. Part VII Town and Country Planning Act 1990 – enforcement;
  - c. Part VIII Town and Country Planning Act 1990 – trees, land adversity affecting amenity and the control of advertisements;
  - d. Part XIII Town and Country Planning Act 1990 – Crown Land;
  - e. Planning (Listed Building and Conservation Areas) Act 1990;
  - f. The Town and Country Planning (Assessment of Environmental Effects) Regulations 1998
- (ii) to exercise the powers and duties of the Council under the Planning (Hazardous Substances) Act 1990
- (iii) to exercise the powers and duties of the Council as Local Planning Authority under the Hedgerows Regulations 1997;
- (iv) to respond to waste management licence consultations from the Environment Agency
- (v) to respond to consultations from other local planning authorities and from Government departments and agencies relating to development control matters
- (vi) to determine the conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites are to be subject;

- (vii) to exercise the powers of the Council to make limestone pavement orders under the Wildlife and Countryside Act 1981;
- (viii) to exercise the powers of the Council:
  - a. to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands under the Acquisition of Land Act 1981 or an order under the Inclosure Act 1845;
  - b. to register variation of rights of common.
- (ix) To exercise the powers of the Council under the Town and Country Planning (Brownfield Land Register) Regulations 2017 to prepare and maintain a register of previously developed land; and
- (x) To exercise the powers of the Council under the Housing and Planning Act 2016 and the Town and Country Planning (Permission in Principle) Order 2017 to allocate land to Part 2 of the Council's register of previously developed land.

[...]

## **PART 1 – DELEGATIONS TO INDIVIDUAL MANAGERS**

### **1. Strategic Director, Communities and Environment**

- (1) To exercise the powers of the Council in accordance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to authorise officers under his control to exercise such powers under Parts 4-6 of those Regulations.

#### Service Director, Development, Public Protection and Transport Strategy

- (1) Save in respect of matters otherwise reserved to the Council's Licensing and Regulatory Committees, to exercise the powers and duties of the Council for the application of legislation including the appointment and authorisation of appropriate officers, to authorise, sign and serve all notices and deal with all applications, variations, licences, consents, revocations and suspensions, and take all necessary enforcement action including to issue simple cautions, on behalf of the Council in respect of its responsibilities for matters of:
  - a) public health and environmental protection
  - b) noise pollution, air pollution and integrated pollution control and air quality management
  - c) housing and building security
  - d) fire safety

- e) trading standards and consumer protection (including the appointment and termination of the Chief, and Deputy Chief, Inspector of weights and measures)
  - f) food safety and hygiene
  - g) licensing under the Licensing Act and Gambling Act
  - h) sex establishment, street trading and private hire/hackney carriage licensing
  - i) building regulations
  - j) animal health and animal licensing
  - k) pest control under the Prevention of Damage by the Pest Act 1949
  - l) health and safety, control of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piecing and electrolysis
  - m) highways licensing and enforcement
  - n) climate change
- (2) Under the Licensing Act 2003 and Gambling Act 2005 and as delegated by the Licensing and Regulatory Committees:
- a) to determine any application or similar matter, where there are no relevant objections or representation;
  - b) to determine whether a complaint is irrelevant, frivolous or vexatious;
  - c) to make representations for a review of a premises licence.
- (3) To authorise persons to accompany inspectors and to include exercise of powers under the Health and Safety at Work Act 1974 or Environmental Act 1995.
- (4) To carry out provisions of Part 1 and Schedules 1 and 2 of the Health Act 2006 and all delegated legislation made under these parts of the Act.
- (5) To authorise transfers of enforcement responsibility between the Health and Safety Executive and the Council under the Health and Safety (Enforcing Authority) Regulations 1998.
- (6) On the recommendation of the Proper Officer, to appoint Deputy Proper officers in relation to medical services provided by the Council.
- (7) To determine applications, notifications, consultation, enforcement and all other matters within the terms of reference of the Planning and Development Committee subject to the exceptions specified below:
- a) Applications (other than those for the discharge of conditions, extensions of time, section 73 applications, applications relating to block improvements of housing market renewal schemes or replacement of new industrial development (use class B1, B2 or B8)) in the Team Valley for major development as defined as:
    - Residential development of 10 or more dwellings, or where the number is not specified, the site is more than 0.5 hectares;

- Other development where the floor space is 1000 square meters or more or the site is one hectare or more;
- Where a major development is subject to a change of use, it will be classed as a major development and not a change of use.

The Service Director, Development and Public Protection may refuse an application for major development where it is clearly contrary to a relevant Council planning policy.

- b) Mineral applications
- c) Applications which are a departure from the Development Plan as defined by the Town and Country Planning (Development Procedure) (England) Order 2015 if the Council was minded to grant permission for them.
- d) Applications which are subject to an objection from a statutory consultee (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 which has not been resolved by negotiation or the imposition of conditions.
- e) Applications (other than those for PS2 reporting defined minor and other development or the discharge of conditions) submitted by or on behalf of the Council for its own development which are the subject of an objection which has not been resolved by negotiation or the imposition of conditions.
- f) Applications submitted by or on behalf of a Gateshead Councillor or their spouse or partner.
- g) Applications submitted by or on behalf of:
  - The Chief Executive or any Strategic Director or the Service Director, Development and Public Protection
  - Any member of staff of the Development Management Team
  - Any member of staff directly involved in the processing or determination of any planning application
- h) Applications where five or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that it be determined by the Planning and Development Committee.
- i) Applications where speaking rights have been requested and where there are five or more relevant and material objections have been lodged in writing in accordance with the scheme for speaking at Planning and Development Committee.

- j) Decisions in respect of the allocation of land to Part 2 of the Council's register of previously developed land kept pursuant to the Town and Country Planning (Brownfield Land Register) Regulations 2017 where the allocation would give rise to permission in principle:
- for residential development of 10 or more dwellings, or where the number is not specified, the site is more than 0.5 hectares;
  - for other development where the floor space is 1000 square meters or more or the site is one hectare or more;
  - which would be a departure from the Development Plan as defined by the Town and Country Planning (Development Procedure) (England) Order 2015;
  - which would be contrary to an objection from a statutory consultee (as defined in the Town and Country Planning (Brownfield Land Register) Regulations 2017 which has not been resolved by negotiation or the imposition of conditions;
  - in respect of land owned by
    - a Gateshead Councillor or their spouse or partner;
    - The Chief Executive or any Strategic Director or the Service Director, Development, Public Protection and Transport Strategy;
    - Any member of staff of the Development Management Team or the Spatial Planning and Environment Team; or
    - Any member of staff directly involved in the processing or determination of the allocation
  - where five or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that allocation be determined by the Planning and Development Committee.
- k) Applications which the Service Director, Development and Public Protection considers should be determined by Planning and Development Committee having regard to approved guidance on this matter.
- (8) Subject to the agreement of the Strategic Director, Corporate Services and Governance to agree to the Council entering into a planning obligation under section 106 of the Town and Country Planning Act 1990.
- (9) To determine whether planning applications should be subject to an environmental assessment (screening opinion) and the data which should be contained in environmental assessments (scoping report).
- (10) To respond to consultations from neighbouring planning authorities on applications.



- (11) To determine applications for certificate of lawfulness applications in all cases whether or not objections are received due to the nature of these applications being dealt with on 'balance of probability' for existing uses or by fact for proposed lawful uses.
- (12) With regard to the Planning (Hazardous Substances) Act 1990 to:
- a) Grant but not refuse hazardous substances consent
  - b) Vary or remove conditions imposed upon a hazardous substance or deemed consent  
or
  - c) Authorise the continuation of hazardous substances consent where there has been a change in the control of the land to which the consent related, provided that in the case of any application:
    1. no more than three relevant and material planning objections have been lodged in writing against it, and
    2. no member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a town or parish council within the Borough has objected to it or asked that it is determined by the Planning and Development Committee.
- (13) To determine applications for prior approval in relation to permitted development proposals in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments to it.
- (14) To decline to determine repetitive applications for planning permission under the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) and for advertisement consent under the Town and Country (Control of Advertisements) (England) Regulations 2007.
- (15) Following consultation with the Strategic Director, Corporate Services and Governance, to determine whether to take enforcement action under the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990, including proceedings in the courts, in cases where retrospective applications for planning permission, conservation area consent or listed building consent have been refused by the Planning and Development Committee.
- (16) To issue simple cautions to persons guilty of criminal offences involving breaches of planning control.
- (17) To administer and determine complaints about high hedges under the Anti-Social Behaviour Act 2003.

- (18) To authorise in writing persons not directly employed by the Council but who are, by agreement, carrying out work in connection with any other delegated function or power to exercise any necessary power or entry, inspection or enforcement under relevant legislation. Similarly to authorise employees of other services in the Council, but this power shall only be exercised with the agreement of the employee's manager or the Strategic Director for that service.
- (19) To exercise the power of the Council under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke the licence(s) of Hackney Carriage and Private Hire Vehicle drivers with immediate effect where, following consultation with the Chair and/or Vice Chair of the Regulatory Committee, doing so appears to be in the interests of public safety.
- (20) To approve the issuing of Hackney Carriage and Private Hire Vehicle licences where the vehicle exceeds the Council's upper age policy and:
  - (i) the vehicle does not exceed the Council's upper age policy by more than 12 months;
  - (ii) where the vehicle is in "exceptional condition" (as determined by the Council's approved testing procedure);
  - (iii) the vehicle meets all of the Council's standard conditions; and
  - (iv) upon the condition that the vehicle be tested three times during the twelve month licence period (pro rata) at the licensee's expense.
- (21) To transfer Hackney Carriage and Private Hire Vehicle licenses where the application meets the Council's standard conditions approved by the Council from time to time.
- (22) To grant and renew licences for Hackney Carriages and Private Hire Vehicles where the application meets the Council's standard conditions save for condition 23 and/or 25 (Hackney Carriages) or 21 (v) (w) and/or 23 (Private Hire Vehicles) but has been inspected by officers from Communities and Environment pursuant to s.50 Local Government (Miscellaneous Provisions) Act 1976, and has been deemed to be safe for use as a Hackney Carriage/Private Hire Vehicle as applicable.
- (23) Save in respect of a matter otherwise reserved to the Council's Planning and Development Committee to authorise, sign and serve notices and take all necessary enforcement action under section 215 and to obtain information under section 330 of the Town and Country Planning Act 1990.
- (24) Save in respect of matters otherwise reserved to the Council's Licensing and Regulatory Committees, to investigate complaints, authorise, sign and serve notices and take all enforcement action relating to statutory nuisance.
- (25) To exercise powers to license the use of land as a caravan site and the use of moveable dwellings and camping sites.

- (26) To obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (27) To authorise the submission of applications, including proposed conditions, on behalf of the Council to the Secretary of State under s.247 of the Town and Country Planning Act 1990.
- (28) To consider applications received and make orders under s.257 of the Town and Country Planning Act 1990, except where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.
- (29) To authorise the making of orders under s.3 of the Cycle Tracks Act 1984, except where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.
- (30) To authorise the serving of notices under section 220 of the Highways Act 1980.