

Briefing Note

Our ref 66618/01/NW/JMa
Date 2 August 2023
To Hartlepool Development Corporation
From Lichfields

Subject **Mayoral Development Corporation Scheme of Delegation**

1.0 **Scheme of Delegation**

- 1.1 Table 1 below sets of the scheme of delegation for Hartlepool Development Corporation for functions relating to town and country planning and development control within the Mayoral Development Areas.
- 1.2 In respect of those powers that are shown shaded in Table 1, the Board of Hartlepool Development Corporation will be the body exercising the functions in all or certain occasions.

Table 1

Power	Delegation
Power to determine applications for planning permission	Head of Planning of Hartlepool Development Corporation. Matters which must be referred to the Board of Hartlepool Development Corporation: <ul style="list-style-type: none"> • Any application which has received more than five material planning objections from separate addresses. • Any application with an Officer recommendation to approve which is significantly contrary to current planning policy. • Any application where any Elected Member has, prior to the last date for comment as published on an application for either their Ward or a Ward which would be substantially affected by the proposals within the application, made a written request to the Head of Planning that the application be referred to the Board and has given sound and reasonable planning grounds for that request. In the event that

	the Elected Member does not register their intention to speak to the item at the Board meeting, it will be withdrawn as an agenda item automatically, to enable it to be determined under officer delegation.
Power to defend planning appeals	Head of Planning of Hartlepool Development Corporation
Power to determine applications to develop land without compliance with conditions previously attached	Head of Planning of Hartlepool Development Corporation, unless more than five material planning objections from separate addresses have been received in which case Board of Hartlepool Development Corporation.
Power to grant retrospective planning permission for development already carried out	Head of Planning of Hartlepool Development Corporation, unless more than five material planning objections from separate addresses have been received in which case Board of Hartlepool Development Corporation.
Power to decline to determine applications for planning permission	Head of Planning of Hartlepool Development Corporation.
Duties relating to the making of determinations of planning applications	Head of Planning of Hartlepool Development Corporation.
Power to determine applications for planning permission made by a local authority/Mayoral Development Corporation, alone or jointly with another person	Board of Hartlepool Development Corporation.
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Head of Planning of Hartlepool Development Corporation.

Power to enter into agreement regulating development or use of land. (S.106 TCP Act 1990)	Head of Planning of Hartlepool Development Corporation.
Power to issue a certificate of existing or proposed lawful use or development	Head of Planning of Hartlepool Development Corporation.
Power to serve a completion notice. (S.94 TCP Act 1990)	Head of Planning of Hartlepool Development Corporation.
Power to grant consent for the display of advertisements	Head of Planning of Hartlepool Development Corporation, unless more than five material planning objections from separate addresses have been received in which case Board of Hartlepool Development Corporation.
Power to authorise entry onto land. (S196A TCP Act 1990)	Head of Planning of Hartlepool Development Corporation.
Power to require the discontinuance of a use of land.	Head of Planning of Hartlepool Development Corporation.
Power to serve a planning contravention notice, breach of condition notice or stop notice	Head of Planning of Hartlepool Development Corporation.
Power to issue an enforcement notice	Head of Planning of Hartlepool Development Corporation.
Power to apply for an injunction restraining a breach of planning control	Head of Planning of Hartlepool Development Corporation.
Power to defend appeals against Enforcement Notices	Head of Planning of Hartlepool Development Corporation.
Power to determine applications for hazardous substances consent, and related powers	Board of Hartlepool Development Corporation

Duty to determine 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, as the case may be, are to be subject.	Head of Planning Hartlepool Development Corporation.
Power to require proper maintenance of land. (S.215 TCP Act 1990)	Head of Planning of Hartlepool Development Corporation.
Power to determine application for listed building consent, and related powers	Head of Planning of Hartlepool Development Corporation, unless more than five material planning objections from separate addresses have been received in which case Board of Hartlepool Development Corporation.
Power to serve a building preservation notice, and related powers	Head of Planning of Hartlepool Development Corporation.
Power to issue enforcement notice in relation to demolition of unlisted building in conservation area	Head of Planning of Hartlepool Development Corporation.
Powers to acquire a listed building in need of repair and to serve a repairs notice	Head of Planning of Hartlepool Development Corporation.
Power to apply for an injunction in relation to an unlisted listed building	Head of Planning of Hartlepool Development Corporation.
Power to authorise stopping up, diversion, or creation Orders in respect of Public Rights of Way, following the statutory advertising period	Head of Planning of Hartlepool Development Corporation.

Power to execute urgent works. (S.54 Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Head of Planning of Hartlepool Development Corporation.
Powers relating to the preservation of trees and protection of important hedgerows	Head of Planning of Hartlepool Development Corporation.

2.0 Glossary

2.1 **Material Planning Consideration** - A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The Development Corporation must have regard to all material considerations when making a decision and these include, but are not limited to, the following:

- How the application complies with national, local planning policies, neighbourhood plans and guidance;
- Whether there are any other issues or planning constraints affecting the site, such as flood risk, contaminated land, conservation areas, listed buildings etc;
- How the development fits in with its surroundings;
- Design and appearance;
- Scale;
- Materials;
- Access;
- Traffic generation;
- Use/activity to be carried out;
- Nuisance eg noise;
- Contribution to any significant local, national or international objective;
- Previous appeal decisions;
- Compliance with Central Government's National Planning Policy Framework;
- Central Government's planning circulars eg affordable housing, planning gain, and the historic environment.

2.2 **Non-Material Planning Consideration** - The following are examples of issues that the Development Corporation cannot give weight to when making a planning decision:

- Personal circumstances of the applicant;

- Private rights and covenants;
- Boundary disputes/ownership matters;
- Other legislation such as the Party Wall Act;
- Protection of a view;
- Property values/financial loss.
- The amount of opposition or support for a scheme does not in itself constitute a reason for either granting or refusing planning permission.

2.3 **Material Planning Objection** – An objection based on a material planning consideration.

2.4 **Outline Planning Application** - Outline planning applications are used to gain an understanding as to whether the nature of a development is acceptable, this can help ensure viability up front as some detailed technical work can be carried out at a later stage. Specific details known as ‘reserved matters’ can then be confirmed later. Allowing for planning permission to be granted subject to the condition that reserved matters are approved before development begins.

2.5 **Reserved matters:** Matters which (those which can be withheld under outline planning permission) can include:

- **Appearance**- aspects of a building or place which affect the way it looks, including the exterior of the development;
- **Means of access**- covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;
- **Landscaping** - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen;
- **Layout**- includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development; and
- **Scale**- includes information on the size of the development, including the height, width and length of each proposed building.

2.6 **Full Application** – A detailed planning application supported by a range of technical reports and detailed plans. All matters and material considerations must be satisfied before a decision is made.

2.7 **Advert Application** – An application seeking consent to display an advert. A decision must only take into account public safety and amenity, e.g. impact of illumination on dwellings/road users, proliferation of adverts within an area, distractions to road users etc.

2.8 **Listed Building Consent** – An application required for all works of demolition, alteration or extension to a listed building that affect its character as a building of special architectural or historic interest.

- 2.9 **Hazardous Substances Consent** – Application to store or use hazardous substances at or above defined limits. This relates, but is not limited, to explosives, flammable aerosols/gases/liquids, self-reactive substances/mixtures/organic peroxides etc.