

- (17) To issue Camping Site Licenses where planning approval has been obtained.
- (18) To arrange for the restoration or continuation of supply of water, gas or electricity under the provisions of Section 33 of the Local Government (Miscellaneous Provisions) Act 1976, including the recovery of any cost reasonably incurred.
- (19) To authorise action under the provisions of Section 29 of the Local Government (Miscellaneous Provisions) 1982 including the service of notices, arranging to undertake works in respect of vacant premises and the recovery of any cost reasonably incurred.
- (20) To issue Caravan Site Licences where planning approval has been obtained.
- (21) To authorise service of a notice under Section 17 of the Public Health Act 1961 requiring the repairs to drains or private sewers which are not sufficiently maintained and kept in good repair and can be sufficiently repaired at a cost not exceeding £250, at the expiration of 7 days from the service of the notice to authorise the repair of the drain or sewer, apportioning costs, institution of legal proceedings and arranging for the recovery of the costs reasonably incurred in so doing.

**6. To the Head of Planning Services**

- (a) To make Tree Preservation Orders in respect of trees, groups of trees or woodlands, meeting the agreed criteria of the Development Control Committee.
- (b) To consider proposals by the relevant railway authority at level crossings within the district and to determine the District Council's observations, other than where these would be substantially different from the known views of the relevant town or parish council.
- (c) To take all necessary action to implement authority given by a development control sub-committee in connection with prosecution or hazardous substances notices under the Planning (Hazardous Substances) Act 1990.
- (d) To determine (inter alia):
  - 2 'Major' and 'Minor' applications other than where a Town or Parish Council Statutory Consultee or three or more interested parties raise material planning objections within the prescribed consultation period when officers are minded to approve or where officers are minded to refuse and the Town/Parish Council or three interested parties have written in within the prescribed consultation period raising material planning issues in support of the case. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.
  - 3 'Other' applications other than where following receipt of an objection where officers are minded to approve and where a ward member for the ward concerned expresses concern, the chairman or vice-chairman of the appropriate Development Control Sub-Committee requests that the application should be

reported to the relevant Development Control Sub-Committee.

- 4 Submissions by the Crown under Circular 18/84, applications arising from the Tree Preservation Orders, miscellaneous applications e.g. telecommunications, agricultural notifications. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.
- 5 Consultations on Suffolk County Council applications for deemed planning applications. Such delegation shall not be exercised where a ward member for the relevant ward approaches the chairman or vice-chairman of the appropriate Development Control Sub-Committee who then requests that the application should be reported to the Sub-Committee.

NB This delegation does not apply to:

- Applications where the recommendations of the officers are contrary to the provisions of the Development Plan;
- Applications submitted by the District Council or a member or employee of the District Council;
- Applications accompanied by an Environmental Impact Assessment.
- Applications which are of more than local significance e.g. where traffic would be generated which would affect a number of parishes or which would have an impact over a wide area.

## DEFINITIONS

**“Householder Applications”**: Applications for development within the curtilage of residential property, which are not a change of use.

'Major'- Applications include, for example, proposals for 10 or more dwellings, 1,000 square metres or more of commercial development

'Minor' - Applications include, for example, proposals for 1-9 dwellings, smallscale commercial buildings

'Other' - Applications include, for example, proposals for changes of use, householder development, listed building consent, advertisement

- (e) To respond to consultations on the Pastoral Measure Act 1983, following consultation with the appropriate ward members.
- (f) To respond on behalf of the Council to consultations relating to works which involve alteration or extension of a church which is a listed building to such an extent as is likely to affect its character as a building of special architectural or historic interest.
- (g) With regard to planning control:-
  - (1) To serve notices under Section 215 of the Town and Country Planning Act 1990, in respect of land which has been the subject of a previous Notice authorised by Development Control Sub-Committee.

- (2) To determine whether to take action or not in respect of untidy sites by way of the service of a Section 215 Notice in accordance with the following criteria:-
- (i) The prominence and sensitivity of a site will be key factors in determining whether to take action to protect the amenity of the public at large by the service of an appropriate Notice. It may, for example, be more acceptable to view stacked materials or a partially overgrown development site awaiting building on an industrial estate or a mixed use area than would necessarily be the case in a residential area or a very sensitive rural location such as the Heritage Coast or the AONB;
  - (ii) The number of members of the public who are likely to be affected by the condition of a site will be material to the issue or the service of a notice;
  - (iii) Whether there is adequate boundary screening and, if so, does this reduce the visual impact to such an extent as to render the service of a notice unnecessary;
  - (iv) The actual condition of the site itself will be a material consideration. For example, a site that is slightly overgrown would seldom justify action by the Council
  - (v) The period during which the land has been untended and, by inference, how long has the visual amenity of the area been adversely affected. Often landowners do not seek to leave their sites in a disreputable state but are delayed in undertaking action to tidy matters up. Hasty action by the Council in these circumstances, if the site has been untended for only a short period, would be inappropriate and an inefficient use of the Council's resources. Often a polite reminder to the owner of his or her civic duties and a reasonable time to comply will suffice; and
  - (vi) The nature of the materials that are stored, deposited or left on the site and how unsightly are they by their very nature.
- (h) To issue enforcement notices and listed building enforcement notices for non-compliance with conditions attached to planning permissions or listed building consents.
- (i) To issue Breach of Condition Notices where a planning condition has not been complied with.
- (j) To issue planning contravention notices.
- (k) To issue enforcement notices and listed building enforcement notices for unauthorised development which has previously been the subject of a refusal of planning permission or listed building consent by the Local Planning Authority should it be considered expedient to do so.
- (l) To determine whether to take action, and if so what action, in respect of unauthorised householder extensions, alterations to buildings and boundary fences, walls and hedges, along with minor infringements of planning conditions and advertisements, where they involve:
- (i) Increases in the height of boundary fencing subject to a maximum increased height of 0.5 metres above "permitted development" limits;
  - (ii) Erection of gates and fences on highway boundaries not affecting

- highway safety, not exceeding 0.25 metres above the permitted height;
  - (iii) Changes in materials used in the construction of buildings where not in accordance with the original specification;
  - (iv) The provision within the curtilage of a dwelling house of any ancillary building or enclosure which would be classed as "permitted development" were it not for a minor infringement of the permitted category by reason of size or position;
  - (v) Minor amendments to approved developments where there will be no adverse impact upon the amenities of adjoining owners;
  - (vi) Minor changes to landscaping schemes, for example the omission of a few shrubs or a tree from a large scheme;
  - (vii) Failure to complete access roads in their entirety prior to the commencement of development;
  - (viii) Advertisements of a temporary nature advertising local events;
  - (ix) Signs on highway footways;
  - (x) Estate Agents' for sale boards;
  - (xi) Advertisements for non-profit making charity events; and
  - (xii) Directional advertisements displayed within the highway for residential development sites.
- (m) For the purposes of Regulations 5 and 10 of the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999 to make "screening" and "scoping" determinations in respect of the necessity and scope of Environmental Statements under the aforementioned regulations, having regard to the advice within Circular 02/99 entitled "Environmental Impact Assessment".
- (n) Having due regard to criteria agreed from time to time approved by the Development Control Committee to lodge formal objection to applications for goods vehicle operators licences where amenity would be threatened by the grant of such a licence following consultation with the relevant town or parish council.
- (o) In so far as the Building (Local Authority Charges) Regulations 1997 shall allow, to waive payment of a Building Control charge where the waiving of that charge will not be detrimental to the Council's overall ability to "break even" in respect of the building regulations service for which it is empowered to make a charge.
- (p) To approve or refuse applications under the Building Regulations, and the approval or rejection of other notices submitted under the Building Act.
- (q) To approve or refuse applications for dispensation of the Building Regulations.
- (r) To serve notices in respect of a contravention of the Building Regulations, ruinous and dilapidated building or neglected site, control of demolition or a dangerous excavation.
- (s) To instigate emergency procedures in respect of a dangerous building or structure, including the serving of any notice.
- (t) To issue Completion Certificates in accordance with the Building Regulations.
- (u) To determine validity of deemed consent applications made under Section 11 of the Planning (Hazardous Substances) Act 1990 (as amended).
- (v) To determine applications for hazardous substances consent and applications to vary conditions attached to hazardous substances consents where no identifiable person

or body dissents to any substantial or relevant degree from the course of action proposed.

- (w) To determine whether prior approval is required for the demolition of buildings, as set out in Class A Part 31 of the Town and Country General Development (Amendment) (No. 3) Order 1992.
- (x) To determine all matters under Part 8 of the Anti Social Behaviour Act 2003 in respect of high hedges, including notification of interested parties, processing of complaints, issuing of Remedial Notices and dealing with all appeals associated with such Notices.
- (y) Authority to issue temporary stop notices in accordance with the Town and Country Planning Act 1990 sections 171E, 171F, 171G and 171F and any Regulations made thereafter.
- (z) To decide which buildings should be offered grants, and at what rate, under the Council's Historic Buildings at Risk Grant Scheme.

## **7. To the Head of Health**

- (a) To take any necessary action on the Council's behalf to remove to suitable premises persons in need of care and attention under Section 47 of the National Assistance Act 1948.
- (b) To act in all matters arising under the Health and Safety at Work Act 1974, or any regulations made there under, for which the Council has enforcement responsibility.
- (c) To authorise the making/issue of, and to service Notices and Orders pursuant to the Public Health Act 1936, Control of Pollution Act 1974, Building Act 1984, Housing Act 1985, Environmental Protection Act 1990 or Water Industries Act 1991, or Environment Act 1995.
- (d) To enforce all relevant imported food regulations made under the European Communities Act 1972.
- (e) With regard to Food and Safety:-
  - (1) For the purposes of the Health and Safety (Enforcing Authority) Regulations 1989 to endorse any transfer of enforcement responsibility, or premises or activities which may be agreed with the Health and Safety Executive.
  - (2) To act in matters arising under the Food and Environment Protection Act 1985 together with regulations made thereunder for which the Council has responsibility for enforcement.
  - (3) To authorise an order prohibiting homework on premises where a 'Notifiable' disease exists, under Section 28 of the Public Health (Control of Disease) Act 1984.
  - (4) To authorise the service of a notice under the provisions of Section 30 of the Public Health (Control of Disease) Act 1984, on the occupier or owner of a house in which he / she is aware that there is a person suffering from 'Notifiable' disease.