

PLANNING **SERVICES** – DELEGATION OF  
COUNCIL FUNCTIONS

Schedule 1 – **Development Management – Director of Governance**

Schedule 2 – **Trees, Conservation and Related Functions – Director of Governance**

## SCHEDULE 1

### DEVELOPMENT CONTROL FUNCTIONS

Function	Principal Relevant Legislation (*see note)	Relevant Details	Exceptions
<p><b>Care of the Environment</b></p> <p><b>District Development Control Committee (Minute 30 – 7.12.10)</b></p>	<p>Town and Country Planning (Environmental Impact Assessments) (England and Wales) Regulations 1999</p> <p>Planning (Hazardous Substances) Act 1990, Section 36, 36A and 36B</p> <p>Planning (Hazardous Substances) Regulations 1992</p>	<p>To determine the need for and scope of environmental impact assessments required under the Town and Country Planning Acts.</p> <p>To determine applications for hazardous substances consent except those where there are objections from interested parties, which shall be determined by the relevant Area Planning Sub-Committee.</p> <p>To obtain and use necessary powers of entry to the land in relation to the above.</p>	<p>No</p>
<p><b>Development Control</b></p> <p><b>District Development Control Committee (Minute 30 – 7.2.10)</b></p> <p><b>Council Minute 29 – 28.6.11</b></p>	<p>Town and Country Planning Act 1990 Section 70, 70(A), 191-3 etc</p> <p>Planning and Compensation Act 1991, Section 10</p> <p>Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Part 1, Reg. 16-19</p> <p>Town and Country Planning (Development Management Procedure) (England) Order 2010, Part 6, Article 35</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 3, Reg. 14-15</p>	<p>1. Subject to Appendix A below, which are matters to be determined by Committee, to determine or decline to determine any:</p> <p>(a) planning applications;</p> <p>(b) applications for approval of reserved matters;</p> <p>(c) applications arising from any condition imposed on any consent, permission order or notice;</p> <p>(d) advertisement consents; and</p> <p><u>(e) listed buildings;</u></p> <p>2. To agree the precise wording of additional/revised conditions to be attached to planning permissions, at members' request, and discharge of conditions.</p>	<p>Yes (See Appendix A to this Schedule)</p>

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	<p>Town and Country Planning General Permitted Development Order 1995, Part 6 and Part 31 of Schedule 2 as amended by SI 2008 No. 2362 and <u>SI 2013 No. 1101</u></p> <p><u>Town and Country Planning (Development Management Procedure) (Amendment) (England) Order 2013</u></p>	<p>3. To determine whether prior approval of the method of any proposed demolition and any proposed site restoration is required and to give such approval where required except where objections from interested parties are received, which shall be determined by the Area Plans Sub-Committees.</p> <p>4. In relation to telecommunications equipment, to determine, after prior consultation with ward Councillors, whether the prior approval of the Council should be required to the siting and appearance of notified development.</p> <p>5. In relation to agricultural development, to determine whether to require the formal submission of details.</p> <p>6. To determine applications in relation to certificates of lawful use and development.</p> <p>7. To obtain and use necessary powers of entry to the land in relation to the above.</p> <p>8. To determine or decline to determine any non-material amendments.</p> <p>9. <u>To determine applications for prior approval for:</u></p> <p><u>(a) Single storey rear extensions to dwellinghouses;</u></p> <p><u>(b) Class J applications for prior approval for change of use from Class B1a offices to Class C3 residential;</u></p> <p><u>(c) Class K applications for prior approval for change of use from Class B1, C1, C2, C2a and D2 to State funded school; and</u></p> <p><u>(d) Class M development - Change of use from agriculture building (between 150 – 500 square metres) to a flexible use falling either within Class A1(shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), B8 (storage and distribution), Class C1 (hotels) or D2 (assembly and leisure).</u></p>	

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		<p><u>Subject to consultation with ward members in the cases where a valid objection has been made and officers are minded to grant the application.</u></p>	
<p><b>Enforcement</b></p> <p><b>District Development Control Committee (Minute 30 – 7.12.10)</b></p>	<p>Town and Country Planning Act 1990 (as amended), Part 7, section 171-190, 196 A, B, C, 198-200 214(A)-(D), 215-219, 220 or 221 and 224, 325, 330</p> <p>Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Part 5, sections 27 and 30</p> <p>Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 4, sections 38, 88, 88A and 88B</p> <p>Local Government (Miscellaneous Provisions) Act 1982 (Section 37)</p>	<p>Authority for <b>Director of Governance</b> to:</p> <ol style="list-style-type: none"> <li>1. Issue Stop Notices, Temporary Stop Notices, Enforcement Notices, Breach of Conditions Notices, Building Preservation Notices, Listed Buildings Enforcement Notices, Planning Contravention Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements and Section 215-219 Notices for all breaches of planning legislation, in accordance with the Council's adopted enforcement policy.</li> <li>2. Prosecute the unauthorised display of advertisements, unauthorised works to a listed building, and non-compliance where enforcement action has previously been authorised.</li> <li>3. Take appropriate enforcement action, including serving an injunction where the <b>Director of Governance</b>, or their nominee, having regard to the evidence considers the circumstances to require urgent action.</li> <li>4. Investigate if a temporary market has been held in breach of Section 37 of the 1982 Act.</li> <li>5. Vary the requirements for compliance with notices already authorised, including altering the period required for compliance, service of further notices and withdrawal of notices.</li> <li>6. Determine when action is not expedient in relation to breaches of control considered inconsequential or insignificant.</li> <li>7. Obtain and use powers of entry necessary in relation to the above.</li> </ol>	

<b>Function</b>	<b>Principal Relevant Legislation (*see note)</b>	<b>Relevant Details</b>	<b>Exceptions</b>
	Town and Country Planning Act 1990 (Section 178) (Council Minute 126 – 23.4.13)	8. To authorise direct action (or re-charge the cost of that action) in pursuit of a valid enforcement notice under Section 178.	Subject to budget provision being available and to local District Councillors being notified