

# APPENDIX 4

## ITEM 10

### SPECIFIC FUNCTIONS

#### PLANNING FUNCTIONS

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
(1)	To determine applications for planning permission or approval (i.e. outline permission, permission in principle, technical details consent pursuant to a permission in principle, full permission, change of use, temporary permission, demolition approval, approval of reserved matters or approval of details), listed building consent, or consent to display advertisements	Planning Committee
2 (a)	<p>To determine applications for planning permission, consent or approval (i.e. outline permission, permission in principle, technical details consent pursuant to a permission in principle, full permission, change of use, temporary permission, listed building consent, approval of reserved matters or approval of details, (unless required by the conditions of an express grant of planning permission)) for which permission or approval may be granted or refused in accordance with the policies of the approved development plan for the area, local finance considerations and any other material considerations, all of the above so far as material to the application, and in the case of applications for householder developments and small-scale equestrian developments without such limit; <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management Team Leader about the application.</p> <p>This class to exclude:</p> <p>(i) All Major Developments (major residential proposals are those involving 10 or more dwellings or, where the number is not</p>	Executive Director (Regeneration and Development)

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
	<p>known, half an hectare and for all other uses, a Major Development is one where the floor space to be built is 1000 square metres or more or where, if the floor space is not known, the site area is one hectare or more) unless the application is only for approval of the reserved matter of landscaping</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
(2) (b)	To determine applications for approval of details where required by the conditions of an express grant of planning permission (except for applications for approval of reserved matters of an outline planning permission and for approval of technical details consent pursuant to a permission in principle) for which approval may be granted or refused in accordance with the policies of the approved development plan for the area, local finance considerations and any other material considerations, all of the above so far as material to the application.	Executive Director (Regeneration and Development)
(2) (c)	To determine whether or not prior approval is to be given (under Class A to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order), in the case of otherwise permitted larger house extensions	Executive Director (Regeneration and Development)
(2) (d)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development within the following Classes – IA (change of use of shops to dwellings), J (change of use of offices to dwellings), K (change of use of buildings to schools), M (change of use to a flexible use), MA (change of use of agricultural buildings to schools and nurseries) and Class MB (change of use of agricultural buildings to dwellings) – of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order); <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development management	Executive Director (Regeneration and Development)

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
	Team Leader about the application.	
(2) (e)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Parts 6 and 7 to the Town and Country Planning (General Permitted Development) Order (agricultural and forestry buildings and associated developments); <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application.	Executive Director (Regeneration and Development)
(2) (f)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code System Operators that includes antennas installed on a building or structure unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or the Development Management Team Leader about the application.	Executive Director (Regeneration and Development)
(2) (g)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given with respect to otherwise permitted development under Part 24 to the Town and Country Planning (General Permitted Development) Order being any development by Telecommunications Code System Operators, that does not include antennas installed on a building or structure	Executive Director (Regeneration and Development)

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
(2) (h)	To determine whether or not (a) the prior approval of the Council will be required and (b) if it is whether or not that prior approval is to be given to otherwise permitted development under Part 31 to the Town and Country Planning (General Permitted Development) Order 1995 – demolition of buildings; <u>unless</u> two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received, require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to the Planning Officer dealing with the application or to the Development Management Team Leader about the application	Executive Director (Regeneration and Development)
(3) (a)	To comment on County Matters  (This class to exclude all Major Developments – where the floor space to be built is 1000 square metres or more or, where the floor space is not known, the site area is one hectare or more), unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical details consent pursuant to a permission in principle.	Executive Director (Regeneration and Development)
(3) (b)	To comment on County Matters that are for Major Development – where the floor space to be built is 1000 square metres or more or, where floor space is not known, the site area is one hectare or more unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical details consent pursuant to a permission in principle.	Planning Committee
(4)	To identify planning applications on which the County Planning Authority or neighbouring Councils should be consulted (Local Government Act 1972, Schedule 16 (as amended))	Executive Director (Regeneration and Development)
(5)	To determine applications for a certificate of existing or proposed lawful use or development (Town & Country Planning Act 1990, Sections 191 – 194)	Executive Director (Regeneration and Development)
(6)	To determine applications for the issue of Certificates of Appropriate Alternative Development (Land Compensation Act 1961, Section 17)	Planning Committee
(7)	To determine submissions for authorisation to carry out development in accordance with the terms of the Town and Country Planning General Regulations	Planning Committee

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
(8)	To comment on applications to the Secretary of State for Energy, proposing overhead electricity transmission lines (consultations in accordance with Circular 14/90)	Executive Director (Regeneration and Development)
(9)	To comment on urgent applications for Crown Development	Executive Director (Regeneration and Development)
(10) (a)	<p>To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations. This class to exclude:</p> <p>(i) All Major Developments unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical consent details pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floor space to be built is 1000 square metres or more or, where the floor space is not known, the site area is one hectare or more</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	Executive Director (Regeneration and Development)
(10) (b)	<p>To comment favourably or otherwise on proposals for development submitted by the County Council in accordance with the terms of the Town and Country Planning General Regulations which are for:</p> <p>(i) All Major Developments unless the application is for the approval of reserved matters of an outline planning permission or for the approval of technical consent details pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floor space to be built is 1000 square metres or more or, where the floor space is not known, the site area is one hectare or more</p>	Planning Committee

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
	<p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	
(11) (a)	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and the likely impact upon the interests of the Borough. This class to exclude:</p> <p>(i) All Major Developments unless the application is for the approval of the reserved matters of an outline planning permission or for the approval of technical consent details pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floor space to be built is 1000 square metres or more or, where the floor space is unknown, the site area is one hectare or more</p> <p>(ii) Any proposals for the demolition, as defined in national guidance, of a Listed Building</p> <p>(iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building</p>	Executive Director (Regeneration and Development)
11 (b)	<p>To comment favourably or otherwise on proposals for development on which the Council is consulted by a neighbouring authority based upon relevant planning policies and proposals and the likely impact upon the interests of the Borough, such proposals being for:</p> <p>(i) All Major Developments unless the application is for the approval of the reserved matters of an outline planning permission or for the approval of technical details consent pursuant to a permission in principle. Major residential proposals are those involving 10 or more dwellings, or where the number is not known, half a hectare and for all other uses, a Major Development is one where the floor space to be built is 1000 square metres or more or, where the floor space is unknown, the site area is one hectare or more</p> <p>(ii) Any proposals for the demolition, as defined</p>	Planning Committee

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
	in national guidance, of a Listed Building  (iii) Any proposals for the alteration or extension of a Grade 2* or Grade 1 Listed Building	
(12)	To authorise the creation by agreement, and the, modification or discharge of planning obligations under Section 106 and 106A of the Town and Country Planning Act 1990	Planning Committee
(13)	To exercise the Council's powers of enforcement of planning control, including in relation to Listed Buildings, Conservation Areas and tree enforcement including, in relation to trees, Part VIII, Town and Country Planning Act 1990	Planning Committee/Executive Director (Regeneration and Development)
(14)	To authorise the service and enforcement of Notices and the recovery of expenses under Section 215 – 218 of the Town and Country Planning Act 1990	Planning Committee and/or Executive Director (Regeneration and Development)/Chief Executive
(15)	To authorise the service of information requisitions and Planning Contravention Notices Section 171C of the Town and Country Planning Act 1990; Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive Director (Regeneration and Development)/Chief Executive
(16)	To exercise all the Council's powers in relation to advertisements under Sections 220 – 222 of the Town and Country Planning Act 1990 and subordinate Regulations	Executive Director (Regeneration and Development)
(17)	To exercise all the Council's powers in relation to advertisements under Sections 223 – 225 of the Town & Country Planning Act 1990 and subordinate Regulations	Planning Committee and/or Executive Director (Regeneration and Development)
(18)	To exercise the Council's powers to make Tree Preservation Orders and to control felling, topping, lopping and re-planting under such Orders	Executive Director (Operational Services) and/or Head of Business Improvement, Central Services and Partnerships
(19) (a)	To confirm Tree Preservation Orders	Planning Committee
(19) (b)	To make Tree Preservation Orders	Executive Director (Operational Services) and/or Head of Business Improvement, Central Services and Partnerships
(20)	To screen applications and determine whether an environmental impact assessment is required and to respond to applicants who enquire whether such an assessment is needed and the	Executive Director (Regeneration and Development)

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
	scope of such an assessment	
(21)	To exercise all the powers under the Planning (Listed Buildings and Conservation Areas) Act 1990, other than those expressly included in 2(a) above	Executive Director (Regeneration and Development)
(22)	To exercise all the powers under the Planning (Hazardous Substances) Act 1990	Planning Committee
(23)	To authorise an application to the Court for an injunction to restrain any actual or apprehended breach of planning control including Listed Building control and breach of a Tree Preservation Order	Planning Committee and/or Chief Executive
(24)	To authorise any person to enter land in connection with the exercise by the Council of its powers of enforcement of planning control including Tree Preservation and Listed Building control	Planning Committee and/or Executive Director (Regeneration and Development) and/or Executive Director (Operational Services)
(25)	To authorise any person to enter land in accordance with the provisions of the Town and Country Planning Act 1990	Planning Committee Executive Director (Regeneration and Development) or Executive Director (Operational Services)
(26)	To refuse to entertain an application where statutory requirements have not been complied with	Executive Director (Regeneration and Development)
(27)	To determine which applications should be advertised by means of a discretionary press notice	Executive Director (Regeneration and Development)
(28)	To exercise the powers under the Hedgerow Regulations (Environment Act 1995, Section 97)	Executive Director (Regeneration and Development)/Executive Director (Resources and Support Services)/Executive Director (Operational Services)
(29)	To determine applications under the Anti-social Behaviour Act 2003 (Part 8, High Hedges)	Planning Committee
(30)	To determine applications submitted under the Anti-social Behaviour Act 2003 (Part 8, High Hedges) unless two or more Members by notice in writing within 15 working days of the date of publication of the weekly list of applications received require the application to be referred to the Planning Committee subject to the requirement that each Member who has called in the application has spoken beforehand either to	Executive Director (Regeneration and Development)



	<b>FUNCTION</b>	<b>EXERCISED BY</b>
	the Planning Officer dealing with the application or the Development Management Team Leader about the application.	
(31)	To authorise the taking of enforcement action under the Anti-social Behaviour Act 2003 (Part 8, High Hedges)	Executive Director (Regeneration and Development)
(32)	To issue notifications under Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 (requirement to include details in applications for outline planning permission)	Executive Director (Regeneration and Development)
(33)	To exercise the power to decline to determine applications/overlapping applications and retrospective applications under Sections 70A, 70B and 70C of the Town and Country Planning Act 1990	Executive Director (Regeneration and Development)
(34)	Processing of all appeals	Head of Business Improvement, Central Services and Partnerships and Executive Director (Regeneration and Development)
(35)	To determine applications for a certificate of lawfulness of works to a Listed building (Listed Buildings and Conservation Areas Act, as amended)	Executive Director (Regeneration and Development)
(36)	To enter in Planning Performance Agreements on behalf of the Council	Executive Director (Regeneration and Development)
(37)	To authorise the making of a Local Development Order	Planning Committee