

**Delegation to:           Head of Planning, Regeneration and Development  
Planning Enforcement Manager**

Council Functions

<b>Column 1 Legislation</b>		<b>Column 2 Brief Description</b>	<b>Column 3 Conditions/ Exclusions Limitations/Notes</b>
1.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences	
2.	Functions relating to town and country planning and development control, trees, footpaths, bridleways and restricted byeways, public rights of way, as described in Article 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 no.2853) with the exception of any functions required by any enactment or this constitution to be discharged by the Council	To exercise the powers and functions in relation to town and country planning and development control including: (a) Power to determine applications for planning permission. (b) Power to determine applications to develop land without compliance with conditions previously attached. (c) Power to grant planning permission for development already carried out. (d) Power to decline to determine applications for planning permission. (e) Duties relating to the making of determinations of planning applications. (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person. (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights. (h) Power to enter into planning obligations, to modify and discharge planning obligations and related powers. (i) Power to issue a certificate of existing or proposed lawful use or development. (j) Power to serve a completion notice. (k) Powers in relation to the display of advertisements. (l) Powers in relation to entry onto land. (m) Power to require the discontinuance of a use of land.	In relation to the determination of planning applications under Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 Column 2(a) referral to Planning Committee will be made for Major Development* where there are 21 or more Contrary representations** to the officer recommendation Or, at the written request of a Member subject to the requirement that:  (i) relevant planning reasons (in the context of the application) for the call-in are provided in writing; and  (ii) the Member makes reasonable endeavours to attend committee to address the issues raised (or provide a representative to do so on their behalf); and

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	<p>(n) Powers to serve a planning contravention notice, breach of condition notice or stop notice.</p> <p>(o) Power to issue a temporary stop notice.</p> <p>(p) Power to issue an enforcement notice.</p> <p>(q) Power to apply for an injunction restraining a breach of planning control.</p> <p>(r) Power to determine applications for hazardous substances consent and related powers (including the revocation of consent).</p> <p>(s) Duty to determine conditions to which old mining permissions, relevant planning permissions related to dormant sites or active phase 1 or 2 sites or mineral permissions relating to mining sites as the case may be are to be subject.</p> <p>(t) Power to require proper maintenance of land.</p> <p>(u) Power to determine application for listed building consent, and related powers.</p> <p>(v) Duties relating to applications for listed building consent.</p> <p>(w) Power to serve a building preservation notice, and related powers.</p> <p>(x) Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> <p>(y) Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> <p>(z) Power to apply for an injunction in relation to a listed building.</p> <p>(aa) Power to authorise stopping up or diversion of highway.</p> <p>(bb) Power to execute urgent works.</p> <p>(cc) Powers relating to the protection of important hedgerows.</p> <p>(dd) Powers relating to the preservation of trees.</p> <p>(ee) Power in relation to complaints about high hedges.</p>	<p>(iii) the Head of Planning and Development in consultation with the Chairman of the Planning Committee considers that the application should be called-in on the basis that it raises issues of Significant Importance.***</p> <p>* Major Development as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015</p> <p>**For these purposes a representation shall be:</p> <p>In writing which shall mean a letter, email, submitted electronically via the Council's website or a petition</p> <p>Made by an individual or a body corporate</p> <p>Raising a material planning consideration</p> <p>Made within the period specified for the making of representations</p> <p>And where a single letter, email, electronic website submission or petition bears the name of more than one person, it shall be treated as made by the first named person</p>

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	<p>(ff) Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.</p> <p>(gg) Power to extinguish public rights of way over land held for planning purposes.</p>	<p>only for the purposes of determining whether there are 21 or more contrary representations.</p> <p>*** The Head of Planning and Development will consider the following criteria when deciding whether an application is of significant importance such that it should be determined by the Planning Committee:</p> <ul style="list-style-type: none"> <li>• Whether the reason for the call-in relates to the principle of the development, where the principle has already been established (by a previous grant of planning permission and/or Local Plan allocation) and whether any changes in the material planning considerations are identified through the call-in that would justify derogating from the established principle;</li> <li>• Whether the call-in reason relates to an issue upon which a consultee has been consulted and to which the consultee does not object to the proposal, with no empirical evidence having been presented that contradicts the consultee response;</li> </ul>

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		<ul style="list-style-type: none"> <li>• Whether it would be possible to impose planning conditions that would address the concern(s) raised and whether the condition(s) would be reasonable to impose and can be agreed by the applicant (where appropriate).</li> <li>• Whether the planning reasons cited through the call-in are vague and/or imprecise and do not reasonably relate to or engage with the material planning considerations pertinent to the determination of the application.</li> </ul>
3.	Local choice functions allocated to the Planning Committee as set out in Section 1 of Part 3 of the Constitution.	
4.	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017	To determine all matters in relation to the Regulations.
5.	Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits)	To implement the provisions of the Regulations.

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(England) Regulations 2017		

Executive Functions

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6. The Planning and Compulsory Purchase Act 2004 – Part 3 and Town and Country Planning Act 1990	To exercise the powers and functions of the Council in relation to Neighbourhood Development Plans.	<p>The function of designating neighbourhood areas shall be referred to the executive for decision in circumstances where there are objections.</p> <p>The consideration of the recommendation made by the examiner required by paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 shall be referred to the executive for decision.</p> <p>The functions of deciding to make a neighbourhood development plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refusing to make a plan under section 38A(6) of that Act shall be referred to the executive for consideration and reserved to the Council for decision.</p>
7. Licensing Act 2003 (Sections	To exercise the powers of the Planning Committee as “responsible authority”.	

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	13(4)(d) and 69(4)(d))	
8.	Goods Vehicles (Licensing of Operators) Act 1995	To make objections and representations on behalf of the planning authority to the grant of applications for operators licences.
9.	Self-build and Custom Housebuilding Act 2015	To exercise the powers and functions of the Council under the Act.
10.	Planning Performance Agreements	To negotiate and enter into Planning Performance Agreements.
11.	Housing and Planning Act 2016	To exercise the Council's powers and functions in relation to the Brownfield Land Register.
12.	Local Development (Part 2 of the Planning and Compulsory Purchase Act 2004)	To discharge the powers and functions of the council in relation to the Local Plan and supplementary planning documents and policies
		<p>The giving of any instruction to prepare or modify any development plan or local development documents, any supplementary planning documents and policies is reserved to Cabinet</p> <p>Approval of any draft of the Statement of Community Involvement or Local Development documents for the purposes of consultation and the making of recommendations to Council of any such documents is reserved to Cabinet</p> <p>Approval of the Authority Monitoring Report is reserved to Cabinet</p>

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13.	The Planning Act 2008 (Parts 4 – 8)	To exercise the powers and functions of the Council in relation to develop consent for national significant infrastructure projects	
14.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 57) or the Town Grant Scheme	Where the total amount repayable does not exceed £250, and subject to the concurrence of the Section 151 Officer, to determine if grants made should be repaid.	
15.	Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 58)	To decide upon the recovery of sums paid out in respect of repairs to properties.	
16.	The Local Land Charges Acts	To exercise the functions of the Council in respect of the Local Land Charges Service.	