

Part Two: Chapter 5 - Functions of the Planning Committee

5.1 The general functions and areas of responsibility of the Council's Planning Committee are to:

- a) undertake all of the functions listed in this Chapter of the Constitution which are Non-Executive functions under the terms of Regulation 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001.
- b) grant powers of entry and delegate any of its powers and duties to any officer or officers of the Council, subject to any limitation which the Committee may consider appropriate, in relation to:
 - i. the imposition of any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted
 - ii. the determination of any other terms to which any such approval, consent, licence, permission or registration is subject
 - iii. the determination as to whether to take enforcement action in consequence of:
 - iv. a breach of any approval, consent, licence, permission or registration granted
 - v. a breach of any condition, limitation or term to which such approval, consent, licence, permission or registration is subject
 - vi. the amendment, modification or variation of any approval, consent, licence, permission or registration
 - vii. the revocation of any such approval, consent, licence or registration.
- c) make recommendations to the Executive on planning policy matters, with particular reference to development control functions.
- d) respond to consultations from the Executive on the preparation of Development Plans and, where appropriate, to make recommendations on such Plans to the full Council.
- e) make recommendations to the full Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.

5.2 The Committee will also undertake the following specific functions:

Function	Provision of Act or Statutory Instrument
Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Section 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).

Last Reviewed – March 2018

Function	Provision of Act or Statutory Instrument
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A(a) of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Section 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.

Last Reviewed – March 2018

Function	Provision of Act or Statutory Instrument
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Section 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consents and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. 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,	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.

Last Reviewed – March 2018

Function	Provision of Act or Statutory Instrument
as the case may be, are to be subject.	
19. Power to require the proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 (c. 9)
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and Regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Circular 14/97.
23. Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
24. Power to issue enforcement notices in relation to the demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.

Last Reviewed – March 2018

Function	Provision of Act or Statutory Instrument
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
Miscellaneous Provisions	
28. Power to authorise the stopping-up or diversion of a footpath or bridleway	Section 257 of the Town and Country Planning Act 1990
29. Power to extinguish public rights of way over land held for planning purposes	Section 25 of the Town and Country Planning Act 1990
30. Power to make a limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69).
31. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160)
32. Powers relating to the preservation of trees	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892)
33. Powers and functions relating to high hedges.	Local Government (Functions and Responsibilities) (England) Regulations 2000 (as amended) and Section 8 of the Anti-Social Behaviour Act 2003.

5.3 The extent of any onward delegations of planning functions from the Committee to officers is set out in Part Four of this Constitution.

Last Reviewed – March 2018

Last Reviewed – March 2018