

## Section 2. Responsibility for Council Functions (which cannot be the responsibility of the Cabinet)

**Decision Making Body:** Planning Committee

**Membership:** 15 Members of the authority

### **Functions:**

#### **Planning and conservation**

Functions relating to town and country planning and development control as specified below:

1. Power to determine applications for planning permission.
2. Power to determine applications to develop land without compliance with conditions previously attached.
3. Power to grant planning permission for development already carried out.
4. Power to decline to determine application for planning permission.
5. Duties relating to the making of determinations of planning applications.
6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
8. Power to enter into agreement regulating development or use of land (if related to a planning application and not likely to have a substantial, district-wide impact).
9. Power to issue a certificate of existing or proposed lawful use or development.
10. Power to serve a completion notice.
11. Power to grant consent for the display of advertisements.
12. Power to authorise entry onto land.
13. Power to require the discontinuance of a use of land.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.
15. Power to issue an enforcement notice.
16. Power to apply for an injunction restraining a breach of planning control.
17. Power to determine applications for hazardous substances consent, and related powers.
18. Power to require proper maintenance of land.
19. Power to determine application for listed building consent, and related powers.
20. Power to determine applications for conservation area consent.
21. Duties relating to applications for listed building consent and conservation area consent.
22. Power to serve a building preservation notice, and related powers.
23. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.

24. Powers to acquire a listed building in need of repair and to serve a repairs notice.
25. Power to apply for an injunction in relation to a listed building.
26. Power to execute urgent works.

### **Miscellaneous functions**

Powers relating to the preservation of trees.

Powers relating to the protection of important hedgerows.

Powers relating to Building Regulations.

Note: The functions of the Planning Committee include the following:

Terms of Reference:

- P1 To keep under review current policies in respect of the work of this Committee, and to respond to all consultations by the Cabinet as to any necessary changes or new policies.
- P2 To make appropriate recommendations to the Council in respect of planning applications which:
  - are likely to have a substantial and district-wide impact; or
  - would not accord with the policies and proposals of the draft or adopted Development Plan, if approved.
- P3 To advise the Council in respect of any proposed development by the Cabinet or a Cabinet Member holding the portfolio of that service, for which the Planning Committee is not prepared to pass the necessary resolution to carry out or authorise such proposed development.

Delegated Powers:

- P4 To consider annually the Scale of Fees and Charges, and to submit recommendations to the Cabinet or Council as appropriate.
- P5 To authorise legal proceedings arising out of the Committee's functions.
- P6 To deal with planning proposals referred to the Committee under agency agreements (if any), development proposed by Government departments, or by other Local Authorities.
- P7 To deal with the scheme of consultation for planning applications with Town and Parish Councils.
- P8 To make arrangements for publicity to be given to planning applications.
- P9 To deal with all other non-executive matters not specifically referred to in the Terms of Reference and Delegated Powers, arising from Town and Country Planning legislation, Listed Building legislation and Building Control legislation, and to establish broad guidelines on procedures for the benefit of applicants and Officers.
- P10 To review the performance of the Thanet Joint Transportation Committee on an annual basis, and advise the Council accordingly.

## **Development Control**

- 9.7 To determine (including the power to refuse applications), all applications for planning permission, Listed Building consent, Conservation Area consent, consent to display adverts, and applications under Regulation 3 and 4 of the Town and Country Planning (General Regulations) in respect of development by, or on behalf of, Thanet District Council or Kent County Council, in accordance with policies contained in a draft or adopted Development Plan for the area, or other approved documents in the form of planning guidance for development, other than:
- (i) applications which the Director of Regeneration or Planning Applications Manager/or Planning (Strategic Sites) Manager, in consultation with the Chairman or Vice Chairman of the Planning Committee, considers to be of significant public interest;
  - (ii) applications which Council Members have specifically requested to be referred to the Planning Committee;
  - (iii) applications submitted by a Member of the Council, or member of staff of the Council.
- 9.8 To give approval to amendments to permissions already issued by the Council where the form and content of the previous application are not significantly changed in the opinion of the Director of Regeneration or Planning Applications Manager and/or Planning (Strategic Sites) Manager.
- 9.9 To add, correct, or amend conditions and reasons for refusal on all applications which are considered at Planning Committee, as are necessary to ensure that when a planning permission or refusal is issued, it expresses as clearly and completely as possible the intentions of the Members of the Committee in making that decision, and protects the interests of the Council as Local Planning Authority. The reason for the decision being accurately recorded in the Planning Committee minutes and on the Decision Notice.

(In all cases, where differences arise between the published minutes and the conditions or reasons for refusal issued by the Director of Regeneration, Planning Applications Manager or Major Projects Planner, the latter shall prevail and be the binding and effective decision of the Local Planning Authority.)

- 9.10 To make observations on proposals submitted for comment and/or determine applications for prior approval in accordance with Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any other relevant Development Order, including:

Part 6 (Agricultural Buildings)

Part 24 (Telecommunications Code Systems Operators)

Part 31 (Demolition of Buildings)

- 9.11 To make observations in accordance with policies contained in a draft or adopted Development Plan for the area, or other approved documents in the form of planning guidance for development, on planning applications submitted to the County Planning Authority within the district for determination, and referred to the Council as Local Planning Authority for comment in accordance with Article 12 of the Town and Country Planning (General Development Procedure) Order 1995.

- 9.12 To negotiate in association with the Head of Legal and Democratic Services, and within the context of Government Guidance and the Council's own policies, planning agreements under Section 106 of the Town and Country Planning Act 1990, and other legal agreements, where these are required in connection with the grant of planning permissions dealt with under delegated powers, and in other cases where such agreements are appropriate.

- 9.13 To provide scoping and screening opinions with regard to applications potentially requiring the submission of an Environmental Impact Assessment in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

- 9.14 To require further information in respect of applications for outline planning permission, under the Town and Country Planning (General Development Procedure) Order 1995, Article 3, (2).
- 9.15 To approve or refuse details submitted, in order to comply with Conditions attached to planning permissions and other relevant consents referred to in 8.8 above.
- 9.16 To determine applications for Hazardous Substance consent under the Planning (Hazardous Substances) Act 1990.

### **Strategic Planning**

- 9.17 To publish the Local Plan and, in accordance with the Planning and Compulsory Purchase Act 2004, supervise and coordinate the production of documents comprising the Local Development Framework.
- 9.18 Following Cabinet approval, to implement Compulsory Purchase Orders under the terms of the Planning and Compulsory Purchase Act 2004.

### **Planning Enforcement**

- 9.19 In cases of urgency, where action is necessary between meetings of the Planning Committee, following consultation with a Director, Head of Legal and Democratic Services and with the Chairman or Vice Chairman of the Planning Committee, to authorise the service of an Enforcement Notice and Stop Notice in accordance with the terms of the Town and Country Planning Act 1990.
- 9.20 Jointly with the Head of Legal and Democratic Services and the Planning Applications Manager to determine applications for Certificates of Lawfulness of existing or proposed use or development under Sections 191 and 192 of the Town and Country Planning Act 1990.
- 9.21 In consultation with the Head of Legal and Democratic Services, to instigate legal proceedings against the display of fly posted advertisement material, in accordance with Section 224 of the Town and Country Planning Act 1990.