

## HEAD OF SPATIAL PLANNING/HEAD OF DEVELOPMENT CONTROL

- 1 To undertake planning functions under Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 subject to the constraints laid down by the Planning Sub-Committee on 20 July 1992 and any future constraints considered appropriate by the Development Control Committee.
- 2 To take action under the Town and Country Planning Act 1990 as amended by the Planning Compensation Act 1991 as follows:
  - Power to issue a Completion Notice under Section 94 Town and Country Planning Act 1990.
  - Power to instruct the Head of Legal Services to issue an Enforcement Notice under Section 172 \*\*
  - Power to instruct the Head of Legal Services to issue a Stop Notice under Section 183 \*\*
  - Power to instruct the Head of Legal Services to issue a Breach of Condition Notice under Section 187A \*\*
  - Power to instruct the Head of Legal Services to seek an injunction restraining a breach of planning control under Section 187B \*\*
  - Power to authorise entry onto land without a warrant under Section 196A \*\*
  - Power to instruct the Head of Legal Services to seek warrant authorising entry onto land under Section 196B
- 3 To issue a Planning Contravention Notice under Section 171C of The Town and Country Planning Act 1990 as amended by the Planning Compensation Act 1991. (This power extends to the Senior Enforcement Officer).
- 4 To make any necessary applications under the Ancient Monuments and Archaeological Areas Act 1990, the Ancient Monument Consent) Regulations 1981, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Planning Listed Buildings and Conservation Areas) Regulations 1990.
- 5 After consultation with the local member in sensitive cases to inform the Electricity Board that the Council would have no objection to the erection of overhead electrical supply lines.

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\*\* The exercise of the above enforcement powers are reported to the Development Control Committee

- 6 To undertake the functions of the Council in respect of any applications for development covering two districts where the district councils concerned are in agreement as to how the application shall be determined.
- 7 Power to determine all matters listed as Development Control functions, namely:
  - i Development of the purpose of mineral extraction or the deposit of waste
  - ii Development by the County Council under the provisions of the Town and Country Planning (General) Regulations 1992 Regulation 3)
  - iii To renew planning permission for a limited period in respect of either a temporary building or use, or for a development which has not yet been commenced, provided the circumstances remain unchanged since permission was first granted
  - iv To determine details submitted to satisfy a condition imposed on a planning permission
  - v To authorise minor variations to approved plans
  - vi To determine requests to relax or vary conditions on a planning permission originally determined by the Head of Spatial Planning under these delegated powers
  - vii To make observations in response to consultations from neighbouring planning authorities
  - viii To determine the lawful use of a site pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990
  - ix To make minor amendments to planning application decision notices prior to issuing of the notice, as are required in the interest of clarity and consistency in expressing the Development Control Committee's decision
  - x To add to a planning permission decision notice prior to its issue such conditions and/or reasons as are required by statutory consultees and which are consistent with the Committee's decision.
  - xi To determine and make a formal response to consultations by District Councils within the County concerning their local plans.
  - xii To negotiate and agree planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended by the Planning Compensation Act 1991).

- 8 The exercise of the above powers are, however, subject to certain constraints as follows:
- a That the decision would be in accordance with the Development Plan (Structure, Minerals and Local Plan) and any emerging local plans and other published County Council policy
  - b That the appropriate District Council has not made an observation which is contrary to the decision proposed to be taken
  - c That the appropriate Parish Council or meeting has not made an observation which is contrary to the decision which is proposed to be made, provided that the observation relates to a planning matter
  - d That no statutory consultee has made any observation which is contrary to the decision proposed to be made so far as the aspects which concern that consultee are concerned
  - e That the appropriate local member has not made an observation which is contrary to the decision proposed to be taken
  - f That no application should be approved if an objection has been received from an interest group, neighbour or other person who would be directly affected by the development provided the objection is on planning grounds
  - g Nothing in the above scheme, however, shall prevent the reference of any matter to the Committee for a decision, if in the opinion of the Head of Spatial Planning such action is in the best interests of the County.
- 9 In accordance with the Planning and Compensation Act 1991:
- i To grant authority to specified persons to enter a site for the purposes of planning enforcement
  - ii To determine in the light of Regulations published by the Secretary of State when an application requires an environmental assessment
  - iii To decline to determine a planning application should the same follow closely an unsuccessful similar application
  - iv To accept registration under the Interim Development Order Provisions and determine planning conditions as appropriate
  - v To authorise specified persons to enter a site in connection with the enforcement or examination of Tree Preservation Orders

- vi To act in accordance with the provisions of the Act with regard to applications relating to historic buildings
- vii To respond as appropriate on receipt on local plans.
- 10 To appoint consultants to carry out mineral and waste disposal inspection works and appeals.
- 11 To determine applications for grant made under Section 57 of the Listed Buildings Act 1990.
- 12 To take decisions on behalf of the Development Control Committee when a Panel is established and the Committee wishes a decision to be taken before the next meeting.
- 13 To make directions under Article 4a of the Town and Country Planning General Development Order 1977 (in consultation with Chairman or Vice-Chairman).
- 14 To determine applications made in the County Council under Section 17 of the Land Compensation Act 1961 for Certificates of Appropriate Alternative Development.
- 15 To determine any application under Section 64 of the Town and Country Planning Act 1990 as to whether planning permission is required for a particular use of land.
- 16 To consider any planning application which has been referred to the County Council by a District Council for consultation purposes and to respond thereto, subject to any response on the strategic implications thereof being in accordance with the recommendations of a Panel comprising any two members of the Development Control Committee, one of whom shall be the Chairman or Vice-Chairman.
- 17 Following consultation with the local member to consider any proposal for development by a District Council referred to the County Council and to respond thereto, subject to any comment on the strategic implications of the proposals being first agreed by the Chairman of the Development Control Committee.
- 18 To consider any planning application which has been referred to the County Council by the council of an adjoining local authority and to respond thereto.
- 19 To respond to any consultation from a District Council within Buckinghamshire engaged in discharging the functions of the County Council as regards the Electric Lighting (Clauses) Act 1899 and Section 21 of the Electricity (Supply) Act 1919 and in respect of Section 90(1) of the Town and Country Planning Act 1990, insofar as they relate to the deeming of planning permission in respect of development proposed under the Acts.

- 20 To determine any application for consent under an order under Section 198 of the Town and Country Planning Act 1990 to the cutting down, topping, lopping or destruction of trees.
- 21 To certify in accordance with Article 5 of a tree preservation order that a tree is of outstanding or special amenity value, in those cases where the felling of any tree not forming part of a woodland is to be resisted on amenity grounds.
- 22 Where a District Planning Authority needs to seek the views of the County Planning Authority under paragraph 23 of Schedule 16 of the Local Government Act 1972, before serving a completion notice on a development for which the relevant permission was granted by the County Planning Authority, to discharge that function in those cases where the service of a completion notice is supported.