

**DARTFORD BOROUGH COUNCIL
ANNUAL MEETING
8 May 2013**

**STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL**

DEVELOPMENT CONTROL BOARD

[REPORTING TO COUNCIL unless otherwise stated in these Terms of Reference]

Chairman: Councillor D E Hunnisett
Vice-Chairman: Councillor A Bardoe
Membership: Councillors J P Adams, I D Armitt, S H Brown, J Burrell, J A Hayes, K M Kelly, P Kelly, D J Mote, J I Muckle, R S L Perfitt, G T Prout, Mrs J A Rickwood, Mrs R L Shanks, A Wells and Mrs N C Wightman.

TERMS OF REFERENCE:

A. DELEGATED FUNCTIONS:

1. Responsible for the implementation of the Development Plan through the following development control functions;

	Functions relating to Town and Country Planning and Development Control	Provision of Act or Statutory Instrument
1.	Power to determine applications for planning permission	Section 70(1)(a) and (b) of the Town and Country Planning Act 1990
2.	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, as the case may be, are to be subject	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 and paragraph 6(5) of Schedule 14 to that Act
3.	Powers to grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject	Section 73 of the Town and Country Planning Act 1990
4.	Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
5.	Duties relating to the making of determinations of planning applications	Sections 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
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6.	Power to determine application 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
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
8.	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
9.	Power to serve a planning contravention notice, breach of condition notice or stop notice	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990
10.	Power to issue a temporary stop notice	Section 171E of the Town and Country Planning Act 1990
11.	Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990
12.	Power to grant listed building consent	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
13.	Power to grant 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
14.	Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
15.	Power to require proper maintenance of land	Section 215(1) of the Town and Country Planning Act 1990
16.	Power to dispense with duty to replace trees	Section 206(2) of the Town and Country Planning Act 1990
17.	Power to enforce duty to replace trees	Section 207 of the Town and Country Planning Act 1990
18.	Power to dispense with duty to replace trees in conservation areas	Section 213(2) of the Town and Country Planning Act 1990
19.	Power to enforce duty to replace trees in conservation areas	Section 213(3) of the Town and Country Planning Act 1990
20. (a)	Power to grant consent under a tree preservation order	Paragraph 7 of the Schedule to the Trees Regulations 1999
(b)	Power to make and confirm a tree preservation order	Sections 199 and 201 of the Town and Country Planning Act 1990
21.	Power to give directions as to the replanting of land	Paragraph 8 of the Schedule to the Trees Regulations 1999
22.	Power to require information as to interests in	Section 330 of the Town and

	land	Country Planning Act 1990
23.	Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
24.	Power to authorise entry on to land	Section 196A of the Town and Country Planning Act 1990
25.	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990
26.	Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
27.	Power to issue enforcement notice in relation to demolition of [listed] building in conservation area	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
28.	Power to issue a listed building enforcement notice	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
29.	Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990
30.	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 Conservation Areas) Act 1990
31.	Power to execute urgent works to a listed building	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
32.	Power to revoke or modify any listed building consent	Section 23(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
33.	Power to determine whether prior approval is required to the siting and appearance of Telecommunications Code System Operators' apparatus	Schedule 2 Part 24 General Permitted Development Order 1995
34.	Power to screen applications and issue a screening opinion	Town and Country Planning (Environmental Impact Assessment) Regulations 1999
35.	Duty to give notice, etc of applications for planning permission	Town & Country Planning Act 1990 Sections 65 to 68
36.	Power to enter into agreement regulating development of use of land	Town & Country Planning Act 1990 Section 106
37.	Power to enter into agreement for the execution of highway works	Highways Act 1980 Section 278
38.	Power to authorise stopping up or diversion of	Section 247 of the Town and

	highway	Country Planning Act 1990
39.	Power to serve a completion notice	Town and Country Planning Act 1990 Section 94(2)
40.	Power to require the discontinuance of a use of land	Town and Country Planning Act 1990 Section 102
41.	Power relating to the protection of important hedgerows	Hedgerows Regulations 1997
42.	Power relating to high hedges remedial notices and to authorise entry onto land	Anti - Social Behaviour Act 2003 Part 8
43.	Obtaining particulars of persons interested in land	Section 16 Local Government (Miscellaneous Provisions) Act 1976
44.	Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981
45.	Determining whether a charge should be made for any approval or consent etc, including the function of determining the amount unless the function is a Cabinet function	
46.	Power to enforce all other statutory requirements arising from the exercise of functions delegated to the Board and to authorise legal proceedings	
47.	To make a Neighbourhood Development Plan	Section 38A Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012
48.	To make, revoke or modify Neighbourhood Development Orders	Sections 61E and 61M and Schedule 4B Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012
49.	Community Right to Build	Sections 61E and 61Q and Schedule 4C Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012
50.	To determine applications for Neighbourhood Forums	Section 61F Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012
51.	Power to determine applications to designate Neighbourhood Areas	Sections 61G Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012

2. To receive reports from the Audit Board on matters connected/ancillary to the Council's planning code 'Probity in Planning Protocol for Councillors and Officers' and to respond/act accordingly.

3. To receive reports on the operation and management of the Council's Development Control Section.

4. Discussion/Consultation Papers

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Board in accordance with the procedure set out in the Appendix to these Terms of Reference.

B. REFERRED FUNCTIONS:

1. To recommend accordingly to the Cabinet on matters connected with the Development Plan and on any of the residual planning functions within the Cabinet's Terms of Reference.
2. To recommend to the Cabinet, designation of conservation areas.

NB: The Secretary of State considers that full exchange of information between the executive and any committee which takes development control decisions is essential. Therefore, the involvement (on a non-voting basis) of the Cabinet member with responsibility for the Development Plan is encouraged.