

**ORIGINAL DEVELOPMENT CONTROL SCHEME OF DELEGATION WITH PROPOSALS FOR CHANGE FROM CLLR BILL DOUGLAS**

The Director of Development (and any officers designated by that officer) is authorised to: -

- determine any planning application under delegated powers (including tree/hedge work applications);
- deal with enforcement complaints (including deciding on the expediency of taking/not taking action and issuing enforcement notices and taking any further action, including prosecution, required to secure compliance with a decision of the Council);
- deal with all types of appeal and their format;
- deal with all other decisions and correspondence required under any relevant local government, social, planning, listed building, conservation, building and environmental and any other relevant legislation;
- nominate officers to represent the Council on forums and working parties;
- authorise officers to enter land and buildings in the course of their duties;
- enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act);
- set charges for copying, planning history searches, high hedge applications and discretionary fees for Local Land Charges;
- refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe set out in the officer's report.
- institute judicial reviews in consultation with the head of legal services

**THE FOLLOWING BOX CONTAINS SUGGESTED CHANGES TO THE WORDING OF THE MID SECTION OF THE ORIGINAL SCHEME BY CLLR DOUGLAS AS LIB. DEM. SHADOW CABINET MEMBER.**

**OFFICER COMMENTS ARE SET OUT IN ITALICS UNDER EACH OF THE REVISED SECTIONS.**

This is provided that none of the following conditions apply.

#### **Reference to Committee by Wiltshire Council Division Member**

- **On planning applications, the Wiltshire Council Division Member requests in writing that the application proceed to determination by way of the relevant area committee. (Any request must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and set out the material planning consideration(s) which warrant the application going before committee).**

#### **Applications by member or senior officer of the council or close relation.**

- **If the application is made by an elected member or a senior officer of the Council or their close relations, where representations objecting to the application have been received, permission can only be given by committee.**

*This wording is clearer than the original text and has been incorporated into the revised scheme being recommended by officers in Appendix G. (with some minor amendments and to make it clear that it is only the relevant Division Member who can call in pick up other suggestions for clarification)*

#### **Application in which Wiltshire Council Division Member has a Prejudicial Interest**

- **Where the Wiltshire Council Division Member is advised by the Monitoring Officer that they may have a Prejudicial Interest and where representations objecting to the application have been received, permission can only be given by committee.**

*Officers don't have any strong views on this proposal – occasions where these circumstances would apply will probably be few and far between. Much would depend, however, on the Monitoring Officer being made aware of the interest and telling the planning team that any given application had to proceed to committee. This action would have to be undertaken within the standard 21 days of publication of the relevant weekly list. The variables at work could lead to mistakes so it may be simpler not to add this additional caveat.*

#### **Petition of Objection Signed By Division Electors**

- **Where electors of six or more households in the division(s) in which planning permission is sought demand it, then the application shall be heard by committee.**
- **Where relevant Parish Council, Town or City Council demands it, then the application shall be heard by committee.**

*This proposal seeks to re-introduce 'call in' by a predetermined number of objectors and by parish and town councils. This is unacceptable for the reasons set out in response to similar requests in Appendix A. It will add to costs, delay decision making and pad out committee agendas with minor development proposals allowing less time for members to consider the more important items which raise significant planning and community wide*

**Petition from residents of, or request from Wiltshire Council Member for Neighbouring Division**

- **Where the Director of Development, having regard for the location of an application adjacent to division boundary, deems it appropriate; a petition from residents or request from the Wiltshire Council member for the relevant neighbouring division will be regarded as if it was from the division in which the application is made.**

*If officers consider that there are sound reasons why an application should be determined by committee, rather than under delegated powers, they can decline to determine it under delegated powers which will result in that application proceeding to committee. There is already a safeguard in place. Officers do not agree that a petition per se should trigger a call in for the reasons set out above.*

*This suggestion that a neighbouring members could call an application in is, however, very similar to that made by Cllr Jemima Milton in *Appendix A*. *If Members wish to change the protocol, the decision could be shifted upwards to the relevant committee chairman. If the local Division Member does not want an application to go to committee but a neighbouring member does, the Chairman could be asked to adjudicate.**

**Also, that applications for listed buildings and advertising be included in the call-in list.**

*There are only minor resource implications stemming from this suggestion which has been addressed in earlier appendices so officers are not opposed to this change.*

The following applications shall be dealt with by the Strategic Planning Committee:

- Large-scale major developments (defined by CLG as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance;
- Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility.
- Significant applications by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person (Regulation 3 applications)
- Applications, which if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
- Applications called in by a Division Member that cross the boundary of two area committees

- Any application that the Director of Development deems raises issues that should be considered by the Strategic Planning Committee

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Director of Development considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases the applications will be determined by an appropriate planning committee.

### **Definitions**

Planning application means any application submitted to the Council for determination and included within the Governments' PS1 and PS2 returns;

Large scale major development means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2 ha, as defined by the Government in the PS1/2 return.

Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's PS1/2 return.

Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.

A close relation is defined as spouse, partner, sibling, parent or offspring.

A significant Regulation 3 application means any application for new development or an infrastructure project or an alteration of an existing development or infrastructure project where the site area exceeds 0.5 hectares or the net increase in floor area would exceed 500sq m. Development of a temporary nature such as temporary classrooms is specifically excluded.