

## Appendix A

### CURRENT DEVELOPMENT CONTROL SCHEME OF DELEGATION

The Director of Development (and any officers designated by that officer) is authorized 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

Provided that: -

On planning applications, the Wiltshire Council Division Member has not requested in writing that the application proceed to determination by way of the relevant area committee. However: -

- a. 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.
- b. Applications for advertisements, listed building consents to alter/extend and conservation area consents, tree work, prior approvals, Certificates of Lawfulness and notifications will not be eligible for call-in and will be dealt with under delegated powers.
- c. Applications 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 will be determined by committee (delegation will still be permitted if the application is to be refused)

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.

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