

Title: **West Wiltshire District Council Constitution Review**

Reporting officer: **George Curran**

Key decision: **No**

A report highlighting all suggested changes has been circulated to Group Leaders and those Members not belonging to a group. The report together with feedback from Members, the Planning Committee and Scrutiny Committee will be considered by the Standards Committee on 1 February.

The following is an extract of the report in so far as it relates to the Planning Committee.

18. Planning Committee

The text in the Constitution needs to now reflect the decisions of the Council of the 15 December 2005 and Planning Committee of the 14 September 2006; (being reported to Council on 8 November 2006.).

The responsibilities for making decisions is now as follows and is presented for confirmation.

“Planning Committee

(a) Functions

The Committee has made extensive delegations to officers to determine such matters in accordance with policies determined by the Authority, as set out in the Scheme of Delegation and the matters which remain to be determined by the Committee comprise the following:

(i) Determination of Planning Applications and related matters.

The determination of planning applications and related matters is delegated to Officers except:

- A. cases where a Councillor or a Parish or Town Council have requested that the matter be considered by the Planning Committee, in which event the Councillor or Parish or Town Council, as the case may be, will be requested to give planning reasons for the referral.
- B. Where the application is made by or on behalf of a Councillor or an Officer employed by the Council
- C. Where the Development Control Manager recommends that the application be granted despite it being contrary to the Development Plan.

D. Where the Development Control Manager considers that the application should be referred to the Planning Committee

In these instances the Council has decided that the application shall be determined by the Planning Committee

- (ii) Authorising the making of Section 106 agreements or accepting unilateral undertakings with landowners except that the Development Control Manager shall be authorised, in consultation with the Local Ward Members in the case of:
 - a) planning applications where the power to determine those applications is already delegated to the Development Control Manager for determination subject to there being in compliance with adopted policies of the Council in the Development Plan, the Local Development Framework or Supplementary Planning Guidance and Documents.
 - b) variations to planning obligations originally entered into under the power delegated to the Development Control Manager, in consultation with Local Ward Members subject to any variation being in compliance with adopted policies of the Council in the Development Plan, the Local Development Framework and Supplementary Planning Guidance and Documents
 - c) planning obligations as part of the Planning Appeal process subject to there being in compliance with adopted policies of the Council in the Development Plan, the Local Development Framework and the Supplementary Planning Guidance and Documents.
- (iii) diversion and extinguishment of footpaths and bridleways in connection with proposed development.

The Scheme of Delegations will need to reflect these provisions.

With a view to increase openness and clarity of the planning decision process, further enhance probity and achieve the performance indicator for the timeliness of decisions; and by ensuring that decisions are made at the earliest opportunity thereby improve public relations the following matters are raised :-

1. Currently when a planning application is submitted the Parish or Town Council for the area where the site is located is informed and consulted on the merits of the application.

It is suggested for consideration :-

- a. that only the Parish or Town Council for the area where the site is located (and the adjoining Parish or Town Council whose area is affected by the application) should be able to request that the Planning Committee determine the application.**
- b. such requests must be made within 21 days of receipt of the consultation notification from the Planning Service.**

c. requests should be limited to situations where the planning officer is minded to approve the application under delegated powers but the Parish or Town Council want it to be refused.

2. Currently District Councillors receive a weekly list of applications that have been submitted.

It is suggested that, although a Councillor may request any application to be determined by the Planning Committee, requests for reference to the Planning Committee must be made within 21 days of the date of the weekly list which gives notice of the receipt of the application by the Council.

3. All Planning Applications made by the District Council for its own development or the development of land owned by the Council should be determined by the Planning Committee.