

Scheme of Delegation from the Development Control and Licensing Committee to the Director of Planning & Leisure Services in respect of the Town and Country Planning Acts and related legislation.

By resolution of the Council of the 28th July 1994, as amended on the 5th November 1996, the 6th May 1997, the 3rd February 1998, and the 4th May 1999 by the Planning (Development Control) Committee, on the 12th March 2002 by the Development Control and Licensing Committee, and on the 30th May 2002 by Council.

DIRECTOR OF PLANNING & LEISURE SERVICES.

SEPTEMBER 2002.

THE DETERMINATION OF PLANNING APPLICATIONS AND RELATED STATUTORY FUNCTIONS.

Introduction:

This comprehensive guide to the scheme of delegation first deals with the determination of planning applications and continues with the Director's role in the enforcement and other planning related services of the Council.

Planning Applications:

The Council has delegated its determination of applications to the Development Control and Licensing Committee. This delegation is almost complete, with one exception there is no duty to refer any applications to another Committee or body. The exception is where proposals which are contrary to the Council's policies or which raise issues affecting adopted policy have the support of the Committee. Such applications cannot be determined before a full report on the policy implications of the decision is made to a subsequent meeting of the Council.

In order to assist Members to concentrate their limited time on the more significant proposals, and to reduce the inevitable delays associated with preparing reports for presentation to a monthly Committee, specified types of applications are delegated to the Director of Planning and Leisure Services. Categories of applications subject to delegation are set out in Schedule 1.

Under the terms of the scheme, the Director of Planning and Leisure Services has authority to grant permission or to refuse it, and to comment on proposals which the Committee itself has no authority to decide, for example applications submitted by and to the County Council and by government departments.

In his absence, the Director can nominate an officer to exercise some or all of his delegated powers.

Safeguards:

1. The Director cannot grant permission if the proposal is contrary to the adopted policies of the Council.
2. All Members of the Council will be sent lists of planning applications received each week. If a Member of the Development Control and Licensing Committee is concerned about the planning merits of any proposal, which would normally be delegated, he/she will notify an officer in the Development Control Section within 14 days of the date of the dispatch of the list by completing the pro forma request slip. If, after discussing the application with the appropriate Planning Officer, the Member remains concerned with regard to identified planning merits of the application and is unwilling for the proposal to be dealt with by the Director, or dealt with in a particular way, that application will be reported for a decision by the Committee.

This prerogative is open only to Members of the Development Control and Licensing Committee and **not** to other Members of the Council. Members of Council who are not on the Development Control and Licensing Committee may refer any concerns regarding the planning merits of any application in their Ward by identifying those concerns to the Chair of the Committee for his/her consideration. If any Member of the Committee seeks to refer an application relating to a site outside his/her Ward, he/she will notify the Ward Member(s) of the request. Any Member referring any application to the Committee will justify with planning reasons why the application should be referred to the Committee for decision.

3. For all other applications, the Director will only refer those to Committee where an objection which has been received within the normal consultation/publicity period, whether from a statutory consultee or not, raises a matter which in his opinion affects planning policies in the Development Plan or another material consideration.
4. The Director will have discretion with regard to objections received relating to applications where strict, statutory time limits are involved for making decisions or taking action. These applications, e.g. agricultural buildings; demolitions and telecommunications determinations under the General Development Order 1995 or any subsequent replacement or amendment; in respect of notifications of works to trees in Conservation Areas, etc., may result in an automatic consent if no response is submitted on behalf of the Council. Any objection received will be considered by the Director and, at his sole discretion, efforts may be made to resolve the objection before the expiry period, but the existence of the objection will not alter his authority in those instances to make a decision.
5. All applications will be subject to normal consultations, publicity and notifications and no delegated decisions will be made until after the relevant expiry periods.
6. The Director will use his discretion to refer any proposal to the Committee if he/she is not satisfied that he/she should deal with the matter under delegated powers.
7. An application submitted by or on behalf of a Forest of Dean Councillor, or by or on behalf of an employee of the Council, will be reported for determination by the Committee. Exceptions may be made for applications for minor works to a dwelling, such as extensions, alterations and works within the curtilage.
8. Lists of decisions made under the scheme of delegation are reported on a regular basis to Members of the Council.
9. Any reference to legislation, rules orders or regulations in the schedules shall be read as a reference to any subsequent amendment or re-enactment of the same.
10. The scheme and the schedules will continue to be revised from time to time to reflect any changes which the Committee or Council wish to make.

SCHEDULE 1

The following categories of development are delegated to the Director of Planning and Leisure Services to determine:-

1. The erection of up to five dwellings or, in outline applications where no number is stated, residential development on land not in excess of one tenth hectare.
2. Commercial buildings or works, including changes of use, where the floorspace or ground area covered is less than 3,000 square metres.
3. Matters arising from conditions imposed on permissions and consents, and the approval of all Reserved Matters applications except those involving more than five dwellings.
4. Changes of use of land or buildings not involving building works except of a minor nature.
5. Listed Building Consent applications, subject where necessary to the concurrence of a government department.
6. Applications for consent to display advertisements.
7. Alterations and extensions to buildings and structures.
8. The erection of buildings and structures within the curtilage of dwellings, where proposals are for the private domestic use of the property and ancillary to it.
9. The erection of private garages, stables and field shelters.
10. The erection of boundary walls, fences and other means of enclosure.
11. The construction or alteration of accesses, parking and turning areas.
12. Erection of temporary buildings, use of land for a temporary period, and renewals of temporary permissions.
13. The erection of agricultural and forestry buildings, structures and other operations.
14. Minor alterations which do not materially affect previous permissions, and new or renewal applications which are similar in form and content to previous consents on the land.
15. The use of land for the stationing of caravans, not exceeding five units.
16. Applications to vary or remove conditions and retrospective applications which fall within any other category.
17. Certificates of Lawful Use or Development.
18. Proposals for the felling, topping and lopping of trees subject to Tree Preservation Orders and of trees in Conservation Areas. Comments to Forest Enterprise on felling licences.
19. Any application for whatever size of structure or use which is clearly contrary to the Development Plan may be refused.
20. Minor works within Conservation Areas not falling within any other category, and applications for Conservation Area Consent.
21. Minor buildings, works or uses in connection with and ancillary to established recreational areas.
22. Applications under Section 1 of the 1984 Act (Crown Land) which fall within any of the above categories.
23. Hedgerow removal notices.

24. Applications by the Forest of Dean District Council to refurbish system built houses.
25. Certificates of Appropriate Alternative Development.
26. Applications to vary or remove restrictions or covenants in a planning obligation or other such legal agreement.

SCHEDULE 2

The Director of Planning and Leisure Services can take action on behalf of the Council in respect of the following:-

1. Consultations and proposals from statutory undertakers and public bodies for minor developments, e.g. sub-stations, pumping stations and sewers.
2. Applications referred for observations by adjacent authorities.
3. Provision of overhead electrical distribution lines of less than 132kv, pole mounted transformers and minor British Telecom overhead transmission lines.
4. Minor proposals of the County Council and county matter applications.
5. Observations on Government Department consultations in respect of development of less than 1,000 square metre floor area or ground cover.
6. Observations on applications for heavy goods operators' licences to establish or continue vehicle operating centres.
7. Footpath diversion applications.
8. In conjunction with the Solicitor, to make and serve Building Preservation Notices.
9. Authority to deal with dangerous trees.
10. To issue Tree Preservation Orders and to confirm those which are not the subject of objection.
11. To reply to consultations by Forest Enterprise on woodland schemes, subject to consultation with the local Member.
12. To determine the submission of details in certain agricultural and forestry, telecommunications and demolition works under the General Permitted Development Order, subject to the notification of Parish and Town Councils.
13. To give opinions involving E.I.A. on screening and scoping.

ENFORCEMENT

All enforcement powers are delegated to the Director of Planning and Leisure Services, including the right to serve a Stop Notice.

September 2002