

## OFFICER DELEGATION SCHEME FOR DEVELOPMENT MANAGEMENT MATTERS

### PART A

#### Limitation on Delegated Authority

1. The scheme of delegation relating to planning applications and related matters shall be limited solely to the items set out in Part B.
2. No delegated decision shall be made where the development in the opinion of the delegated officer is likely to be of a controversial nature, taking into account such factors as the scale and nature of the proposed development, the history and sensitivity of the site and the likely level of public interest.
3. No delegated decision shall be made which is materially in conflict with any of the Council's approved planning policies.
4. No delegated decision on a planning application shall be made until a minimum of 28 days has expired from the date of registration of the application.
5. No delegated decision on a planning application shall be made if a written request or e-mail to the ~~Joint Heads~~ of Development Management is received within 28 days of ~~notification~~registration giving notice of an objection from:
  - a. ~~a~~ A Ward Councilor in respect of an application within their Ward
  - b. A Ward Councillor where an application in an adjacent Ward will have an impact on their Ward.
  - c. Any Ward Councillor, where with the agreement of the Chair, it can be demonstrated that the environmental planning effect on the Borough is significant.
  - d. The Clerk or Secretary of a Parish or Town Council in respect of an application within their Parish.
  - e. The Clerk or Secretary of a Town or Parish Council where an application in an adjacent Parish will have an impact on their Parish.
  - f. In the case of a 'Minor' or 'Other' application or a Tree Preservation Order, 5 or more members of the public from different households.
  - g. In the case of a Major application 20 or more members of the public from different households.

~~member stating that in his or her opinion the application should be submitted to the Development Control Committee for determination.~~

In all cases an objection must form a material planning consideration and an explicit request must be made that the

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application be referred to the Development Control Committee/Panel for determination.

Where a request to refer an application to Committee or Panel has been received from a Parish or Town Council, an undertaking to attend the meeting to address the Committee/Panel must be given.

Failure to attend a Committee or Panel, following an undertaking to do so, on two occasions within a 6 month Period will result in the Parish or Town Council being barred from requesting an application be referred to Committee or Panel for a 3 month period from the date of the second incidence, and any applications within that parish being determined in accordance with the Officer recommendation under delegated powers. (The Chair of the Development Control Committee will retain a discretion to waive the exclusion if satisfied exceptional circumstances justified the absence).

5. A party having requested that an application be referred to Committee or Panel on an objection based on the principles above, may withdraw the request for a referral to Committee or Panel if the proposal is amended to their satisfaction or conditions agreed to address the issue, as long as notice of the withdrawal is received by the Head of Development Management prior to the publication of the agenda for the relevant meeting. In such cases, if no further objections triggering a referral to Committee/Panel exist, the application will be determined by officer delegation in accordance with the Officer recommendation.

~~6. An application shall not be approved under the scheme of delegation if there is an unresolved planning objection in writing from a Town or Parish Council received within 28 days of registration of the application.~~

7. Planning applications submitted by or on behalf of the following shall be excluded from the delegation scheme and shall be determined by Committee:

- Elected Members
- Chief Executive/Corporate Director/Service Director/Head of Service
- Any senior officer of the Council (Manager or above) having regular contact with the Planning Department
- Close family members (parents, children, siblings) of any of the above

~~7. Applications known to be made by, or on behalf of, elected members, any employee of the Planning Department or other senior officers of the Council are excluded from the delegation scheme.~~

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**Comment [ID2]:** This has been subject of some debate in recent past where the Chair has questioned the need for some of the very minor applications to have been dealt with and could be amended to include a sentence to read 'where one or more objection has been received within.....'

~~If officers are minded to grant permission under delegated powers for a non-householder development and there are still unresolved planning objections from two or more residents or external consultees, Ward Members can be notified and allowed 14 days in which to decide whether in the light of this, to request that the application be considered by Committee.~~

~~This procedure is an option for planning officers to follow, particularly if it can potentially achieve a delegated decision within 8 weeks of receipt of the application. The alternative is to include such application on the Committee agenda.~~

~~Householder applications remain within the full scope of the delegated powers, even if more than 2 objections have been received, but have to comply in respect of limitations 2-7 above. It is possible, exceptionally, for a householder application to be considered controversial and thus outside the scope of the delegated authority.~~

## **PART B**

### **The Scope of Delegated Authority**

The ~~Service Director - Growth, Economy and Culture~~~~Assistant Director (Planning)~~ or ~~and~~ the ~~Joint~~ Heads of Development Management are authorised to determine the following matters subject to the limitations of Part A above:-

1. **Planning Applications and Related Matters**
  - (a) All planning applications.
  - (b) All applications for advertisement consent, Listed Building consent, Conservation Area consent, Hazardous Substance consent, and Tree Preservation Order consent.
  - (c) All notifications in respect of planning related matters including Telecoms notifications, agricultural notifications, Tees in Conservation Area notifications and notifications of intention to demolish buildings.
2. **Consultations**
  - (a) Observations on applications submitted to other local planning authorities for their determination other than Milton Keynes Partnership Committee.
  - (b) Observations on Crown development and development proposed by other outside bodies referred to this Council as consultee authority other than Milton Keynes Partnership Committee.
  - (c) Observations on development and ancillary works proposed by statutory undertakers, telecommunications code system operators and other organisations having permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
3. **Procedural Matters**
  - (a) Finalising the conditions and reasons for refusal, which appear on decision notices.
  - (b) The preparation of legal agreements, in consultation with the ~~Service Director Legal and Democratic Services~~~~Assistant Director (Law and Governance)~~, within the terms of any relevant Development Control Committee resolution.
  - (c) Agreeing to accept or not accept minor amendments to planning permission.
  - (d) Determining the need for information required to make a decision on a planning application including the need for, and scoping of, an Environmental Assessment.
  - (e) Deciding the charge to be made for the provision of information where the normal scale of charges is inappropriate (e.g. information requiring research and/or to be used for commercial purposes.)

- (f) Deciding the Council's preferred method for dealing with appeals (written representations, informal hearing or public inquiry) and their conduct.
- (g) Compliance with the departure procedures contained in the Town and Country Planning Development Plans (England) Direction 1992.
- (h) Determining the need for and making Tree Preservation Orders and confirming such Orders where there are no objections and determining the need for and issuing building preservation notices where urgently required.
- (i) Determining whether planning permission, listed building consent, advertisement consent, tree preservation order consent and hazardous substances consent is required.
- (j) Authorising officers to enter land and make applications to the magistrates court for a warrant authorising entry where applicable in relation to any matter set out in this Part B.

#### 4. **Enforcement**

- (a) Determining applications for certificates of lawfulness of existing use or development and certificates of lawfulness of proposed use or development in consultation with Service Director Legal and Democratic Services Assistant Director (Law and Governance).
- (b) Determining the need for and service of planning contravention notices.
- (c) Determining the need for and service of breach of condition notices.
- (d) Determining the need for and enforcement of control as to advertisements, the service of discontinuance notices and the removal or obliteration of unlawful placards or posters.
- (e) Determining the need for and service of enforcement notices and listed building enforcement notices.
- (f) Determining the need for and service of Stop Notices, Temporary Stop Notices and injunctions, if urgently required, and subject to the agreement of the Head of Legal Services and, in the case of Stop Notices, the Chair of the Development Control Committee.
- (g) In consultation with the Service Director Legal and Democratic Services Assistant Director (Law and Governance) to undertake prosecutions where applicable in relation to any matter set out in this Part B, issuing notices under Section 16 of the Local Government (Miscellaneous Provisions) Act and Section 330 of the Town and Country Planning Act 1990 (as amended), and issuing notices in respect of derelict land under Section 215 of the Town and Country Planning Act 1990.
- (h) Determining the need for and taking direct action under Section 178 of the Town and Country Planning Act 1990 (as amended).

(i) Determining the need for and carrying out urgent works and repairs under Section 54 Planning (Listed Buildings and Conservations Area) Act 1990.

(j) Determining the need to and withdrawing any notice issued under sub-paragraphs (4)(b) to (g) above.

**5. Rights of Way.**

(j) a. The determination of all non-executive decisions and carrying out of all functions relating to public paths and rights of way, including those specified in Schedule 1 of the Local Authorities (functions and responsibilities) (England) Regulations 2000 Functions be delegated to the Service Director Public Realm unless required to be determined by Committee in compliance with relevant legislation.

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