

SCHEME OF OFFICER DELEGATION 2007

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

Note:

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 Assistant Director (Planning) or 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 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 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 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.