

DELEGATIONS TO EXECUTIVE DIRECTOR: PLACE

Ref	Delegation	In consultation with
1.	To take emergency measures to deal with dangerous buildings under the Building Act 1984.	
2.	To identify buildings of special architectural or historic interest and make proposals to include any such buildings in any listing under the Planning (Listed Buildings and Conservation Areas) Act 1990.	
3.	To allocate grants relating to heritage assets including statutory and non-statutory designations.	
4.	To devise a scheme for Planning Performance Agreements and review and amend as necessary.	
5.	To determine proposals for street naming.	
6.	To allocate numbers to buildings in new streets and in existing streets including renumbering.	
7.	To maintain, improve and construct land drainage works; to maintain flow in watercourses; to deal with the deposit of soil on banks; and to carry out works in default of the responsible party.	
8.	To approve Temporary Road Closures under Section 21 of the Town Police Clauses Act 1847.	
9.	To agree proposals from developers/landowners for the transfer of open space and, subject to the agreement of the Executive Director: Resources and S151, the amount of any commuted sums payable by the developer / landowner in respect thereof.	Executive Director: Resources and S151
10.	To lodge objections with the appropriate authority to applications from bus operators to raise fares, or alter routes or schedules, after consultation with the Chair of the Planning Committee.	Chair of Planning Committee
11.	To approve the designation of neighbourhood areas where a relevant body proposes a neighbourhood area that follows their Parish Council boundary meeting the requirements of r5A of SI 2012/637 (The Neighbourhood Planning (General) Regulation 2012).	

12. **Planning and Related Applications**

The Council has delegated its planning responsibilities to the Planning Committee. In order to assist Councillors to focus on the more significant and contentious proposals, and to improve the speed of decision-making on minor and uncontentious matters, the majority of planning applications are delegated to the Executive Director: Place. Subject to the safeguards set out below the Executive Director: Place has the authority to deal with a range of issues on behalf of the Planning Committee including the following:

- Planning applications.
- Environmental Impact Assessment Screening and Scoping Opinions.
- Reserved matters applications.
- Applications for Lawful Development Certificates.
- Advertisement Consent applications.
- Listed Building Consent applications.
- Non-material minor amendments.
- Approval of details required by, and discharge of, conditions.
- Permitted development prior approval notifications.
- Applications for works to trees subject of Tree Preservation Orders.
- Notifications of works to trees in conservation areas.
- Hazardous Substance Consent.
- Permission in Principle.
- Technical Details Consents.
- Other notifications and consultations received by the Council as local planning authority, including those from statutory undertakers and other local authorities.

Under the terms of the Scheme, the Executive Director: Place has authority to approve or refuse submissions subject to the safeguards listed below. In all cases, observations from Town/Parish Councils, Councillors, the local community and other consultees will be taken into account where they have been received before a decision is issued or representations are made.

The Executive Director: Place also has the authority to decline to determine applications under section 70A, 70B and 70C of the Town and Country Planning Act 1990, or section 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Head of Development Services will 'finally dispose' of applications under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where it is appropriate to do so.

13. **Planning and Related Applications - Safeguards**

1. The Executive Director: Place cannot grant permission for a proposal which is clearly contrary to the approved policies of the Council, or where the Planning Committee has specifically required that an application be determined by the Committee.
2. Councillors are notified of all planning and related applications/notifications via the Council's Public Access system. Any Councillor who is concerned about a proposal which would normally be delegated will notify the Case Officer in writing within 21 days of receiving the list. If, after discussing the application with Officers, a Councillor wishes the proposal to be determined by the Committee, the application will be referred to the Planning Committee.
3. The opportunity to enhance, amend or otherwise improve proposals in accord with the fairness and good neighbour yardstick, the general planning interest and the Council's policy will be taken where appropriate.
4. The Executive Director: Place will use their discretion to refer any proposal to the appropriate Committee if they are not satisfied that the matter should be dealt with under delegated powers.
5. Planning and related applications will be referred to the Planning Committee for a decision in the following circumstances:

- (i) Applications where a Town or Parish Council has submitted a written objection raising substantive planning issues has been received within the normal consultation/publicity period and it has not been addressed by discussion, amendment, or by written representations. Referral to Planning Committee is subject to the review and discretion of the Associate Director: Planning in consultation with the Chair of the Planning Committee.
- (ii) Applications submitted by the Council, by or on behalf of, a Tewkesbury Borough Councillor or by, or on behalf of, an employee of the Council.
- (iii) Full or outline applications for the erection of 50 or more residential units with a recommendation to permit or approve.
- (v) Applications for the use of land involving the stationing of five or more caravans for permanent residential use.

The above safeguards shall be subject to, and not affect, the authority of the Executive Director: Place to act in respect of those cases where strict statutory time limits are involved for making a decision or taking action, for example, in cases of agricultural buildings, demolitions and telecommunications determinations and in respect of notifications of works to trees in Conservation Areas, and any other matters where non-action within a set period automatically gives consent.

14. **Planning Enforcement**

1. The Executive Director: Place in consultation with the Director of One Legal, has the authority to carry out the following:
 - a. to issue Notices in respect of clear breaches of planning and listed building control and all other planning related legislation if it is considered expedient to take such action.
 - b. to issue a Planning Contravention Notice or Requisition for Information.
 - c. to issue any Notices under Section 215 of the 1990 Planning Act to require the proper maintenance of land.
 - d. to issue/serve any urgent notices under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and all other planning related legislation.

Director of One Legal

- e. to take action pursuant to the Rights of Entry under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, Part 8 of the Anti-Social Behaviour Act 2003 and all other planning related legislation.
- f. to issue a Discontinuance Notice under Regulation 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

15. Listed and Unlisted Heritage Assets

- 1. The Executive Director: Place has the authority to respond to consultations from, or make proposals to, the relevant organisations on potential amendments to the Statutory List of Buildings of Special Architectural or Historic Interest.
- 2. The Executive Director: Place has the authority to make amendments to the local list of heritage assets.

16. S106 Obligations

- 1. The Executive Director: Place has the authority to negotiate, and to instruct the Director of One Legal to progress and enter into, s106 legal obligations in respect of any matter being dealt with under delegated powers (including appeals). In cases which have been subject to a Planning Committee decision, which is subject to the completion of a S106 planning obligation, the authority will be subject to the terms of that resolution.
- 2. The Executive Director: Place has the authority to approve any details required to be submitted to the Council for approval under the terms of any S106 planning obligations.

Director of One Legal

3. The Executive Director: Place will approve the expenditure of any monies paid to the Council under the terms of any S106 planning obligations in consultation with a Panel of local/Lead Members to include Lead Member for Community; Lead Member for Built Environment; Lead Member for Finance and Asset Management; and Lead Member for Housing, Health and Wellbeing. A member of the Finance Team, One Legal and the Community Development Team will advise the Panel. Where a member of the panel has a connection to the applicant (e.g. sit on the Board, or Parish Council that is making an application), they will be required to declare this and not be able to sit on the panel for that decision. This may be a virtual panel with information circulated via email.
4. The Executive Director: Place has the authority to agree deeds of variation of existing s106 obligations and to modify/discharge obligations under the Town and Country Planning Act 1990.
5. The Executive Director: Place will use their discretion to refer any proposal to the appropriate Committee if they are not satisfied that the matter should be dealt with under delegated powers.

Executive Director:
Resources and S151
In consultation with a panel of Members to include: Lead Member for Community; Lead Member for Built Environment; Lead Member for Finance and Asset Management; Lead Member for Housing, Health and Wellbeing; and the local Member(s).

17. **Trees**

1. The Executive Director: Place has the authority to carry out the following:
 - to make and confirm Tree Preservation Orders which are not the subject of objection which cannot be resolved;
 - to revoke or vary existing orders, which are not the subject of objection which cannot be resolved; and
 - to serve Tree Replacement Notices.
2. Tree Preservation Orders, or proposals to revoke or vary existing orders which are subject to objection, shall only be confirmed by the Planning Committee.
3. To make provisional (emergency) Tree Preservation Orders.

18.	High Hedges	Director of One Legal
1.	The Executive Director: Place has authority to issue, withdraw, waive or relax a Remedial Notice under Part 8 of the Anti-Social Behaviour Act 2003 and, in consultation with the Director of One Legal, to commence and instigate prosecution proceedings in relation to the failure to comply with the terms of a Remedial Notice served under Part 9 of the Act.	
19.	Hedgerows	Director of One Legal
1.	To issue notices under the Hedgerows Regulations 1997.	
2.	In consultation with the Director of One Legal, to commence and instigate prosecution proceedings in relation to the failure to comply with the provisions of the Hedgerows Regulations 1997.	
20.	Public Rights of Way	
1.	The Executive Director: Place has authority to make orders affecting public rights of way under the Town and Country Planning Act 1990 and to make observations on consultations from other authorities on public rights of way matters.	
21.	Miscellaneous	
1.	<p>The Executive Director: Place has the authority:</p> <ul style="list-style-type: none"> <li data-bbox="347 1234 995 1294">a. to make minor changes to the Pre-Application Planning Advice Scheme as necessary. <li data-bbox="347 1335 1031 1462">b. to commission appropriate specialist consultants in order to properly carry out the Council's Development Management functions, including appeals. <li data-bbox="347 1503 951 1563">c. to deal with consultations and proposals in respect of hazardous materials. <li data-bbox="347 1603 1011 1709">d. to make representations on applications for heavy goods operators' licences to establish or continue vehicle operation centres. <li data-bbox="347 1749 1046 2002">e. to undertake any other actions and decisions as a local planning authority and/or the hazardous substances authority under the Town and County Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990, Planning (Hazardous Substances) Act 1990 and all planning related legislation, except as specifically allocated to or by Council. 	

22.	To issue certificates of Lawful use or Development in consultation with the Director of One Legal.	Director of One Legal
23.	To issue certificates of Appropriate Alternative Development in consultation with the Director of One Legal.	Director of One Legal
24.	To approve applications under Sections 73 and 73A to vary or remove conditions in consultation with the Director of One Legal.	Director of One Legal
25.	To make a decision on whether to include the asset on the List of Assets of Community Value in consultation with the Lead Member for Community.	Lead Member for Community
26.	To agree the adoption of elements of Sustainable Drainage Systems when it is in the interest of the community and environment to do so and where they form part of an agreed land drainage design. Systems are only to be adopted when it is agreed that the Council will receive a commuted sum of money from which the interest, calculated at the rate of 4%, would be sufficient to finance the maintenance of the system in perpetuity. That the reed beds on the Brockworth/Hucclecote airfield site be adopted on these conditions and that all such adoptions be upon such terms and conditions as the Director of One Legal deems appropriate.	Director of One Legal
27.	To maintain the register of Local Land Charges pursuant to Section 3(2) of the Local Land Charges Act 1975 including the entry, amendment and cancellation of registrations and the issue of an official search certificate and all duties consequent upon that responsibility.	
28.	To revise annually all fees and charges relevant to the duties of the Executive Director: Place.	