

Report to Council

12 December 2023

Subject:	Planning Delegations Agreement
Director:	Director of Regeneration and Growth Tony McGovern
Contact Officer:	Development Planning Manager Alison Bishop Alison_bishop@sandwell.gov.uk

1 Recommendations

- 1.1 That the revised planning delegations agreement be approved.

2 Reasons for Recommendations

- 2.1 The local planning authority is monitored closely by the Government regarding the time taken to determine planning applications. (Applicants have a right to appeal to the Planning Inspectorate if their application is not dealt within the prescribed time). The revised planning delegations agreement has been updated to align with new legislation and Council structure, clarify the reasons for reporting a planning application to your committee and removing the need to report certain planning applications to your committee that are not controversial. This will ensure the delegations agreement aligns with current legislations and Council structures and assists in ensuring that planning decisions are made within timescales set out by Central Government.



3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy

4 Context and Key Issues

- 4.1 The current planning delegations agreement was last reviewed in 2012. The purpose of the planning delegations agreement is to ensure that planning applications are determined in an open and transparent manner.
- 4.2 The current agreement sets out those planning decisions that are excluded from being delegated to planning officers. There are currently 9 reasons that remove delegated authority and instead require a planning application to be reported to planning committee. The reasons are summarised below:-
- i) A Councillor makes written request;
 - ii) The Director of Regeneration and Economy considers the application should be reported to your committee;
 - iii) The application is a departure from the development plan;
 - iv) The proposal involves the Council as applicant or land owner;
 - v) The applicant is a councillor or their immediate relative;
 - vi) The applicant is a member of the Council's management team, a service unit head, a member of the planning service or any member of staff within the authority who could be seen to have a direct influence on the application;
 - vii) Any application where a Council employee is privately involved in a capacity as an agent or consultant;
 - viii) Where an application receives three or more material planning representations which are contrary to officer recommendation; and
 - ix) Any application which is subject to a Section 106 agreement.



- 4.3 The local planning authority is monitored closely by the Government regarding the time taken to determine planning applications. (Applicants have a right to appeal to the Planning Inspectorate if their application is not dealt within the prescribed time).

The Government targets are as follows:-

60% of major applications to be determined in 13 weeks

70% of minor applications to be determined in 8 weeks

80% of other applications to be determined in 8 weeks

The number of planning and related applications received and determined between 1st April 2022 to 31st March 2023 was;

1153 planning applications received of which **1169*** applications were determined. (**this number is larger as we determined applications in this period that were carried over from previous months*).

Of the 1169 applications determined, 1124 (96%) were dealt with by officers using delegated powers.

- 4.4 The proposed revisions to the delegations agreement as indicated above is firstly to reflect updated legislation and changes in the Councils organisational structure. Secondly, there are proposals to clarify the wording for reasons why an application cannot be determined under delegated powers to avoid ambiguity. Thirdly, it is proposed to remove the need to report an application to planning committee which requires a s106 agreement where less than three objections have been received.
- 4.5 The changes proposed, would ensure that the delegations agreement reflects current legislation and council structure whilst also ensuring that applications that require a democratic decision are brought to planning committee to ensure that robust, transparent and balanced decisions are made within Sandwell in accordance with national and local policy and material planning considerations.



5 Alternative Options

- 5.1 The current delegations agreement could remain in place however, it is now over 10 years old. Hence revisions are recommended to align the agreement with current legislation and council structures, to provide greater clarity within the delegations agreement and remove the need for uncontroversial planning applications being reported to planning committee.

6 Implications

Resources:	Financial, staffing, land/building implications
Legal and Governance:	Legal implications including regulations/law under which proposals are required/permitted and constitutional provisions
Risk:	Risk implications, including any mitigating measures planned/taken, health and safety, insurance implications
Equality:	Implications for equality (all aspects and characteristics) including how meeting Equality Duty, equality impact assessments
Health and Wellbeing:	Implications of the proposals on health and wellbeing of our communities
Social Value	Implications for social value and how the proposals are meeting this (for e.g. employment of local traders, young people)
Climate Change	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.



7. Appendices

Appendix 1 - Revised Delegations Agreement.

8. Background Papers

None.



Delegations Agreement

Determination by officers of **all** applications for permission, approval, variation or consent, requirements for enforcement action, issuing of notices, discharge of conditions, matters relating to protected trees and high hedges; screening opinions; appeals; prosecutions; and the completion or modification of agreements or obligations made under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 2004, the Planning and Compensation Act 1991; the Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017; the Planning and Compulsory Purchase Act 2004; the Planning (Control of Advertisements) (England) Regulations 2007 and the Planning Act 2008 or any subordinate rules, orders or regulations made under that legislation, with the **exception** of the following matters:-

- 1 A councillor makes a written request to the Assistant Director of Development Planning and Building Consultancy on material planning grounds within 15 working days from the date of publication of the weekly list of planning applications on which the said planning application appeared, for the application to be considered by planning committee.
- 2 The Executive Director - Place, considers that the application should be considered by planning committee.
- 3 The application would represent a departure from the policies of the statutory development plan.
- 4 The proposal is a major development¹ which involves the Council either as applicant or land owner and has generated objection(s).
- 5 The applicant is a councillor or their immediate relative.

¹ Major development is defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015

- 6 The applicant is a member of the Council's management team, a service unit head, a member of the Planning Service or any member of staff within the authority who is submitting a planning application in a private capacity and could be seen as having a direct input to, and therefore influence on, application decisions.
- 7 Any application where a Council employee is privately involved in a capacity as an agent or consultant.
- 8 Where an application receives **three or more** material planning representations which are contrary to officer recommendation.