



Sandwell Metropolitan Borough Council

Constitution

Part 2.8 – Committees Responsibilities & Terms of Reference

Planning Committee

1. Purpose

- 1.1 The Planning Committee is responsible for making decisions on the more sensitive planning applications received by the Council. The Committee meets approximately every 4 weeks and is made up of Councillors from all political parties.
- 1.2 The Committee may appoint a Sub-Committee drawn from its membership to consider and determine applications from time to time delegated by the Committee. The Sub-Committee shall meet as directed by the Committee.

2. Composition

- 2.1 The Committee will comprise 11 councillors to be appointed by Full Council.
- 2.2 The Committee may appoint a Sub-Committee made up of up to 5 councillors from the Planning Committee.
- 2.3 Other than in exceptional circumstances agreed by the Monitoring Officer, councillors will only be able to sit on the Committee and Sub-Committee to determine applications if they have attended mandatory planning training and the Monitoring Officer has confirmed they have completed the mandatory training requirement.

3. Quorum

- 3.1 The quorum of the Committee shall be 4. The quorum of the Sub-Committee shall be 3.

4. Powers

- 4.1 Those functions relating to town and country planning and development control as specified in Part A of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) (hereafter the Functions Regulations).
- 4.2 All other matters relating to the discharge of the Council's functions under the Town and Country Planning Act 1990 the Planning (Listed Buildings and Conservation Area) Act 1990 and the Planning (Hazardous Substances) Act 1990 which are not functions of the Council's Executive in accordance with the constitution and regulations 3-5 and schedules 2-4 of the Functions Regulations.

- 4.3 Functions relating to the preservation of trees and hedgerows as specified in Part I of Schedule 1 to the Functions Regulations.
- 4.4 The functions of obtaining information under s.330 of the Town and Country Planning Act 1990 and s.16 of the Local Government (Miscellaneous Provisions) Act 1976 as to interests in land.
- 4.5 The discharge of the associated powers referred to in Regulations 2(2), 2(3) and 2(4) of the Functions Regulations as far as they relate to the functions described in paragraphs 3.1 to 3.4 above, including functions relating to highways to the extent that they relate or are associated with planning matters.
- 4.6 The approval of major planning applications which are contrary to policies of the Sandwell Local Plan or other national or approved Council planning policies (as classified by the relevant government department for monitoring purposes) comprising:
 - 4.6.1 10 or more dwellings, or the site area is 0.5 hectares or more where the number of dwellings is not specified; and/or
 - 4.6.2 new floor space of 1000 sq. meters or more, or the site area is 1 hectare or more where the floor space involved is not specified;
 - 4.6.3 **except for a variation of a scheme previously approved by Planning Committee which are delegated to the Assistant Director and Head of Planning.**
- 4.7 The determination of Planning applications where:
 - 4.7.1 approval will be a material departure from the development plan the Sandwell Local Plan (Annex 3 of DETR Circular 1991/92):
 - 4.7.2 approval of an application where an objection has been lodged on planning grounds or refusal where a representation of support has been lodged (s.70 of the Town and Country Planning Act 1990) (except an objection which is resolved to the satisfaction of the Assistant Director and Head of Planning by amendment to the application or by the imposition of conditions, and for minor and other categories of application which conform to the policies of the Sandwell Local Plan including where an objection has been received which are delegated to the Assistant Director and Head of Planning),

or where, in the opinion of the Assistant Director and Head of Planning, the application raises issues of planning importance or raises significant public concern/objection;

- 4.7.3 approval of an application where an objection has been lodged to an application or submission under the prior notification procedure, in respect of telecommunications development and where the application/submission is recommended to be granted or no objections to be raised to siting/appearance, except where a submission would be out of the statutory time for responding to such notifications;
- 4.7.4 approval of an application where an objection has been lodged on planning grounds to an application which has been submitted for their own development proposals by a councillor or their spouse or partner, chief officers or deputy chief officers (as defined in the Employment Procedure Rules), planning or building control service officers or any officers otherwise involved in the determination of the application;
- 4.7.5 approval of an application where, in the opinion of the Assistant Director and Head of Planning, the application raises issues of planning importance or raises significant public concern/objection or cost implications; and
- 4.7.6 where two or more councillors object to a planning application within their own Ward (or the councillor in a single member ward) specifying one or more valid planning grounds for objection in the opinion of the Assistant Director and Head of Planning excluding householder applications, advertisement applications, tree applications or minor works to listed buildings.
- 4.7.7 approval will be a material departure from the development plan in that there is a requirement for a formal written notice to be given to the relevant Ward Councillors, to notify them of any such matters to be considered and determined by the Committee.

5. Delegation of Powers to Officers

5.1 Assistant Director and Head of Planning

5.2 Save where powers are expressly reserved to the Committee in these terms of reference, all the Council's planning and building control functions are delegated to the Assistant Director and Head of Planning including but not limited to:

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5.3 Authorisation and service of Notices and instructing the Monitoring Officer to commence legal proceedings for failure to comply with the terms of any such Notices issued in connection with the Committees functions, excluding;

5.3.1 the service of Listed Buildings, Urgent Works and Repair Notices and Injunctions under s.187B and s.214A of the Town and Country Planning Act 1990;

5.3.2 the service of a Stop Notice under s.183 of the Town and Country Planning Act 1990 where in the opinion of the Director of Planning and Building Control service of the Notice would result in substantial demolition, significant loss of jobs, or potential for substantial costs to the Council; and

5.3.3 the service of a Notice requiring compulsory acquisition of Listed Buildings in need of repair or repairs Notice under ss. 47 and 48 of the Planning (Listed Building and Conservation Areas) Act 1990.

5.4 To instruct the Monitoring Officer to commence legal proceedings for the unauthorised display of advertisements or unauthorised works to a listed building.

5.5 To authorise entry into a planning obligation under s.106 of the Town and Country Planning Act 1990.

5.6 The determination of all applications/ submissions and notifications not reserved to the Committee.

5.7 The refusal of all applications/notifications/submissions, which are contrary to policies of the Sandwell Local Plan other National or approved Council planning policies, except in the case of where a representation of support has been received in respect of a major application.

Trees and Hedgerows

- 5.8 All powers to make and confirm Tree Preservation Orders and consents to protect or carry out works to trees under the provisions of Town and Country Planning and associated legislation, and authorisation of any proceedings to secure compliance; and
- 5.9 Power to authorise and serve notices under the Hedgerow Regulations 1997 including proceedings to secure compliance.

Miscellaneous Powers

- 5.10 All powers in respect of the following:
 - 5.10.1 to determine whether planning permission or consent under other planning or associated legislation is required;
 - 5.10.2 to determine the level of fees for applications or any other matter;
 - 5.10.3 to determine whether a proposal falls into Schedule 1 or 2 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999, and where appropriate to require the submission of an Environmental Statement;
 - 5.10.4 to determine whether prior approval is required under the Town and Country Planning (General Permitted Development) Order 2015 for agricultural development, demolition of a building;
 - 5.10.5 to determine details arising from, and minor amendments to, conditions imposed on grants of planning and associated permissions;
 - 5.10.6 to agree minor amendments to previously approved schemes including non-material amendments and minor material amendments;
 - 5.10.7 to decline planning applications pursuant to s.70A of the Town and Country Planning Act (as amended);
 - 5.10.8 to make an assessment under the Conservation (Natural Habitats and Conservation) Regulations 1994 where an objection is lodged on conservation grounds by a statutory consultee;
 - 5.10.9 to comment on applications submitted to neighbouring planning authorities on which the Council has been consulted;

- 5.10.10 to respond to Local Plan consultations;
- 5.10.11 to respond to government, government agency, and other planning consultations;
- 5.10.12 power to deal with technical stakeholder planning consultations including activities under the Localism Act 'Duty to Cooperate' that Sandwell Council undertakes, invites others to take part in, or is invited by others to take part in; and
- 5.10.13 power to prepare, consult on and adopt any informal planning documents (i.e., those not constituting part of the Statutory Local Plan or SPD).

Entry to Land

- 5.11 All powers in respect of the following:
 - 5.11.1 to authorise officers to enter land in the discharge of any function contained in the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Town and Country Planning (Control of Advertisement) Regulations 1992, the Hedgerow Regulations 1997 and any other associated legislation giving power to enter land;
 - 5.11.2 to instruct the Monitoring Officer to commence proceedings against persons who wilfully obstruct an authorised officer acting in the discharge of their powers of entry;
 - 5.11.3 to authorise the application for warrants to enter land under any the legislation referred to above; and
 - 5.11.4 to discharge any of these powers.
- 5.12 Any reference to an Act of Parliament, Regulation or Order shall be deemed to include reference to any statutory re-enactment thereof for the time being in force.
- 5.13 The Director of Planning and Building Control is delegated authority to authorise any officer and / or delegate powers in these terms of reference to any other officer within their services or any other Council officer who in their opinion is competent to discharge the functions.

6. Code of Conduct

- 6.1 All members must comply with the Council's Code of Conduct for Regulatory processes and the Code of Practice for Councillor, Officer, Applicant & Developer Engagement in addition to any other requirements.