

# **DEVELOPMENT MANAGEMENT CHARTER**

# **SANDWELL DEVELOPMENT MANAGEMENT PROCESS**

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## **1. Introduction**

This new strategy now places a stronger emphasis on promoting high quality and sustainable development and managing the development process with this end in mind. The primary role of planning is not to prevent development taking place but to foster the right schemes in the right places to improve the economic, environmental and social conditions of Sandwell Borough.

Sandwell's Corporate Plan 2021-2025 aspires to make Sandwell a great place to live, work and do business for residents, businesses and the whole community and focuses on six outcomes:

- The best start in life for Children and Young People
- People live well and Age Well
- Strong, Resilient Communities
- Quality Homes in Thriving Neighbourhoods
- A Connected and Accessible Sandwell Metropolitan Borough Council.
- A Strong and Inclusive Economy

The Development Planning Service is integral to delivering these outcomes through new developments which provide new homes, educational, health facilities and employment opportunities which are accessible, of high quality design and mitigate environmental impacts. The Development Planning Service will facilitate appropriate development through the consideration of planning and other associated applications; signposting and providing information and advice about the planning system; taking a proactive involvement in the delivery of key proposals; monitoring development and planning obligations; and taking action where necessary to either protect or enhance the environment.

## **2. Aims and Objectives**

The Local Planning Authority commits to providing a high quality service to the public. This document provides advice and guidance on how the planning application process operates in practice. The benefits of this will be to:

- i) explain the overall standard of service customers can expect.
- ii) outline how planning applications can be made and how the process operates.
- iii) set out timescales so that customers know what to expect and also to ensure service delivery meets both Government and Council targets.
- iv) aid the promotion of high quality and sustainable development across the Borough.
- v) maintain a consistent, fair and transparent approach for the Development Planning Service in Sandwell.

### 3 The Development application process

#### Pre-application advice

The Council actively encourages people to engage in discussions before a planning application is made. This can help make the process easier and quicker for applicants as well as improve the quality of development within the Borough. We provide a fee paying pre-application service and details are publicised on the Council's web site. On receipt of a valid pre-application submission this will be acknowledged, consultation undertaken with relevant statutory bodies and **feedback provided at 4 weeks**. When necessary, for major schemes we will arrange meetings to encourage greater collaboration to assist with the formulation of the proposals.

Whilst the process of pre-application discussions is intended to be helpful, potential applicants must be aware that officers can give no guarantees that permission will be forthcoming at this stage. Other matters may arise during the application process itself or Members, who make the final decision on applications that go to Planning Committee, may take a contrary view to officers' recommendations.

#### General Planning Advice

General planning advice can be sought via our planning email service, the Council will respond within **10 working days**. To assist applicants further, a range of planning advice, forms and relevant policies are available free on the [Council's web site](#).

In addition to planning permission, potential applicants may find that they will also require consents under other legislation before work can commence such as Buildings Regulations approval for most house extensions or any internal alterations being undertaken as part of a change of use. Guidance can be obtained through the Planning and Building Consultancy Advice Desk at Sandwell Council House (0121 569 4054) or the [Council's web site](#).

#### **4. Planning Application Submission**

Planning application forms may appear complicated, however guidance can be found on the [Council's web site](#) and also the [planning portal](#) will provide assistance in filling them in. It is, however, the applicant's responsibility to ensure that the form is completed correctly and all necessary plans, supporting information and the correct fee is provided. Further advice and help is available directly from the Planning Division tel: 0121 569 4054. The web site also contains a number of Supplementary Planning Documents which set out the Council's expectations for proposals especially on [residential design](#).

A checklist of the required information is attached to each application form, in addition you can refer to our [Validation checklist](#) this provides details of the information required for both householder and commercial developments.

On receipt of an application, the Council will register it within 3 working days.

## 5. Planning Application Stages

The application will then be assessed against the validation criteria within 10 working days. A written acknowledgement of when the application was validated and the date by which a decision should be made, including the applicant reference number and contact details of the case officer dealing with the matter will be sent to the applicant or agent (the latter if an agent has been appointed to act on behalf of the applicant). However, in some circumstances during the validation process, further information may be required to make the application valid. In these circumstances, we will write to the applicant/agent, however if a response is not provided within 8 weeks, then the application will be closed, and we will not pursue contact with the applicant.

When applicants choose to use an agent, all correspondence and discussions as well as forwarding of the final decision notice will take place directly through the agent. In line with Government targets, the aim is to determine applications within **8 weeks** with the exception of ‘major’ developments where up to **13 weeks or 16 weeks** can be taken.

When a valid application is received and registered, the Council has to carry out certain consultations. Depending on the nature of the application and the location of the application site, public consultation will be carried out by writing, as minimum requirement to adjoining occupiers and/or displaying a site notice. Major applications, proposals that are “departures” from Council policy, or those that affect the setting of a listed building will also be advertised in a local newspaper, currently The Sandwell Chronicle.

The Council is only required to inform owners/occupiers with a common boundary to the application site that an application has been made. Notwithstanding the minimum requirements, for larger scale developments and more controversial proposals, increased consultation will be carried out along with notifications to local ward councilors. Anyone is entitled to comment on an application whether they receive a letter or not. People receiving a 'neighbour notification' letter are given 21 days in which to comment upon the application. All comments received in relation to an application are public information. All personal data is handled in accordance with GDPR and the Council's [privacy notice](#)

Comments from residents are welcomed however these should be relevant to the planning process. These are referred to as 'material planning considerations'.

**Material planning considerations** include the following:-

the policies and proposals contained within the [Council's Development Plan](#).

siting, design and external appearance of a proposed development.  
the effect on the main habitable rooms of neighbouring property such as loss of light, outlook or privacy.

the appropriateness of a use in terms of noise, traffic generation or other environmental factors.

the effect on a listed building, conservation area, open space, or protected trees.

ground conditions, flood risk, highway safety and parking provision.



**Matters not relevant** to a planning decision, and accordingly cannot be taken into account, include:-

values of neighbouring properties.

competition between individual businesses.

“moral” issues in relation to certain uses such as amusement arcades or betting shops.

effects on private matters such as boundary disputes.

It is the Council's aim to seek amendments to unacceptable planning applications wherever possible rather than refusing permission. Where possible for minor changes these will be made within the time scale for dealing with the application. However, for more complex revisions, to avoid a refusal and still reach a suitable resolution, the Council will request agreement to an extension of time beyond the original target date. There will however, be some circumstances where refusal is unavoidable, however the case officer will advise as such before issuing the decision. The applicant still has a right of appeal to the Planning Inspectorate. Refer to section 7 below for more detail.

Customers are always welcome at any point in this process to contact the case officer by e-mail or telephone for an update on the progress of an application. The office is open every working day from 8.00am to 5.30pm on Mondays to Thursdays; and from 8.00am to 5.00pm on Fridays. The case officer will endeavor to respond as quickly as possible but no later than 48 hours.

## **6. The Decision Process**

The vast majority of planning applications will be determined by officers using powers delegated to the Assistant Director of Development Planning and Building Consultancy under the Council's Delegation Agreement. For applications that fall outside the delegation agreement, these are reported to the planning committee.

The Planning Committee is a public meeting, meeting dates can be found [here](#). The meetings are usually held on Wednesdays in the main Council Chamber at Sandwell Council House, Freeth Street, Oldbury and commence at 5pm.

Applicants and objectors will be informed of the meeting date by written correspondence at least 1 week before the meeting and invited to attend the meeting. The correspondence will also provide details of where to view the agenda, information about the committee process and contact details for the case officer. The same correspondence will ask the recipients to confirm their attendance 48 hours in advance of the meeting, particularly if they wish to speak at the meeting.

The Council operates a public speaking scheme at Planning Committee meetings. At the invite of the Chair, applicants/agents, objectors and other interested parties will be given the opportunity to address Members if they wish. A maximum of 5 minutes is permitted, which at the Chair's discretion may be increased, for those highly controversial applications, to afford more time for the interested parties to set out their case. In most circumstances, only one representative will be able to speak for an application and one against. Where a proposal is of interest to a group of people, it is recommended that a spokesperson be elected to represent them all. Questions may be

asked by Committee Members. The public will not be allowed to make further verbal representations or take part in the debate and so those addressing Committee should make all their points within the allocated time.

Members, after consideration of the application, may vote to approve the proposal, possibly with conditions attached. They could also reject the application where valid and sustainable planning grounds for refusal exist. Reasons for their decision will always be given.

Members could also defer making a decision either because they want further information or because they wish to visit the application site to gain a better understanding of the proposal for themselves. Such visits are for the sole purpose of viewing the site and at no time will Members discuss the merits of the proposal. The visit would take place on the day of the next Planning Committee meeting.

## **7. Notification of Planning Decisions and the Appeal process**

In respect of decisions made by the Planning Committee, the Council will usually issue the Decision Notice to the applicant/ agent within **5 working days** of the Committee meeting. Any conditions attached to a permission or reasons for refusal will be detailed clearly in the notice. The notice will make reference to the Development Plan policies that were taken into account in reaching the decision.

Some decisions however, may not be made until the applicant has entered into a planning agreement under Section 106 of the Town and Country Planning Act 1990. Such agreements are used to enhance a development proposal or overcome any obstacles which would otherwise prevent permission from being granted. Other decisions, if a departure from the development plan will then be reported for Full Council for final approval. In both instances these matters will be clearly set out either within the committee report or through communication with the planning officer.

Where an application is refused permission, details of the applicant's rights of appeal will be enclosed with the decision notice. However, the applicant is encouraged to discuss the refusal with the Council in order to establish if a revised application would be acceptable.

The Planning Inspectorate, based in Bristol, deals with all appeals. **Only the applicant** has the right of appeal against a refusal of permission or indeed any conditions placed on a permission that they think are unacceptable. (Third parties, such as neighbours who object, have no right of appeal). There are three types of procedure for dealing with appeals which are Written Representations, Informal Hearings, and Public Inquiries. The majority of appeals are dealt with through

written exchanges between the appellant and the Local Planning Authority.

Further information on appeals can be obtained by contacting the Planning Inspectorate at [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).

## 8. Monitoring Compliance of Planning Decisions

Any development granted planning permission must be carried out in accordance with the approved plans and any associated conditions. It is important that the permission is correctly implemented. It is the applicant's responsibility to let the Council know if amendments to the approved development are necessary. Changes will require a fresh application unless they are of a very minor nature where they make no material difference to the approved scheme.

The applicant may also be required to submit further details in order to comply with conditions attached to the permission. In some cases, these conditions require this information to be submitted and approved **before the development commences**. Failure to satisfactorily discharge conditions could render the development unauthorised and leave the applicant open to enforcement action. There is a charge for the formal discharge of conditions and details can be found either on the [planning portal](#) or [Council's web site](#).

Commencing development without the necessary permissions in place is a breach of planning control that is taken seriously by the Council and could result in legal action being instigated in order to seek a remedy.

The Planning Enforcement Team deal with all complaints reported to the Service. These are investigated in accordance with the [Council's Enforcement Policy](#).

## **9. Customer Feedback**

Sandwell Council will strive to provide the highest possible quality of service delivered in a fair and consistent manner. Customer suggestions are therefore welcome as to how we can make improvements to the development planning process. Alternatively, problems may arise from time to time and any difficulties concerning the service should be brought initially to the attention of the Development Planning Manager based at Sandwell Council House, Freeth Street, Oldbury.

Any person who is still dissatisfied with the way their problem has been addressed can make further representations to the [Council's Complaints Service](#) or the Local Government Ombudsman.

## 10. Contact Details

- i) **E-mail;**  
For general planning: [planning@sandwell.gov.uk](mailto:planning@sandwell.gov.uk)  
For enforcement advice: [planning\\_enforcement@sandwell.gov.uk](mailto:planning_enforcement@sandwell.gov.uk)
  
- ii) **In writing;** Planning Division,  
Sandwell Council House, PO Box 2374  
Oldbury,  
West Midlands.  
B69 3DE
  
- iii) **By telephone;** 0121 569 4054



## 11. Useful websites

[Birmingham City \(Planning\)](#)

[Dudley MBC \(Planning\)](#)

[Walsall MBC \(Planning\)](#)

[Wolverhampton City \(Planning\)](#)

[Canal and River Trust](#)

[Environment Agency](#)

[Birmingham and Black Country Wildlife Trust](#)

[Health and Safety Executive](#)

[Planning Inspectorate](#)

[Planning Portal](#)

[Severn Trent Water](#)