



Walsall Council

Planning Committee

7th June 2018

REPORT OF HEAD OF PLANNING, ENGINEERING & TRANSPORTATION

Development Management Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Planning Committee of the latest performance and outcomes during the 4th quarter of 2017/18 (1st January 2018 to 31st March) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q4.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q4.
- iii) An update of Planning Applications 'called-in' by Councillors in Q4. Please note, this information was presented to committee in the previous performance paper but has been represented to ensure consistency with the performance and appeals data.
- iv) A progress report of enforcement proceedings.

Details of previous performance in 2017/18 can be found in the report to Planning Committee of 1st February 2018.

2. RECOMMENDATIONS

That the Committee notes the report

3. FINANCIAL IMPLICATIONS

None arising from this report

4. POLICY IMPLICATIONS

Within Council policy. All planning applications and enforcement proceedings relate to local and national planning policy and guidance.

5. **LEGAL IMPLICATIONS**

The briefing of members as to the outcome of individual appeals made by the Planning Inspectorate will enable members to keep abreast of planning issues as may be raised within individual cases. Appeal decisions are material considerations and should be considered in the determination of subsequent applications where relevant.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report. The Development Management service is accredited by an Equality Impact Assessment.

7. **ENVIRONMENTAL IMPACT**

The impact of decisions made by the Planning Inspectorate on the environment is included in decision letters and all planning applications are required to consider environmental issues where material to the proposed development.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Officers in Legal Services have been consulted in the preparation of this report.

10. **CONTACT OFFICER**

Shawn Fleet: Extension 0453

11. **BACKGROUND PAPERS**

All published.

Steve Pretty
Head of Planning, Engineering and Transportation

PLANNING COMMITTEE

Development Management Performance Update Report

i) Speed of planning applications determined in Q4 (between 1st January 2018 to 31st March 2018)

(2016/17 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Performance for 2016- 17 to date
a) Major applications Within 13 weeks (Gov't target = 60%) Walsall Performance 2016/17 National Average (2016/17 = 86%)	84.62% (85.71%)	80.00% (83.33%)	92.31% (90%)	100% (100%)	89.23% (90.32%)
b) Minor applications Within 8 weeks (Gov't target = 65%) Walsall Performance 2016/17 National Average (2016/17 = 82%)	76.56% (50.00%)	58.18% (60.00%)	88.46% (63.77%)	93.06% (79.03%)	79.07% (63.10%)
c) Other applications Within 8 weeks (Gov't target = 80%) Walsall Performance 2016/17 National Average (2016/17 = 89%)	71.35% (18.11%)	47.45% (52.85%)	86.82% (61.69%)	88.08% (76.58%)	73.43% (54.71%)

12.1 Following the implementation of a number of case management measures in response to the Q1 and Q2 figures, the figures for Q4 are a significant step forward in performance and build upon the improvements achieved in Q3.

12.2 As in previous quarters, the performance of the major applications remains strong and above target. This quarter, both the others and minors categories are now also above target and follow the trend sent in Q3.

- 12.3 The planning service seeks to focus on a number of priorities amongst which is the speed of decision making. In addition though, attention is given to the quality of decision making. In the last quarter, the appeals performance was at 60% with 2 out of the 5 appeals (2 not counted in the figures) considered being decided against the Council. This exceeds the 70% target sought by the Government.
- 12.4 Following the weaker figures achieved in Q1 and Q2 it is very pleasing to see the turn around that has been achieved by officers in this Quarter. This has been achieved through a greater focus on moving applications forward to determination within the prescribed timescales or making greater use of extension of time agreements. This shift though has though curtailed some of the negotiations with applicants who are keen to try and resolve problems with their proposal.
- 12.5 In addition to improving performance with the current application, steps are being taken to deal with a number of applications that have been in the system for a number of months as applicants seek to amend their schemes to bring them up to an acceptable level. Where it is clear there is no prospect in the near future of these applications being approved, applicants are being asked to withdraw the application or a decision is being made to close the case.
- 12.6 For new applications coming into the system and for new pre-application enquiries, the planning service is now focused far more intently on delivering decisions within timescales. This has been achieved through greater use of conditions to secure details when the principal of the development is acceptable, more emphasis on applicants getting it right first time and refusing poor applications in a timely manner rather than hold onto them for prolonged periods whilst attempting to secure an approval.
- 12.7 Whilst the figures for the past two quarters are very encouraging, the performance in the first two quarters has had a cumulative impact on the performance and in respect of the Others category, the final performance figure for the year has been 73.43% which falls below the target of 80%. For the other two categories, performance has met the national targets.
- 12.8 In light of the performance of the Others category, the Planning Service has engaged with the Governments Planning Advisory Service (PAS) and the Ministry of Housing, Communities and Local Government (MHCLG) to deliver further improvements in the delivery of the service to build on the high 80%, 90% figures achieved in Q3 and Q4.
- 12.9 The steps indicated above in terms of determining applications within the 8 or 13 week targets or through agreed extension of time agreements are ones strongly supported by PAS.
- 12.9 In addition to the sea-change in terms of delivering decisions on time, officers are engaging with PAS to make improvements to the manner in which the service is delivered to applicants, agents and the wider public. Some of these changes involve ensuring optimal use is made of existing systems but also around improving accessibility to planning applications through increasing the amount of information available online whilst still ensuring the service can be delivered to those not able to access applications digitally.

ii) **Decisions made by the Planning Inspectorate in Q4 (between 1st January and 31st March 2018)**

App No.	Address	Proposal	Appeal Decision	Council Decision	Comments
17/0308	Site of Former 105 to 123, Walsall Road, Walsall Wood	Change of use of land to car hire business, erection of reception building and construction of car parking area and wash bay.	Appeal Allowed	Officer Rec: Temporary Approval for 2 years Committee Resolution: Temporary Approval for 2 years	Although this application was recommended for approval which was endorsed by Committee, the appeal was submitted on the basis the application had not been determined in the 8 week time scale or an agreed Extension of Time agreement. This site had been identified in the emerging SAD as an allocation for a Travelling Showperson's pitch hence then temporary approval recommended but this was resisted by the owner. The appeal was allowed but on a permanent arrangement rather than temporary
17/0416	188C, Chester Road, Streetly, Sutton Coldfield, B74 3NA	Provision of new extract equipment, installation of new shop front, and proposed revision to opening hours. Resubmission of 16/1849	Appeal Allowed	Officer Rec: Grant approval subject to conditions Committee Resolution: Refuse as detrimental to residents of Hunters Court and adjoining Balti restaurant.	This application was refused following the submission of an appeal for non-determination to the Planning Inspectorate. Before the appeal was made valid, the application was determined. The Council's reasons for refusal were taken into account in the determination of the appeal. The Inspector concluded in the reasons for their decision that proposal would not harm neighbouring uses as it would not have an unacceptable adverse impact on the

					<p>environment and would not cause unacceptable adverse effects in terms of smell.</p> <p>The Inspector also found that there was no substantive evidence to indicate that the proposal would result in an unacceptable risk for litter and vermin to increase</p>
17/0775	41 Darvel Road, Willenhall, WV12 4TU	Two storey side extension and single storey rear extension.	Appeal Allowed	<p>Officer Rec: Grant approval subject to conditions</p> <p>Committee Resolution: Refuse as the extension would be incongruous in the street scene and would cause detriment to neighbours and would be an overdevelopment of the site</p>	<p>The main issues were the effect of the development on the character of the surrounding area and this impact on neighbours amenity.</p> <p>The Inspector noted that the proposal would reduce the openness of the corner location, however, this was already compromised by the significant side extension and boundary treatment. Any additional harm arising would not in this case be sufficient to warrant withholding planning permission and they considered that the proposal would not result in unacceptable harm to the character or appearance of the surrounding area.</p> <p>With regard to neighbour impact, the proposal would not materially reduce levels of light reaching No 43 or exacerbate any existing degree of enclosure or result in any material increase in overlooking .</p>

17/0864	18, Taryn Drive, Darlaston, Wednesbury, WS10 8XY	T1 to T12 - Poplar Trees - Fell all 12 trees.	Appeal Dismissed	Delegated Decision: Tree: Part Approve Part Refuse	The Inspector concluded in the reasons for their decision that in the absence of any diagnostic evidence to suggest that the trees were structurally unstable, the felling of the 12 trees was not justified.
17/0695	47, Portland Road, Aldridge, Walsall, WS9 8NU	T2 & T3 Sycamores - Fell.	Appeal Dismissed	Delegated Decision: Tree: Part Approve Part Refuse	The Inspector concluded in the reasons for their decision that in the absence of any diagnostic evidence to suggest that the trees were structurally unstable and further pruning should re-balance the lateral growth of branches towards the appellant's property together with a reduction in their crowns.
16/1925	Marios Hand Car Wash, Old Three Crown PH, Sutton Road, Walsall, WS5 3AL	Retention of car wash for 2 years temporary permission	Appeal Dismissed	Delegated Decision: Refuse Permission	<p>The main issues were considered to be whether the proposal would be inappropriate development in the Green Belt and whether any special circumstances existed, its effect on the character and appearance of the area and whether the development provides satisfactory living conditions for the employees. Also, the Inspector looked at whether this was intentional unauthorised development in the Green Belt</p> <p>The Inspector concluded that whilst the impact of customers visiting the car wash would be similar to the harm arising from cars visiting the PH, the storage container and</p>

					<p>caravan together with the car wash paraphernalia resulted in an unacceptable harm to the openness of the Green Belt for which no very special circumstances could be shown.</p> <p>It was also considered that insufficient evidence had been submitted to show that the policy requirements with regards the living conditions of the workforce had been met.</p> <p>The Inspector also concluded that the development was intentional development and this was a material consideration that weighed against granting planning permission.</p>
17/0157	17, Royal Meadow Way, Streetly, Sutton Coldfield, B74 2FE	T7 Rowan - Fell, T9 Alder - Fell, T10 Rowan - Fell, T12 Birch - Fell, T15 Alder - Fell, T16 Cherry - Fell, T17 Plane - Fell, T18 Silver Birch - Fell and T19 - White Birch - Fell.	Part Allowed/ Part Dismissed	Delegated Decision: Tree: Part Approve Part Refuse	Whilst the Inspector supported the Councils decision in the main, with regard to the Silver Birch (ref T15), it was considered the tree had few lower branches and was suppressed in form and was not a fine example of the species.
Target = 30%			2 appeals not decided in accordance with Councils decision = 40.0%	1 appeal not decided with officer recommendation = 20.0%	Total number of qualifying appeals = 5 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.10 This figure falls outside the Governments current performance target.

- 12.11 In Q3, a figure of 11% was achieved. 25% was achieved in Q2 and in Quarter 1 a figure of 28.6%. Cumulatively, 29 qualifying appeals were determined in 2017/18 of which 22 were dismissed. This has resulted in annual performance of 24.% which meets the current Government target. It should be noted however that if the two non-determination appeals in Q4 had been included in the figures, the performance would have been 29%, exceptionally close to the threshold of 30%.
- 12.12 The Government through the Planning Advisory Service will be scrutinising the Councils performance not only in terms of decision making but also the quality of decision making. Whilst a figure of 24% meets the current target of 30%, the Government is seeking to tighten this figure to 10%. In this instance, the Council will need to be mindful of the Government's position in respect of the quality of decision making.
- 12.13 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the Borough, officers will be engaging with PAS to ensure decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Councils ability to defend refusal decisions most effectively at appeal.

iii) Called in Applications

- 12.14 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows that 12 different applications have been called in during the three meetings in Q4 from January to March.
- 12.15 The Call-in Procedure is set out in paragraph (12) of Part 3: Responsibility For Functions of the Constitution.
- (12) Call-in procedure
- (a) Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee;
 - (b) Prior to a Councillor calling in an application he/she must inspect the submitted plans and discuss the application with the Development Control Team Leader or his/her deputy or Head Of Service/Service Manager.
 - (c) The call-in will be activated by the completion of an appropriate form which must give a planning reason why it should be determined by the Committee;
 - (d) The form must be received by the Planning Department within 10 working days from the receipt of the weekly list by Councillors (one day will be allowed for delivery following date of dispatch)
 - (e) The Committee report will identify the Councillor who called in the application along with the reason given.
- 12.16 For details of applications previously called in please refer to the previous performance report.

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Call In Method
4 th January				
Councillor J Fitzpatrick	Bloxwich East, Bloxwich West	17/0768	100, Irvine Road, Bloxwich, Walsall	Pro-Forma
Councillor D. Coughlan	Willenhall South	17/1167	10, Teme Grove, Willenhall	Pro-Forma
1 st February				
Councillor Sears	Aldridge North And Walsall Wood	17/0902	Sunnyside Farm, Northgate, Walsall Wood	Pro-Forma
Councillor Robertson	Blakenall	17/1033	71, Proffitt Street, Walsall	Pro-Forma
Councillor Murray	Aldridge Central And South	17/1605	20, The Glades, Aldridge, Walsall	Pro-Forma
Councillor S Ditta	Palfrey	17/1390	31, Rutter Street, Walsall	Pro-Forma
22 March				
Councillor Ferguson	Brownhills	17/1546	Land To Rear Of 24-28, Chester Road North, Brownhills	Pro-Forma
Councillor Murray	Aldridge Central And South	16/0138	Land Rear Of 142-144 Whetstone Lane, Aldridge	Pro-Forma
Councillor Fellows	Bloxwich West	17/0979	The Sneyd, 67, Vernon Way, Bloxwich, Walsall	Pro-Forma
Councillor Robertson.	Blakenall	17/1609	14, Proffitt Close, Walsall	Pro-Forma
Councillor S Ditta	Palfrey	17/1390	31, Rutter Street, Walsall	Pro-Forma
Councillor Wilson	Aldridge Central And South	17/1528	132, Whetstone Lane, Aldridge, Walsall	Pro-Forma

iv) Progress on Enforcement Proceedings

12.17 This section of the report to follow.