



Walsall Council

PLANNING COMMITTEE

10th December 2020

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Development Management Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Planning Committee of the latest performance and outcomes during the 3rd and 4th quarters 2019/20 (1st October to 31st December 2019 and 1st January to 31st March 2020) and 1st and 2nd quarters of 2020/21 (1st April to 30th June 2020 and 1st July to 30th September 2020) and regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q3 and Q4 of 2019/20 and Q1 and Q2 of 2020/21.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3 and Q4 of 2019/20 and Q1 and Q2 of 2020/21.
- iii) An update of Planning Applications 'called-in' by Councillors in Q3 and Q4 of 2019/20 and Q1 and Q2 of 2020/21.
- iv) A progress report of enforcement proceedings.

Details of previous performance in Q1 and Q2 2019/20 can be found in the report to Planning Committee of 28th November 2019.

2. RECOMMENDATIONS

That the Committee notes the report

3. FINANCIAL IMPLICATIONS

None arising directly from this report but where a planning appeal is accompanied by an appeal for an award of costs then if the appellant is successful the costs are payable by the Council.

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

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11. BACKGROUND PAPERS

All published.

Alison Ives
Head of Planning and Building Control

PERFORMANCE UPDATE REPORT**Development Management Performance Update Report**

- i) **Speed of planning applications determined in Q3 and Q4 2019/2020 (between 1st October to 31st December and 1st January to 31st March) and Q1 and Q2 2020/2021 (1st April 2020 to 30th June 2020 and 1st July 2020 to 30th September 2020)**

Note that the table also includes figures for earlier years.

Description	Q1 Apr -Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Feb	Cumulative
20-21 - Major	100%	100%			
19-20 - Major	100%	100%	100%	90.91%	97.72%
18-19 - Major	100%	87.50%	100%	100%	96.87%
20-21 - Minor	95.65%	86.05%			
19-20 - Minor	91.80%	92.11%	97.73%	90.00%	92.91%
18-19 - Minor	94.74%	92.68%	88.33%	92.73%	92.12%
20-21 - Other	92.80%	91.77%			
19-20 - Other	92.22%	91.78%	87.20%	90.22%	90.35%
18-19 - Other	93.14%	97.92%	90.73%	93.79%	93.89%

- 12.1 The latest performance figures represent a continuation of a strong series of results exceeding national performance standards in all areas (majors 60% in 13 weeks, Minors 70% in 8 weeks and Others 70% in 8 weeks).
- 12.2 As noted in previous reports, the challenge for 2019/20 has been to maintain these performance levels given the number of staffing changes that have recently been experienced within in the team. Whilst most vacancies have now been filled there is a period of training required for less experienced new officers. The ability to recruit experienced planning officers has proved difficult and coupled with a need to cover team absences have required extended use of agency contractors. This is not unique to Walsall as other local authorities are in the same position. Officers continue to strive to keep this impact to a minimum.
- 12.3 Since March 2020 officers have been working from home and this has accelerated a move to a largely paperless office and a greater shift towards the use of electronic communications. During the initial lockdown there was some delay on officers being able to visit sites that has had a knock on effect on achieving determination timescales hence a wider use of agreeing extensions of time with developers.
- 12.4 In addition to staffing changes in the team, the service is closely working with Walsall Proud Programme (WPP). The focus of this work is threefold, improving the customer experience; improving the employee experience; and service efficiency. A report outlining proposals for a redesign of the Planning Service was endorsed by

Cabinet at their meeting on 23rd October 2019. Following on from this report WPP prepared a Blueprint for the redesign of the Planning Service. Discussions have been ongoing in relation to this and a revised Service Transformation Plan is being drawn up that can deliver improvements and efficiencies in the service. It is expected that changes will begin to be rolled out from January 2021.

ii) **Decisions made by the Planning Inspectorate in Q3 (between 1st October and 31st December 2019)**

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
19/0570	CROWN WHARF SHOPPING PARK, WOLVERHAMPTON STREET, WALSALL	Display of two multi changing digital display advertisement screens	Advertisement Consent: Refused	Appeal Dismissed
Comments on 19/0570: Scale and siting adds to the significant clutter in the street scene. Scale and elevated position visually intrusive and over-dominant, particularly to passers-by along the highway.				
19/0744	ADJACENT 42, HIGH STREET, MOXLEY	Replacement of existing 48 sheet advertisement display with illuminated 48-sheet rotating digital advertisement (image changing every 10 seconds) display 3 metres high, 6 metres wide, 0.45 metres deep, 600cd/m ² illumination (daytime) and 300cd/m ² illumination (night)	Advertisement Consent: Refused	Appeal Dismissed
Comments on 19/0744: Illumination and regular changing images would appear overtly commercial, at odds with the more discreet appearance of existing advertisements and residential character of the street. Conspicuous and intrusive. Found not to harm public safety following consideration of the approach to the site and relationship to the signalised junction.				
19/0800	LAND ADJACENT, 170 and 170a, WOLVERHAMPTON ROAD, WALSALL	Internally illuminated display panel 6m x 3m with a rotating digital display changing every 10 seconds	Advertisement Consent: Refused	Appeal Dismissed
Comments on 19/0800: Introduction of digital display with changing images intrusive and incongruous with immediate surroundings compared to existing static display. Detrimental impact on character and appearance of the area. Likely to result in harmful impacts on living conditions of adjoining occupiers as a result of the changing images. Highly prominent to motorists and potential distraction causing highway safety concerns.				
17/1384	WOOD LANE LIVERY STABLES, 65 WOOD LANE,	Reserved Matters for removal of mobile home, demolition of	Refuse Permission	Appeal Dismissed

	STREETLY, SUTTON COLDFIELD, B74 3LS	garage, alterations to residential curtilage and erection of a single dwelling and associated works.		
<p>Comments on 17/1384: Presumption in favour of sustainable development does not override the need to assess the exceptions in the Green Belt. Having regard to scale, size and percentage increase it would be materially larger than the buildings it replaces. Loss of openness undermines fundamental aim of Green Belt. Refused an award of costs made by both parties.</p>				
<p>Target = no more than 10% determined contrary to Council's decision Total number of qualifying appeals = 1 (Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included). 0 qualifying appeals, not decided in accordance with Councils decision = 0%</p>				

Decisions made by the Planning Inspectorate in Q4 (between 1st January and 31st March 2020)

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
19/0693	115-117 High Road, Willenhall, WV12 4JN	Change of use of ground floor of 117 from A1 to A5 hot food takeaway with installation of extraction system. Conversion of upper floor to 2 x 1 bed flats.	Refuse Permission	Appeal Dismissed
<p>Comments on 19/0693: Determined that it would not result in on-street parking in a hazardous location as it would be unlawful to do so but that the intensification of uses would increase off-street parking requirements and vehicle movements compared to the existing situation. Increased use of a substandard access to park on land at the rear would result in harm to highway safety at the junction resulting in severe cumulative impacts on the surrounding highway network.</p>				
19/0404	TELECOMMUNICATIONS MAST REAR OF ANCHOR INN, CHESTER ROAD, BROWNHILLS	The replacement of an existing 14.7m monopole with a 20.0m high slimline lattice mast supporting 6 no antenna apertures, together with the installation of 8 no ground-based equipment cabinets.	Refuse Permission	Appeal Dismissed
<p>Comments on 19/0404:</p>				

Green Belt location and materially larger than existing structures. Higher and wider mast leads to loss of the sites spatial and visual openness. Unduly prominent and incongruous in this semi-rural setting adjacent to the canal. Causes harm to the character and appearance of the canal and wider area. Appropriate consultation had been carried out by appellant concerning nearby school (100m away and intervening features). Would not affect trees/hedges. Economic and social benefits do not outweigh the harm to the Green Belt.

Target = no more than 10% determined contrary to Council's decision

Total number of qualifying appeals = 1

(Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included).

0 qualifying appeals, not decided in accordance with Councils decision = **0%**

Decisions made by the Planning Inspectorate in Q1 (between 1st April and 30th June 2020)

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
19/0338	28, Park Road, Walsall, WS5 3JU	Lawful Development Certificate for a Proposed Development, two storey and part single storey rear extension.	Refuse Certificate of Lawful Proposed Use or Development	Appeal Allowed
Comments on 19/0338: Incorrectly judged under Class B of Schedule 2 of the GPDO whereas no accommodation was proposed in the loft so it should have been considered under Class A only. Costs awarded to the appellant.				
19/0566	14, NEWQUAY CLOSE, WALSALL, WS5 3EP	Change of use from open space to residential garden land and the erection of 2.1m high boundary fence. (Site Affects the Setting of the Public Rights of Way WAL105).	Non Determination Subject to Appeal	Appeal Dismissed
Comments on 19/0566: Permission refused by PINS: Erection of fencing across the open space clearly visible in street context, height position and appearance of fencing undermines the function and visual qualities of the open space and the openness, contrast with open landscaped frontages in the locality. Narrowing entrance to open space increases likelihood of ASB.				
19/0139	JEROME RETAIL PARK, MIDLAND ROAD, WALSALL, WS1 3QB	Erection of a Class A1 retail unit.	Non Determination Subject to Appeal	Appeal Allowed
Comments on 19/0139:				

Effect on vitality and viability of Walsall Town Centre. Edge of centre site. Focussed on sequential testing of alternative sites and potential to draw trade from the primary shopping area of Walsall. Concludes no significant effect on vitality and viability of Walsall and condition to control the A1 use is possible.				
19/1130	88, STONNALL ROAD, ALDRIDGE, WALSALL, WS9 8JZ	Proposed New Dormer Bungalow at rear of existing dwelling	Refuse Permission	Appeal Dismissed
Comments on 19/1130: Tandem backland development not characteristic in the area. Modern contemporary design not out of place.				
19/0660	78, COLTHAM ROAD, WILLENHALL, WV12 5QF	Change of use from Class C3 dwelling to dwelling and child minding business (sui generis use).	Refuse Permission	Appeal Allowed
Comments on 19/0660: Mid terrace, existing child minding business for 6 children. Noise generated from the additional comings and goings from the business would be unlikely to cause any further undue harm to the living conditions of neighbouring and nearby residential occupiers. Conditions imposed restrict to maximum 12 children and restricted use between 08.00 – 18.00 Mondays to Fridays.				
19/0883	Pheasey Streetworks 203179, Queslett Road, Walsall, B43 7UF	Proposed 20 metre phase 7 monopole with wraparound base cabinet and associated works.	Refuse Permission	Appeal Dismissed
Comments on 19/0883: Great Barr Conservation Area and Green Belt location near Listed Buildings. Determined as inappropriate development, materially larger than structure it replaces. Adverse impact on Green Belt as inappropriate and moderate harm to openness as visible above trees. Height and modern design jars with the setting of conservation area and Listed Buildings failing to preserve or enhance the setting. Limited weight to public benefits of development as no assessment of alternative sites not within the Green Belt was provided. Proposals do not outweigh harm to Green Belt and heritage assets.				
Target = no more than 10% determined contrary to Council's decision Total number of qualifying appeals = 3 (Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included). 1 qualifying appeals, not decided in accordance with Councils decision = 33%				

Decisions made by the Planning Inspectorate in Q2 (between 1st July and 30th September 2020)

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
19/1569	452, WOLVERHAMPTON ROAD, WALSALL, WS2 8TB	Installation of freestanding internally illuminated digital	Advertisement Consent: Approve for 5 Years	Appeal Allowed

		display hoarding		
Comments on 19/1569: Condition imposed by Inspector to limit maximum illumination of 800 cd/m2 other than when street lights are on when limited to 300 cd/m2 i.e. higher luminance during the day than night.				
19/1129	36, KENT STREET, WALSALL, WS2 7AH	Proposed New Garden Building to form double garage with gym with new vehicle access onto Kent Close	Refuse Permission	Appeal Invalid
Comments on 19/1129: Appeal invalid as documents requested of the appellant by PINS not received in time.				
19/1094	67, HOLTSHILL LANE, WALSALL, WS1 2JA	PROPOSED SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH FRONT DORMER	Refuse Permission	Part Allowed/Part Dismissed
Comments on 19/1094: Refused loft conversion but approved single storey rear extension. Large roof dormer incongruous at increased height undermines the character of the area and terraced properties. Loss of privacy from overlooking from the roof dormer which would be dominant to neighbouring properties due to minimal distance separation and difference in ground levels at the rear. Failure to provide adequate parking given the increase in bedrooms.				
18/1215	LAND ADJACENT 43, LOWER LICHFIELD STREET, WILLENHALL	Demolition of existing buildings on site and erection of new residential development providing 7 x 1 bed and 8 x 2 bed apartments including parking and amenity.	Refuse Permission	Appeal Dismissed
Comments on 18/1215: Greater bulk, scale, mass than surroundings dominates street scene and fails to bring a comprehensive development forward. Poor outlook and amenity for ground floor flats facing busy road at front and car park at rear, poor amenity space adjacent commercial uses so reduced usability. Failure to provide for open space and affordable housing in accordance with policy or to secure ongoing maintenance of open space. Under provision of parking but sustainable location so acceptable.				
17/0589	5, RICHMOND STREET, WALSALL, WS1 2JX	First Floor Extension to Factory	Non Determination Subject to Appeal	Appeal Allowed
Comments on 17/0589: Existing factory at rear of a row of terraced properties. Staircase used infrequently for fire access so despite overlooking not harm amenity. No objections from surrounding residents. Pollution control conditions regarding noise not meet 6 tests so not imposed. Conditions include to prevent use of external staircase except in emergency. No impact on highway safety.				
19/1449	PELSALL HALL RESIDENTIAL HOME,	Erection of a prefabricated	Refuse Permission	Appeal Dismissed

	PARADISE LANE, PELSALL, WALSALL, WS3 4NH	summer house in the garden (resubmission following refusal of 19/0114)		
Comments on 19/1449: Impact on setting of Locally Listed Building and Old Pelsall Conservation Area. Off the peg utilitarian appearance and discordant feature close to the locally listed building harms the setting and diminishes historical significance. Space around the Hall a very important component of Conservation Area. Lack of screening in autumn/winter so highly visible. Less than substantial harm but require justification and the Private benefit of home did not outweigh public benefit.				
19/1251	Land West of, Back Lane, ALDRIDGE, WS9 OLR	Redevelopment of existing stables by erection of 1no. detached dwelling and associated works (Re- submission 18/0391)	Refuse Permission	Appeal Dismissed
Comments on 19/1251: Previously developed land in Green Belt not inappropriate provided not have greater impact on openness than existing. Visual domestication of the site harms openness regardless of PD removal so therefore inappropriate development in Green Belt. Visually isolated house of clearly domestic appearance harmful to the character and appearance of the area. Absence of harm to trees, highways, heritage assets neither weigh for or against the proposal. No evidence to suggest would result in reduction of vehicular trips to site.				
19/1086	2 , Coalpool Lane, WALSALL, WS3 1QJ	Erection of a new two-storey dwelling attached to No 2 Coalpool Lane plus single storey rear extension to 2 Coalpool Lane	Non Determination Subject to Appeal	Appeal Dismissed
Comments on 19/1086: Proposed tree planting on land outside the application site and no legal agreement submitted to secure this. Without replacement trees there is loss of biodiversity and harm to the visual amenities of the area.				
19/1008	TELECOMMUNICATION S MAST, EDUCATION DEVELOPMENT CENTRE, PELSALL LANE, RUSHALL	The existing 15m monopole currently supporting 6 antennas is to be removed and replaced by a new 20m lattice tower with 6 apertures 1 x 0.6m dish antenna, equipment cabinets and associated works within the existing compound. Existing cabinets and any redu	Refuse Permission	Appeal Allowed
Comments on 19/1008: Green Belt location. Materially larger therefore inappropriate development in Green Belt. Small overall loss of spatial openness. Not viewed as an isolated structure as seen in conjunction with the developed part of the EDC site so not unduly dominant or out of character. View from wider countryside not unduly harmed as open lattice structure and not incongruous. Afforded significant weight to economic and social				

benefits of providing next generation mobile technology and that infrastructure replaced an existing mast and considered these very special circumstances to outweigh harm to Green Belt. Conditions to control colour of tower and remove existing equipment.

Target = no more than 10% determined contrary to Council's decision

Total number of qualifying appeals = 5

(Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included).

2 qualifying appeals, not decided in accordance with Council's decision = 40%

12.5 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, it is vital that robust reasons for refusal are given that state relevant National and Local policies. In this way decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Council's ability to defend refusal decisions most effectively at appeal.

iii) Called in Applications

12.6 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 the following:

Q3 2019/2020 (Oct-Dec 2019) – 5 applications called in during 3 meetings

Q4 2019/2020 (Jan-Mar 2020) – 5 applications called in during 3 meetings

Q1 2020/2021 (Apr-Jun 2020) – 4 applications called in during 2 meetings

Q2 2020/2021 (Jul-Sept 2020) – 6 applications called in during 3 meetings

12.7 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.

12.8 For details of applications previously called in please refer to the previous performance reports.

Agenda Item 9

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Method/Reason for Call In
3 October 2019				
Councillor Douglas-Maul	Streetly	19/0468	Living area above 317 Chester Road, Aldridge, WS9 0PH	Pro-Forma
Councillor Wilson	Aldridge Central and South	19/0838	11 Portland Road, Aldridge, WS9 8NS	Pro-Forma
Councillor Statham	Bloxwich East	19/0651	78 Irvine Road, Bloxwich, WS3 2DY	Pro-Forma
31 October 2019				
Councillor A Nazir	St Matthews	19/0173	6 Follyhouse Lane, Walsall, WS1 3EL	Pro-Forma
28 November 2019				
Councillor Ferguson	Brownhills	19/1199	33 Warren Place, Brownhills, WS8 6BY	Email
9 January 2020				
Councillor Craddock	Aldridge North & Walsall Wood	19/0761	82 Friezland Lane, Brownhills, WS8 7DA	Pro-Forma Development will improve the plot and enhance the area
Councillor Perry	Pelsall	19/1104	36 Railswood Drive, Pelsall, WS3 4BD	Pro-Forma Breach of 45 degree code may be marginal, may be overturned at appeal, other examples nearby
6 February 2020				
Councillor Wilson	Aldridge Central and South	19/1436	Middlemore House, Middlemore Lane West, Aldridge	Pro-Forma Requires Delicate Judgement
5 March 2020				
Councillor	Rushall -	19/1455	Hills Contractors,	Pro-Forma

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Wilson	Shelfield		Westgate, Aldridge, WS9 8EX	Requires Delicate Judgement
Councillor Shires	Willenhall North	19/1225	74 Cannock Road, Willenhall, WV12 5RZ	Pro-Forma Previous owners retaining an interest in the land, office used as accommodation, customers parking in school access opposite and the highway is being used to off load transported cars
28 May 2020				
None				
25 June 2020				
Councillor Wilson	Aldridge Central and South	19/0649	Aldridge Airport, Bosty Lane, Aldridge	Pro-Forma Requires Delicate Judgement
Councillor Towe	Pheasey Park Farm	19/1397	77 Collingwood Drive, Great Barr, B43 7JW	Email Four objections from occupiers of neighbouring properties on material planning considerations grounds
Councillor Wilson	Aldridge Central and South	18/1144	15 Little Aston Road, Aldridge, WS9 0NP	Pro-Forma Requires Delicate Judgement
Councillor Johal	Streetly	19/0319	195B Foley Road West, Streetly, B74 3NX	Pro-Forma Requires Delicate Judgement as surrounding properties have similar schemes.
23 July 2020				
Councillor	Streetly	19/1206	Land at Queslett	Pro-Forma

Agenda Item 9

Andrew			Road East, Streetly	This is major application and is subject to a number of representations from the public which requires the application to be referred to the Planning Committee for determination and consideration of the Officer recommendation.
Councillor Jeavons	Birchills Leamore	18/1282	Land corner of Arkwright Road/Edison Rd	Pro Forma Public interest
Councillor Kaur	Aldridge Central and South	19/0976	815 Sutton Road, Aldridge, WS9 0QJ	Pro-Forma Delicate judgement is required and Green Belt impacts
Councillor Johal	Streetly	19/1158	Hingley Cottage, Lindrosa Road, Streetly, B74 3LB	Pro-Forma Needs delicate judgement as previously developed land and community support for application
20 August 2020				
Councillor Hussain	St Matthews	20/0309	Rother, Highgate Drive, Walsall, WS1 3JJ	Pro-Forma Delicate judgement required
Councillor Johal	Streetly	19/0319	195B Foley Road West, Streetly, B74 3NX	Pro-Forma Delicate judgement as surrounding properties have similar schemes
17 September 2020				

None				
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iv) Progress on Enforcement Proceedings

(i) Public session – attached Table 1 and 2

(ii) Private session – Table 3

Please note that Table 3 contains information which is private and confidential and so is not available for public inspection.

It includes information which reveals that the authority proposes:

a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or

b) to make an order or direction under any enactment.

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.