



# Walsall Council

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## *Planning Committee*

7<sup>th</sup> 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 1st quarter of 2018/19 (1<sup>st</sup> April 2018 to 31<sup>st</sup> June) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q1.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q1.
- iii) An update of Planning Applications 'called-in' by Councillors in Q1. 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 7<sup>th</sup> June 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 Q1 (between 1<sup>st</sup> April 2017 to 30<sup>th</sup> June 2019)***(2017/18 equivalent figures in brackets)*

<b>Application type</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Performance for 2016- 17 to date</b>
a) Major applications Within 13 weeks or agreed EoT (Gov't target = 60%)	100%	--	--	--	100%
Walsall Performance 2017/18	(85%)	(80%)	(92%)	(100%)	(89%)
National Performance 2017/18	90%	92%	91%	92%	91%
b) Minor applications Within 8 weeks or agreed EoT (Gov't target = 70%)	91%	--	--	--	95%
Walsall Performance 2017/18	(77%)	(58%)	(88%)	(93%)	(79%)
National Performance 2017/18	88%	86%	88%	88%	87%
c) Other applications Within 8 weeks or agreed EoT (Gov't target = 70%)	96%	--	--	--	97%
Walsall Performance 2017/18	(71%)	(47%)	(87%)	(88%)	(73%)
National Performance 2017/18	89%	89%	88%	90%	89%

12.1 The latest performance figures mark a positive start to 2018/19 and now exceed both last years local and national figures for quarter 1.

12.2 Whilst the performance of the major applications remains strong and above target what is particularly encouraging is the sustained performance improvements in the two non-major categories. This is important as the Government now monitor non-major performance as a single category with a baseline target of 70% of all applications being determined either in eight weeks or in accordance with an extension of time agreement.

- 12.3 The 70% target for non-major applications was reached in 2017/18 although poor performance in the 2<sup>nd</sup> quarter made achieving this target a notable challenge.
- 12.4 As noted in the previous update report, significant changes were made to the operation of the service in the second half of the last monitoring period and it was through these changes that the target was eventually reached.
- 12.5 Engagement continues with the Governments Planning Advice Service with a focus on how the planning service can best be delivered with an emphasis on optimising the time officers have to deal with cases. Of particular attention is the manner in which pre-application advice is provided through written enquiries and the duty service at reception.

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

App No.	Address	Proposal	Appeal Decision	Council Decision	Comments
16/0388	Blue Lion House, 16, Butts Road, Walsall, WS4 2AR	Retrospective: Change of use to shared 7 x bedroom residential accommodation (sui generis use).	Appeal Allowed	Refuse Permission	The Inspector considered that this proposal to convert the premises to a HMO would not result in a significant level of harm and the appeal was allowed
17/0503	51-53, Wolverhampton Street, Willenhall, WV13 2NF	Change of use of workshop, storage and offices to House in Multiple Occupation (sui generis).	Appeal Allowed	Refuse Permission	The Inspector considered that the bin storage arrangements and the quality of the living accommodation were acceptable and the appeal was allowed.
17/0732	Fernleigh Farm, Goscote Lane, Bloxwich, Walsall, WS3 4QQ	Change of use of farm building to pet cremation service.	Appeal Allowed	Non Determination Subject to Appeal	The Inspector considered that the harm to the Green Belt would be minimal and due to the low volume of traffic using the lane, there would not be a severe harm to highway safety. An award of costs was also granted against the Council as it was considered by the Inspector that it was not necessary in this instance to await the

					comments of DEFRA on the proposal.
17/0939	22 , Fernleigh Road, WALSALL, WS4 2EZ	Two and single storey rear extensions, widening of existing garage, single storey front extension	Appeal Allowed	Refuse Permission	The Inspector considered that the proposed development would not cause an unacceptable impact on the adjoining owner at 20 Fernleigh Road
17/1304	55, Lodge Road, Walsall, WS5 3LA	Erection of new 5 Bedroom detached dwelling	Appeal Allowed	Refuse Permission	The Inspector noted the previous approval (ref 15/0263/FUL), and considered the impact of the changes. In this instance he considered that the distance across the road to the neighbours of some 38m was sufficient for no harm to arise He also considered the design to be complementary of the area.
17/1016	41 & 43 Wilkes Close, Pelsall, Walsall, WS3 4QP	T4 & T5 Maple - Fell; T6 Maple - crown lift to 2m, crown thin by 30%.	Appeal Dismissed	Tree: Part Approve Part Refuse	The Inspector did not feel sufficient evidence had been proven of the harm claimed and any overshadowing was not unacceptable.
17/1135	1 The Oaks, Bloxwich, Walsall WS3 2NY	"Oak to rear - remove trunk growth to 4m, prune crown from house to give 2m clearance. S3,S4,GS1,G S2 (4 Sycmore) - remove trunk growth to 4m. P1,P2 (2 x Pine) - Fell."	Appeal Dismissed	Tree: Part Approve Part Refuse	The impact from the trees was not considered sufficient to warrant the felling proposed. The Inspector also noted that whilst the occupier had some concerns about the presence of the trees, they were aware of the trees when they purchased the property.
17/1214	18, Taryn Drive, Darlaston, Wednesbury, WS10 8XY	Fell x11 silver birch trees	Appeal Dismissed	Tree: Refuse Consent	The wish to fell the trees to make space for an extension at the property for relatives was not considered to be sufficient to allow the

					felling of the tress which made a positive contribution to the area.
17/1254	12, Stencills Road, WALSALL, WS4 2HJ	New roof 0.5 metres higher than existing roof, rear roof extension, enlargement and conversion of garage to habitable room and new pitched roof and habitable rooms in loft	Appeal Dismissed	Refuse Permission	The Inspector considered that the impact was unacceptable and the development out of keeping with the surrounding area. A costs claim was also dismissed.
18/0339	229, Whetstone Lane, Aldridge, Walsall, WS9 0HH	T1 - Copper Beech Tree, reduce height and sides by 2-3 metres and raise lower canopy by 3-4 metres.	Appeal Invalid	Tree: Part Approve Part Refuse	As the original TPO could not be confirmed the appeal was invalidated by the Inspectorate.
<b>Target = 30%</b>			<b>5</b> appeals, 4 qualifying, not decided in accordance with Councils decision = <b>44%</b>		Total number of qualifying appeals = 9 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 This figure falls outside the Governments current performance target.

12.7 In Q4, a figure of 40% was achieved. The current figure is one which would have been worse if the non-determination appeal were to be included in the qualifying figures, places the Authority.

12.8 Whilst the Authority has made substantial strides to improve planning performance, the appeal record may result in further attention from the Government in terms of the quality of decision.

12.9 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

12.10 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 6 different applications have been called in during the three meetings in Q4 from January to March.

12.11 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.

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

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Call In Method
26 <sup>th</sup> April 2018				
Councillor Russell	St Matthews	18/0291	22, Fernleigh Road, Walsall, WS4 2EZ	Pro-Forma
Councillor Martin	Paddock	17/0554	263, Broadway North, Walsall, WS1 2PS	Pro-Forma
Councillor Hussain	St Matthews	18/0116	29, Rushall Manor Road, Walsall, WS4 2HD	
7 <sup>th</sup> June				
Councillor Follows	Bloxwich West	17/0979	The Sneyd, 67, Vernon Way, Bloxwich, Walsall, WS3 2LU	Pro-Forma

22 March				
Councillor Follows	Bloxwich West	17/0979	The Sneyd, 67, Vernon Way, Bloxwich, Walsall, WS3 2LU	Pro-Forma
Councillor Barker	Short Heath	18/0261	64 , Sandbeds Road, Willenhall, WV12 4JQ	Pro-Forma
Councillor Russell	St Matthews	18/0193	8, Burton Farm Road, Walsall, WS4 2HN	Pro-Forma

**iv) Progress on Enforcement Proceedings**

12.13 This section of the report to follow.