Item No.



# PLANNING COMMITTEE

# 22<sup>nd</sup> June 2023

# **REPORT OF HEAD OF PLANNING & BUILDING CONTROL**

### **Development Management Performance Update Report**

#### 1. **PURPOSE OF REPORT**

To inform Members of the Planning Committee of the latest performance and outcomes regarding Development Management, including:

- i) Performance of applications determined for Q3 and Q4 of 22/23 (1<sup>st</sup> October through to 31<sup>st</sup> March);
- ii) Decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3 and Q4 of 22/23;
- iii) Update of Planning Applications 'called-in' by Councillors in in Q3 and Q4 of 22/23;
- iv) Progress report of enforcement proceedings;
- v) Section 106 Agreements update for 22/23 financial year (1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023) which forms the basis of the Council's Infrastructure Funding Statement for that period.
- vi) Collection of Cannock Chase SAC mitigation payments for 22/23 financial year.

#### 2. **RECOMMENDATIONS**

That the Committee notes the outcomes of monitoring performance within the service.

#### 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. The briefing of members as to the outcome of individual Planning Obligations together with the total sums collected within the year will help inform and assure members of the accounting probity and monitoring that is being followed by officers.

#### 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 help inform members of current planning issues and case law as may be raised within individual cases. Appeal decisions are material considerations and should be considered in the determination of subsequent applications where relevant.

Planning Obligations are primarily negotiated as part of the determination of planning applications in accordance with the National Planning Policy Framework 2021 (NPPF), Community Infrastructure Levy Regulations 2010 (Regulation 122)(as amended), policy DEL1 of the Black Country Core Strategy, policy GP3 of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

#### 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

Service areas responsible for the allocation and spend of Section 106 contributions have been consulted in the preparation of this report.

#### 10. CONTACT OFFICER

Mike Brereton: Group Manager, Planning <u>Michael.brereton@walsall.gov.uk</u>

#### 11. BACKGROUND PAPERS

All published.

#### Mike Brereton Group Manager, Planning

#### PERFORMANCE UPDATE REPORT

## i. Development Management Performance Update Report

Updated table on the speed of planning application decisions for Q3 and Q4 of 22/23. Note that the table also includes figures for earlier years.

Description	Target	Q1	Q2	Q3	Q4	Cumulative
		Apr -Jun	Jul - Sep	Oct - Dec	Jan - Mar	
22-23 - Major		67%	67%	63%	62%	65%
21-22 - Major	60%	100%	86%	100%	100%	97%
20-21 - Major		100%	100%	86%	90%	94%
19-20 - Major		100%	100%	100%	90%	98%
22-23 - Minor		78%	69%	59%	48%	63%
21-22 - Minor	70%	85%	82%	79%	80%	82%
20-21 - Minor		96%	86%	78%	83%	86%
19-20 - Minor		91%	92%	98%	90%	93%
22-23 - Other		93%	92%	93%	84%	90%
21-22 - Other	70%	92%	86%	87%	82%	87%
20-21 - Other		93%	92%	93%	91%	92%
19-20 - Other		92%	92%	87%	90%	90%

- The latest performance figures represent a continuation of results exceeding national 12.1 performance standards in all areas with the exception of minors which has fallen below at 63%. We have also seen a fall in performance for major applications though they are still above the national target. This is to be expected as we continue to issue decisions from our backlog which mostly consists of developments falling within the minor and major categories. Over 130 decisions out of our backlog applications have been issued by contractors since the end of February which demonstrates the service's continued commitment to clearing the backlog. It is anticipated that performance will improve once the backlog has been cleared enabling permanent members of the team to progress a more manageable caseload. There has been recent publicity around under-performance of a number of LPAs across the Country that are not currently meeting government targets. Walsall was not featured, though other nearby Councils with weaker performance were. The recent Government consultation on proposed national planning fee increases also recognised underinvestment, and the under-resourced status coupled with difficulties in recruitment, of many LPAs which is affecting performance. This position is not therefore unique to Walsall.
- 12.2 Notwithstanding the above performance on decision making, the following table highlights decisions made since January 2023 and shows that the team is still

achieving a significant output of decisions. It also shows the vast majority of applications are granted:

RECEIVED:	506
DETERMINED:	616
Of determined that were GRANTED:	308
Of determined that were REFUSED:	91
Of determined that were ALL OTHER TYPES	217
OF DECISIONS:	
Presented to Planning Committee:	15

- 12.3 Given the difficulties experienced in recruitment and retention of staff there remains a backlog of older complex cases and some staff are still dealing with high caseloads. Whilst caseloads remain high for some senior officers (up to 70 plus cases), overall the number of on-hands per officer across the rest of the team has started to reduce following a recent investment in the service and the bringing in of additional contractors to support the service. However, as some of the contractors nearing the end of their contract period have started to find alternative longer-term contracts elsewhere, this has placed additional pressures on remaining staff and contractors to take on additional caseloads. This is compounded by a current unavoidable absence in the team which has necessitated the bringing in of an additional contractor to offer support.
- 12.4 The service is currently working with the CAM team as part of the Council's 'Wave 2' project. We have identified a number of areas of improvement to support the service. This includes improved web pages and availability of information and signposting on the Council's website. It also includes integration of the corporate SharePoint document management system with the back-office system which is fundamental to improved ways-of-working and to the customer experience. Whilst some of these projects are in the early stages of feasibility and viability testing, the SharePoint integration is scheduled for later this year. It is anticipated that these improvements will help to reduce some of the burden on staff through the promotion of increased customer self-service and digital automation.
- 12.5 Officers are experiencing increased requests to continue negotiations and submission of repeat amendments to applications. The team has been provided with a clear strategy, supported by senior management and Council Leadership, to ensure the large backlog of applications is cleared. This strategy includes a 'one-revision only' policy to avoid protracted negotiations which only adds to the Council's backlog. In some cases, the proposal represents wholly unacceptable development where the LPA considers that revisions would not make it acceptable. In these instances the LPA will not accept revisions and will proceed to refusing the application (this aligns with the PAS Peer Challenge recommendations). This approach also reflects other LPAs with large backlogs and is necessary to ensure we continue to clear the backlog and improve overall performance against government targets. This approach also directs customers to undertake appropriate pre-application advice prior to submitting a proposal; a recent appeal decision made it clear that LPAs are not required to engage in negotiations throughout the life of a planning application, and that the place for negotiation is only at pre-application stage. Whilst we recognise this is a move away from historic working practises at Walsall, it is a necessary, and commensurate approach, which reflects the scale of the backlog and level of resources within the service area. Once the backlog is cleared we will review our processes to identify what measures are necessary to manage future caseloads.

# ii. Decisions made by the Planning Inspectorate in Q3 and Q4 2022/23 (between 1<sup>st</sup> October 2022 and 31<sup>st</sup> March 2023)

Application:	22/0254
Site:	LAND OFF THE GREEN, ALDRIDGE
Proposal:	49 retirement living apartments
Delegation Level:	Planning Committee
Council Decision:	n/a – non-determination appeal (not included in performance)
Appeal Decision:	Appeal Allowed
Comments:	Necessary Planning Obligations and Cannock Chase SAC
	mitigation secured at appeal. Outcome as expected and principle of
	development was supported by LPA prior to appeal being lodged.

Application:	21/1339
Site:	6, LINDEN LANE, WILLENHALL, WV12 5NX
Proposal:	Proposed 2 bedroom detached bungalow
Delegation Level:	Planning Committee
Council Decision:	Refuse (against officer recommendation to approve)
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed that proposal would result in harm to character
	and appearance of the area.

Application:	22/0739
Site:	SIDE OF 119 POOL HAYES LANE, WILLENHALL
Proposal:	Prior Approval: The proposed installation of a 15-metres high
	monopole and equipment
Delegation Level:	Delegated
Council Decision:	Prior Approval Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed that proposal would result in harm to character and appearance of the area and that alternative sites were not fully explored.

Application:	21/1313
Site:	STABLES, LAND EAST OF ALDRIDGE COURT NURSING HOME,
	LITTLE ASTON ROAD, ALDRIDGE
Proposal:	Demolition of stable block and redevelopment to provide 1 x
	dwellinghouse
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would be inappropriate development in the Green Belt, would result in harm to character of area and harm to non-designated heritage asset and would fail to preserve or enhance the Conservation Area.

Application:	22/0181
Site:	8, FIBBERSLEY, WILLENHALL
Proposal:	Two storey side extension and front porch extension

Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in significant harm to the
	character and appearance of the area and fails to provide adequate
	parking provision.
Application:	22/0738
Site:	1, NORTHSIDE DRIVE, STREETLY
	Demolition and rebuild of existing garage and loft conversion
Proposal:	
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in significant harm to the
	character and appearance of the area.
Application:	22/1015
Site:	42, WOOD LANE, STREETLY
Proposal:	Resubmission of 22/0504: First floor and two storey side extension
FTOPOSal.	and single storey rear extension
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in significant harm to the
comments.	character and appearance of the area.
Application:	21/1520
Application: Site:	
	21/1520
Site:	21/1520 38, BLUEBELL ROAD, WALSALL WOOD
Site: Proposal:	21/1520 38, BLUEBELL ROAD, WALSALL WOOD Works to protected trees
Site: Proposal: Delegation Level:	21/1520 38, BLUEBELL ROAD, WALSALL WOOD Works to protected trees Delegated
Site: Proposal: Delegation Level: Council Decision:	21/1520 38, BLUEBELL ROAD, WALSALL WOOD Works to protected trees Delegated Refuse
Site: Proposal: Delegation Level: Council Decision: Appeal Decision:	21/1520 38, BLUEBELL ROAD, WALSALL WOOD Works to protected trees Delegated Refuse Appeal Dismissed
Site: Proposal: Delegation Level: Council Decision: Appeal Decision:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed         Inspector agreed proposal would result in a poor level of amenity
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed         Inspector agreed proposal would result in a poor level of amenity for intended occupiers.
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed         Inspector agreed proposal would result in a poor level of amenity for intended occupiers.         22/0896
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed         Inspector agreed proposal would result in a poor level of amenity for intended occupiers.         22/0896         145, Broadway North, Walsall
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed         Inspector agreed proposal would result in a poor level of amenity for intended occupiers.         22/0896         145, Broadway North, Walsall         Single storey front extension, two storey side extension and part
Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site: Proposal: Delegation Level: Council Decision: Appeal Decision: Comments: Application: Site:	21/1520         38, BLUEBELL ROAD, WALSALL WOOD         Works to protected trees         Delegated         Refuse         Appeal Dismissed         Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.         21/0276         21-25, PARK STREET, WALSALL         Creation of 6 self-contained residential units with additional storey to rear and other works         Delegated         Refuse         Appeal Dismissed         Inspector agreed proposal would result in a poor level of amenity for intended occupiers.         22/0896         145, Broadway North, Walsall

Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would materially harm the character and appearance of the area.

Application:	22/0030
Site:	OS 524, QUESLETT ROAD, GREAT BARR
Proposal:	Installation of a 17 metre high monopole and equipment
Delegation Level:	Delegated
Council Decision:	Prior Approval Refused
Appeal Decision:	Appeal Allowed
Comments:	Inspector agreed proposal would cause moderate harm to the character and appearance of the area but considered sufficient justification was provided to support the siting and that no other alternative more suitable sites were available.

Application:	21/1240
Site:	MALI JENKINS HOUSE, THE CRESCENT
Proposal:	Erection of 3 storey 18 x apartments
Delegation Level:	Planning Committee
Council Decision:	Refuse (against officer recommendation to approve)
Appeal Decision:	Appeal Allowed
Comments:	Inspector found the proposal would not result in significant harm to the character and appearance of the area and would provide a satisfactory level of amenity to intended future occupiers.

Application:	21/1434
Site:	LAND EAST OF WINTERLEY LANE
Proposal:	Prior Approval: Erection of agricultural storage building
Delegation Level:	Delegated
Council Decision:	Prior Approval Refused
Appeal Decision:	Appeal Allowed
Comments:	Inspector found the proposal would not represent inappropriate development in the Green Belt and would not harm the character or appearance of the area.

Application:	20/0964
Site:	75, NEW ROAD, WILLENHALL
Proposal:	Creation of 5 x self-contained apartments and other works
Delegation Level:	Delegated
Council Decision:	Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in unacceptable harm to the non-designated heritage asset and to the Grade II Listed building, harm to the character and appearance of the area, and an unacceptable level of amenity for intended future occupiers.

Application:	21/0959
Site:	11, PORTLAND ROAD, ALDRIDGE
Proposal:	Outbuilding for use as Chiropractic Clinic
Delegation Level:	Delegated

Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would result in unacceptable harm to the character and appearance of the area.         Application:       20/1099         Site:       LAND BETWEEN FORD BROOK AND FORMER RAILWAY, STATION ROAD, RUSHALL         Proposal:       Erection of 4 x dwellings         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Refused         Appeal Decision:       Refused         Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegated       Council Decision:         Comments:       Inspector agreed the proposal would result in harm to the character and appearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance) <t< th=""><th>Council Decision:</th><th>Refused</th></t<>	Council Decision:	Refused
Comments:         Inspector agreed the proposal would result in unacceptable harm to the character and appearance of the area.           Application:         20/1099           Site:         LAND BETWEEN FORD BROOK AND FORMER RAILWAY, STATION ROAD, RUSHALL           Proposal:         Erection of 4 x dwellings           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Appeal optication:           Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.           Application:         22/0542           Site:         29, LITTLE ASTON ROAD, ALDRIDGE           Proposal:         Double garage           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Rapeal Dismissed           Comments:         Inspector agreed the proposal would result in harm to the character and appearance of the area.           Application:         21/0329           Site:         CORAL, 12, BRADFORD STREET, WALSALL           Proposal:         Proposed illuminated fascia sign and illuminated projecting sign.           Delegation Level:         Planning Committee           Council Decision:         Adverts Refused (against officer recommendation to approve - not in		
Ithe character and appearance of the area.           Application:         20/1099           Site:         LAND BETWEEN FORD BROOK AND FORMER RAILWAY, STATION ROAD, RUSHALL           Proposal:         Erection of 4 x dwellings           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Appeal Dismissed           Comments:         Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.           Application:         22/0542           Site:         29, LITTLE ASTON ROAD, ALDRIDGE           Proposal:         Double garage           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Appeal Dismissed           Comments:         Inspector agreed the proposal would result in harm to the character and appearance of the area.           Application:         21/0329           Site:         CORAL, 12, BRADFORD STREET, WALSALL           Proposal:         Proposed illuminated fascia sign and illuminated projecting sign.           Delegation Level:         Planing Committee           Council Decision:         Appeal Allowed           Comments:         Inspector found the adverts would not result in harm to th	- 1 1	
Application:       20/1099         Site:       LAND BETWEEN FORD BROOK AND FORMER RAILWAY, STATION ROAD, RUSHALL         Proposal:       Erection of 4 x dwellings         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Repeal of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance)         Appeal Decision:       Appeal Allowed         Comments:       Inspector ound the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:	comments.	
Site:         LAND BETWEEN FORD BROOK AND FORMER RAILWAY, STATION ROAD, RUSHALL           Proposal:         Erection of 4 x dwellings           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Refused           Comments:         Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.           Application:         22/0542           Site:         29, LITTLE ASTON ROAD, ALDRIDGE           Proposal:         Double garage           Delegation Level:         Delegated           Comments:         Inspector agreed the proposal would result in harm to the character and appearance of the area.           Appeal Decision:         Appeal Dismissed           Comments:         Inspector agreed the proposal would result in harm to the character and appearance of the area.           Application:         21/0329           Site:         CORAL, 12, BRADFORD STREET, WALSALL           Proposal:         Proposed illuminated fascia sign and illuminated projecting sign.           Delegation Level:         Planning Committee           Council Decision:         Appeal Allowed           Council Decision:         Appeal Allowed           Comments:         Inspector found the adverts would not result in harm		
STATION ROAD, RUSHALL         Proposal:       Erection of 4 x dwellings         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Refused         Appeal Decision:       Repearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planing Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance)         Appeal Decision:       Appeal Allowed         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:<	Application:	20/1099
Proposal:         Erection of 4 x dwellings           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Refused           Appeal Decision:         Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.           Application:         22/0542           Site:         29, LITTLE ASTON ROAD, ALDRIDGE           Proposal:         Double garage           Delegation Level:         Delegated           Council Decision:         Refused           Appeal Decision:         Appeal Dismissed           Comments:         Inspector agreed the proposal would result in harm to the character and appearance of the area.           Application:         21/0329           Site:         CORAL, 12, BRADFORD STREET, WALSALL           Proposal:         Proposed illuminated fascia sign and illuminated projecting sign.           Delegation Level:         Planning Committee           Council Decision:         Adverts Refused (against officer recommendation to approve - not included in performance)           Appeal Decision:         Appeal Allowed           Comments:         Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.		LAND BETWEEN FORD BROOK AND FORMER RAILWAY,
Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would result in harm to the character and appearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Appeal Allowed         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Change of use from vacant betting shop (Sui Generis) to Adult Gaming Centre (Sui Generis). <t< td=""><td></td><td>STATION ROAD, RUSHALL</td></t<>		STATION ROAD, RUSHALL
Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would result in harm to the character and appearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance)         Appeal Decision:       Appeal Allowed         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Change of use from vacant betting	Proposal:	
Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would result in harm to the character and appearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance)         Appeal Decision:       Appeal Allowed         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Change of use from vacant betting shop (Sui Generis) to Adult gaming Centre (Sui Generis).		
Comments:       Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.         Application:       22/0542         Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Change of use from vacant betting shop (Sui Generis) to Adult Gaming Centre (Sui Gener	Council Decision:	Refused
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Site:       29, LITTLE ASTON ROAD, ALDRIDGE         Proposal:       Double garage         Delegation Level:       Delegated         Council Decision:       Refused         Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would result in harm to the character and appearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance)         Appeal Decision:       Appeal Allowed         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Change of use from vacant betting shop (Sui Generis) to Adult Gaming Centre (Sui Generis).         Delegation Level:       Planning Committee         Council Decision:       Refused (against officer recommendation to approve)         Appeal Decision:       Refused (against officer recommendation to approve)         Appeal Allow		impacts.
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Appeal Decision:       Appeal Dismissed         Comments:       Inspector agreed the proposal would result in harm to the character and appearance of the area.         Application:       21/0329         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Proposed illuminated fascia sign and illuminated projecting sign.         Delegation Level:       Planning Committee         Council Decision:       Adverts Refused (against officer recommendation to approve - not included in performance)         Appeal Decision:       Appeal Allowed         Comments:       Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.         Application:       21/0327         Site:       CORAL, 12, BRADFORD STREET, WALSALL         Proposal:       Change of use from vacant betting shop (Sui Generis) to Adult Gaming Centre (Sui Generis).         Delegation Level:       Planning Committee         Council Decision:       Refused (against officer recommendation to approve)         Appeal Decision:       Appeal Allowed         Committee       Council Decision:         Council Decision:       Refused (against officer recommendation to approve)         Appeal Decision:       Appeal Allowed         Comments:       Inspector found the proposal would not result in a material		
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in crime or anti-social behaviour.Application:20/0522Site:FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSEProposal:Erection of 29 dwellingsDelegation Level:Planning Committee		
Application:20/0522Site:FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSEProposal:Erection of 29 dwellingsDelegation Level:Planning Committee		
Site:FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSEProposal:Erection of 29 dwellingsDelegation Level:Planning Committee		
Proposal:Erection of 29 dwellingsDelegation Level:Planning Committee	Application:	
Delegation Level: Planning Committee	Site:	FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSE
Council Decision: n/a – non-determination appeal (not included in performance)	Delegation Level:	
	Council Decision:	n/a – non-determination appeal (not included in performance)

Appeal Decision:	Appeal Allowed and Costs Awarded to Appellant
Comments:	Inspector found the proposal would not result in unacceptable harm to amenity of existing residents, would not result in unacceptable highway impacts and would make appropriate contributions towards affordable housing in the area.
	Full costs awarded to appellant on grounds of the Council's unreasonable deferral and delays to an application that should have been permitted in line with the advice provided by the Council's Officers.

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

#### Total number of qualifying appeals = 17 applications

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

Qualifying appeals not decided in accordance with Councils decision = <u>24% (4</u> <u>applications)</u>

12.6 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 Councils ability to defend refusal decisions most effectively at appeal, and minimise the risk of costs being awarded to appellants.

#### iii. Called in Applications

12.7 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:

Period	Quarter	Call Ins
22/23 (Jan-Mar)	Q4	5 applications called in during 3 meetings
22/23 (Oct-Dec)	Q3	4 applications called in during 3 meetings
22/23 (Jul-Sept)	Q2	2 applications called in during 2 meetings
22/23 (Apr-Jun)	Q1	3 applications called in during 3 meetings
21/22 (Jan-Mar)	Q4	10 applications called in during 3 meetings
21/22 (Oct-Nov)	Q3	7 applications called in during 3 meetings
21/22 (Jul-Sept)	Q2	7 applications called in during 3 meetings
21/22 (Apr-Jun)	Q1	9 applications called in during 2 meetings
20/21 (Jan-Mar)	Q4	4 applications called in during 3 meetings
20/21 (Oct-Nov)	Q3	4 applications called in during 3 meetings
20/21 (Jul-Sept)	Q2	6 applications called in during 3 meetings
20/21 (Apr-Jun)	Q1	4 applications called in during 2 meetings
19/20 (Jan-Mar)	Q4	5 applications called in during 3 meetings
19/20 (Oct-Nov)	Q3	5 applications called in during 3 meetings

12.8 The Call-in Procedure is set out in paragraph (11) of Part 3: Responsibility for Functions of the Constitution:

Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee by the following procedure;

1. The receipt by Planning and Building Control Service Area of a completed call-in form within 28 days of the commencement of public consultation;

2. The completed call-in form must identify:

1. which material planning reason/s there are (as identified on the published call-in form) as to why the application should be determined by the Committee;

2. the name of the Councillor calling the matter to Committee and whether the Councillor serves on Planning Committee;

3. whether the Councillor calling the matter to Committee wishes to be a speaker for or against the matter; and

4. where the Councillor sits on Planning Committee whether the Councillor wishes to declare an interest.

Note: The Committee report will identify the Councillor who called in the application along with the reason given and any interest declared.

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

Committe e	Called in by Councillor	The Electoral Ward for the Applicatio n	Planning Applicatio n Number	Planning Agent	Applicatio n Address	Method/Reason for Call In
6 <sup>th</sup> October	Councillor Amo Hussain	St Matthews	21/0804	Paul Clifton	74 Mellish Road	Further discussion needed
6 <sup>th</sup> October	Councillor Sohal	Paddock	22/0229	ZS Partnership	30 Lake Avenue	Sensitive planning
31 <sup>st</sup> October	Councillor Amo Hussain	St Matthews	21/0804	Paul Clifton	74 Mellish Road	Further discussion needed (deferred item from 6 <sup>th</sup> Oct)
31 <sup>st</sup> October	Councillor Nasreen	Palfrey	21/1693	N/A	11 Delves Road	Design requires further consideration
1 <sup>st</sup> Decembe r	Councillor Pardeep Kaur	Aldridge Central & South	22/0769	Lapworth Architects	1 Barr Common Road	<ol> <li>Improvement to character of area.</li> <li>Design requires further consideration.</li> </ol>

Q3 22/23 (Oct-Dec)

			3. No harm
			arising.

#### Q4 22/23 (Jan-Mar)

Committe e	Called in by Councillor	The Electoral Ward for the Applicatio n	Planning Applicatio n Number	Planning Agent	Application Address	Method/Reaso n for Call In
9 <sup>th</sup> February	Councillor Mazhar	St Matthews	22/1232	N/A	13 Aldridge Road	Design requires further consideration
9 <sup>th</sup> March	Councillor Mehmi	Pleck	21/1686	Mr Oswell Dhilwayo	Morris Repairs, Rollingmill Street	Improvement to character and amenities of area
27 <sup>th</sup> April	Councillor Flint	Bloxwich East	23/0248	DCMS	Land rear 107-109 Lichfield Road	<ol> <li>Provision of new homes.</li> <li>Design requires further consideration.</li> <li>No significant harm to amenities.</li> </ol>
27 <sup>th</sup> April	Councillor Wilson	Aldridge Central & South	21/0168	N/A	11 Knights Hill	Improvement to character and amenities of area
27 <sup>th</sup> April	Councillor Pedley	Streetly	20/1606	Spooner Architects	68 Thornhill Road	Improvement to character and amenities of area

#### iv. Progress on Enforcement Proceedings

- (i) Public session attached Table 1 and 2
- (ii) Private session see attached 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.

# v. Section 106 Agreements update for 2022/2023 financial year (1st April 2022 to 31st March 2023 which forms the basis of the Council's Infrastructure Funding Statement for that period.

- 12.10 Following the appointment of a dedicated Development Monitoring Officer within the planning service to specifically record and update S106 records, substantial work has already taken place to capture and update records. This is an on-going work stream to ensure this, and future updates, provide an accurate position on the securing, receipt, and allocation / expenditure of S106 contributions and other non-financial Planning Obligations. The figures provided in this report are therefore snapshots in time and will not remain static as they are continuously updated to reflect contributions received, allocated and spent.
- 12.11 The Interim Executive Director of Economy, Environment and Communities is continuing to hold S106 Board meetings involving the relevant portfolio holders and officers from various service areas to give further scrutiny to the process of monitoring S106 obligations including assurance and spending that will help support Members understanding and give greater transparency of the process for the Planning Committee. A Member training session will be delivered in future to incorporate full details on the process and what to expect.
- 12.12 Section 106 of the Town & Country Planning Act 1990 enables developers to submit unilateral undertakings, or local authorities to reach agreements with developers, for certain works to be carried out in association with a development. The Community Infrastructure Levy Regulations 2010 (Regulation 122) sets out a statutory requirement that Planning Obligations must be necessary to make the proposed development acceptable in planning terms; relevant to planning; and directly related in scale and kind to the proposed development. They must also be reasonable in all other respects.
- 12.13 The Council is required to comply with the National Planning Policy Framework (NPPF) 2021, Community Infrastructure Levy Regulations 2010 (as amended), policy DEL1 of the Black Country Core Strategy (BCCS) and policy GP3 of the Unitary Development Plan (UDP) when seeking developer contributions.
- 12.14 Under the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an Infrastructure Funding Statement at least annually. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an Infrastructure Funding Statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure Funding Statements must cover the previous financial year from 1 April to 31 March.
- 12.15 **Appendix 1** forms the basis of the Council's Infrastructure Funding Statement for the period 1 April 2022 to 31 March 2023.
- 12.16 The table below sets out that £4,186,620.76 has been received in contributions to date and that £2,120,578 has been expended and / or allocated to date. The majority of the remaining balance comprises of a series of contributions for development that has either recently been approved, the target dates for expenditure are yet to be reached, or formal allocations of monies are yet to be

confirmed. This also reflects the on-going collaborative work stream with service areas to update the Council's S106 records, and ensuring records are updated.

Summary of all total S106 Income, a	allocation and expenditure as at June 2023:
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Service Area	S106 Contribution received to date	Spent to date	Committed / Allocated	Balance Remaining
Affordable Housing	£1,538,104.34	£150,245.19	£124,748.37	£1,263,110.78
Children's Services	£534,931.32	£534,931.32	£0.00	£0.00
Clean & Green	£2,113,585.10	£1,310,653.12	£0.00	£803,892.72
TOTAL	£4,186,620.76	£1,995,829.63	£124,748.37	£2,067,003.5

# vi. Collection of Cannock Chase SAC Mitigation Payments for 2022/23 (1st April 2022 to 31st March 2023)

Planning Application Reference	Site Address	Date of Unilateral Undertaking	Mitigation Sum £	Date Paid
21/0338	Car Park Rear Of 160 To 174, Westbrook Avenue, Aldridge	25/01/2023	£581.16	15/12/2022
22/0166	Garages and land off Selby Way, Fountains Way, Bloxwich	25/01/2023	£1,743.48	15/12/2022
22/1018	Vacant Land at Bonner Grove, Aldridge, Walsall, WS9 0DX	20/12/2022	£871.74	15/12/2022
22/1022	Land Adjacent 36, Poplar Road, Brownhills, Walsall, WS8 6AJ	20/12/2022	£581.16	15/12/2022
22/1431	119 High Road, Willenhall, WV12 4JN	07/01/2023	£290.50	09/01/2023
21/1669	Land Former Pear Tree Cottage Inn, Pear Tree Lane, Brownhills	03/01/2023	£1,452.90	22/12/2022
22/0172	Garages Off, Margam Crescent, Bloxwich	25/01/2023	£1,162.32	15/12/2022
		TOTAL	£6,683.26	

Appendix 1

2022/23 Infrastructure Funding Statement