



PLANNING COMMITTEE

15 January 2024

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 Q1 and Q2 of 23/24 (1 April to 30 September);
- ii) Decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q1 and Q2 of 23/24;
- iii) Update of planning applications 'called-in' by councillors in Q1 and Q2 of 23/24;
- iv) Update on enforcement caseloads and enforcement proceedings;
- v) Section 106 Agreements update for Q1 and Q2 of 23/24.
- vi) Collection of Cannock Chase SAC mitigation payments for Q1 and Q2 of 23/24.

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**

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11. **BACKGROUND PAPERS**

All published.

Mike Brereton
Group Manager, Planning

PERFORMANCE UPDATE REPORT

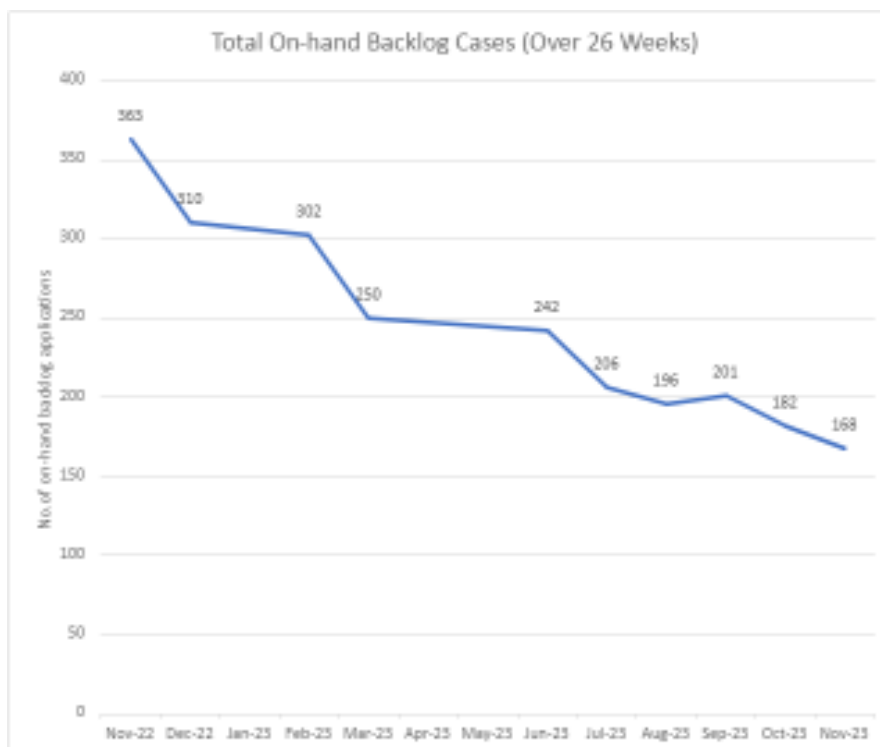
i. Development management performance update report

Updated table on the speed of planning application decisions for Q1 and Q2 of 23/24.

Note that the table also includes figures for earlier years.

Description	Target	Q1 Apr -Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Mar	Cumulative
23-24 - Major	60%	46%	62%			
22-23 - Major		67%	67%	63%	62%	65%
21-22 - Major		100%	86%	100%	100%	97%
23-24 - Minor	70%	44%	71%			
22-23 - Minor		78%	69%	59%	48%	63%
21-22 - Minor		85%	82%	79%	80%	82%
23-24 - Other	70%	87%	89%			
22-23 - Other		93%	92%	93%	84%	90%
21-22 - Other		92%	86%	87%	82%	87%

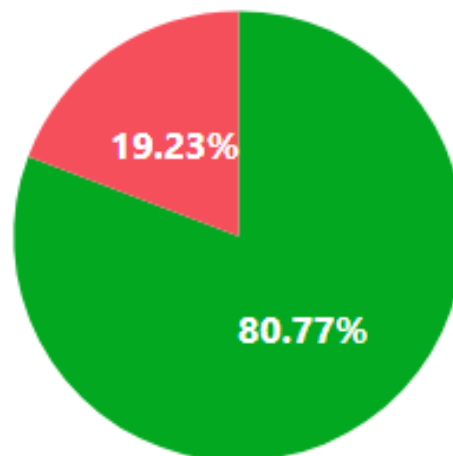
- 12.1 The latest performance figures show some reduced performance which reflects the continued clearance of older backlog cases. Since the end of February 2023 we have issued 227 backlog decisions, supported by contract workers, reducing the backlog cases by over 50% since November 22. This demonstrates our continued commitment to significantly reducing the backlog:



- 12.2 Once the backlog has been reduced to a more manageable level, permanent members of the team will be able to progress their caseloads more efficiently. In addition to the existing 26 week planning guarantee (now only applies to majors), as of 6 December the government has also introduced a new shorter 16 week planning guarantee for minor applications (including householders). Given this greater focus on performance further service changes are planned to support this reduced timescale.
- 12.3 1514 overall decisions made between January and November, including all application types (full, prior approvals, withdrawn) and shows that the team is still achieving a significant output of decisions. Of these, 1014 decisions were made on full applications of which 80.77% were approved. This is a positive sign that the majority of applications are gaining approval.

Full apps approval rate

● Permission Granted ● Permission Refused



ii. Decisions made by the Planning Inspectorate in Q1 and Q2 2023/24

Application:	22/0657
Site:	On pavement outside Pinfold Health Centre, Pinfold, Bloxwich, Walsall, WS3 3JL
Proposal:	Installation of a 15 metre high monopole 6no antennas 4no equipment cabinets
Delegation Level:	Delegated
Council Decision:	Prior Approval: REFUSED
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that insufficient evidence was provided on alternative sites and that the mast would appear excessive in scale and an unduly prominent and intrusive feature that would fail to integrate well with its surroundings

Application:	22/0229
Site:	30 LAKE AVENUE, WALSALL, WS5 3PA
Proposal:	Proposed single storey rear extension and alterations to roof over front entrance for a new porch
Delegation Level:	Planning Committee
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would result in adverse impacts to the living conditions of No.28

Application:	22/0815
Site:	33 Stanhope Way, Great Barr, Walsall, B43 7UB
Proposal:	Side two storey extension
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would have an adverse effect upon the character and appearance of the surrounding area and an adverse effect upon highway safety

Application:	22/0777
Site:	12 LANGHAM GREEN, STREETLY, SUTTON COLDFIELD, B74 3PS
Proposal:	T7 - Norway Maple - Fell
Delegation Level:	Delegated
Council Decision:	Refuse consent
Appeal Decision:	Appeal allowed
Comments:	Inspector concluded that the tree is of low amenity value and the small garden size would not accommodate a replacement tree so no replacement tree condition included

Application:	21/1574
Site:	9 CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 2HP
Proposal:	Willow tree in front garden - Fell
Delegation Level:	Delegated
Council Decision:	Refuse consent
Appeal Decision:	Appeal turned away
Comments:	Appeal was lodged beyond the statutory appeal period

Application:	22/0885
Site:	17 MAW STREET, WALSALL, WS1 3LG
Proposal:	Retrospective permission for a Single Storey Rear Extension
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would have a harmful effect on the living conditions of the occupiers of No.15

Application:	22/1434
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Site:	98 SUTTON ROAD, WALSALL, WS1 2PN
Proposal:	Resubmission of 22/0300: Two storey side and rear extensions with removal of catslide roof over the garage and addition of a third front gable
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area

Application:	23/0018
Site:	43 GROSVENOR AVENUE, STREETLY, SUTTON COLDFIELD, B74 3PE
Proposal:	Resubmission of 22/1238: Two storey and first floor front extension & loft conversion including roof extension with ridge height increase, half hip design and rear dormer
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal allowed
Comments:	Inspector concluded that it would have an acceptable effect on the character and appearance of the host property and the area

Application:	22/1707
Site:	67, PARK HALL ROAD, WALSALL, WS5 3HL
Proposal:	Two storey rear extension with side facing dormer windows
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it represents poor design and fails to demonstrate retention of trees

Application:	21/1720
Site:	FIELD ADJACENT THE DUCKERY, CHAPEL LANE, GREAT BARR
Proposal:	Construction of a temporary 49.35MW battery storage facility to include 28 energy storage container units, associated controls, PCS inverters, cooling and fire safety system, 14 Transformer feeder pillars, two substations and compound, each with an open air transformer, dedicated access track, security fencing enclosing the site, 14 low voltage cabins each with an open air transformer and high voltage switchgear. Intended lifespan of 40 years.
Delegation Level:	Planning Committee
Council Decision:	Refuse permission
Appeal Decision:	Appeal withdrawn
Comments:	New planning application lodged under reference 23/1286

Application:	23/0109
Site:	154 LORD STREET, WALSALL, WS1 4DT
Proposal:	Resubmission of application 21/1020 (single storey and first floor rear extension) - requesting retrospective permission for increased roof ridge and eaves height of the single storey rear extension.

Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal allowed
Comments:	Inspector concluded that it would not result in significant impacts to No.152 and would not appear unduly out of scale or character with the area

Application:	22/1582
Site:	Land at Ablewell Service Station, Ablewell Street, WALSALL, WS1 2EQ
Proposal:	Freestanding internally illuminated digital billboard sited 2.5m above ground, 3m high, 6m wide and 0.269m deep.
Delegation Level:	Delegated
Council Decision:	Refuse consent
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would cause unacceptable harm and would not preserve or enhance the character and appearance of the conservation area

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

Total number of qualifying appeals = 9 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 = **33% (3 applications)**

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 council's ability to defend refusal decisions most effectively at appeal, and minimise the risk of costs being awarded to appellants. We review allowed appeals to understand whether changes are required in our assessment of certain applications and to inform future training and learning programmes.

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 that the number of call ins has reduced since the introduction of the new delegation in October 2022 allowing us to issue decisions more speedily and allowing planning committee to focus on the most contentious cases:

Period	Quarter	Call Ins
23/24 (Jul-Sep)	Q2	1 application called in during 2 meetings
23/24 (Apr-Jun)	Q1	3 applications called in during 2 meetings
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.

Q1 23/24

Committee	Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Planning Agent	Application Address	Method/Reason for Call In
27 April 23	Cllr Flint	Bloxwich East	23/0248	DCMS	Land rear 107-109 Lichfield Road,	Benefit of delivering new homes, no significant harm

					Bloxwich, WS3 3LU	to amenities and design consideration
27 April 23	Cllr Wilson	Aldridge Central and South	21/0168	None	11 Knights Hill, Aldridge, WS9 0TG	Improvement to character and amenities of area
27 April 23	Cllr Pedley	Streetly	20/1606	Spoooner Architects	68 Thornhill Road, Streetly, B74 3EW	Improvement to character and amenities of area

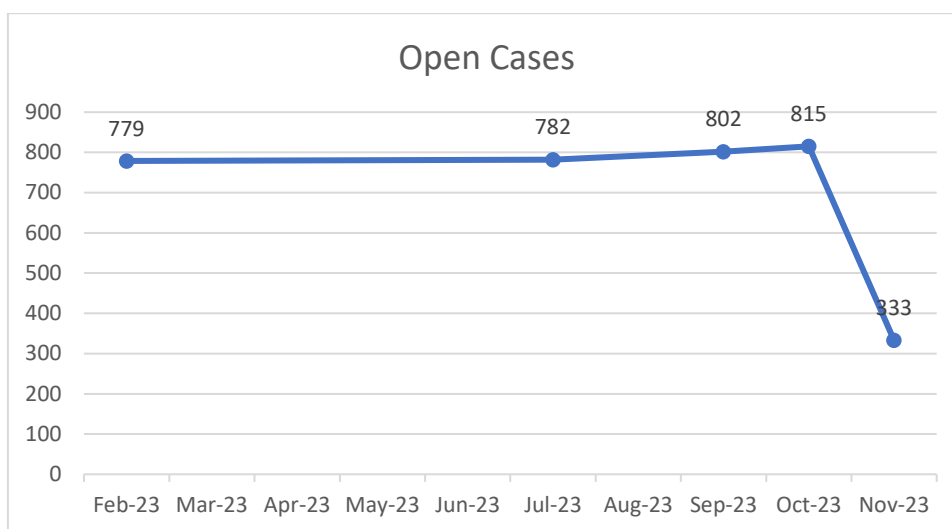
Q2 23/24

Committee	Called in by Council or	The Electoral Ward for the Application	Planning Application Number	Planning Agent	Application Address	Method/Reason for Call In
7 September 2023	Cllr Andrew	North and Walsall Wood	20/0616	Lapworth Architects Ltd	Boatmans Rest, 20 High Street, Walsall Wood, WS9 9LP	None received

iv. iv) Update on enforcement caseloads and enforcement proceedings

12.10 There has been a significant increase in the number of cases closed between October and November 2023 as part of a programme of reviewing older cases. The team has also been busy with court proceedings and have had much success on several cases:

Number of cases	Nov-23	Oct 23	Sep 2023	July 2023	Feb 23
Open Cases	333	815	802	782	779



- (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 Q1 and Q2 23/24

12.10 The table below sets out that £4,537,381 has been received in contributions to date and that £3,262,487 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. The figures in this table are subject to change between reporting periods to reflect new contributions received and areas of spend. 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, allocation and expenditure as at Dec 2023:

Service Area	S106 Contribution received to date	Spent to date	Committed / Allocated	Balance Remaining
Affordable Housing	£1,538,103	£274,993	£1,054,160	£208,950
Children's Services	£637,365	£512,155	£0	£125,209
Clean & Green	£2,287,303	£1,421,179	£0	£866,123
TOTAL	£4,462,771	£2,208,327	£1,054,160	£1,200,282

12.11 The received contributions and new agreements in Q1 and Q2 of 23/24 are set out in appendix 1.

vi. Collection of Cannock Chase SAC Mitigation Payments for Q1 and Q2 23/24

Planning Application Reference	Site Address	Mitigation Sum £	Date Paid
21/1464	218 HIGH STREET, BLOXWICH, WALSALL, WS3 3LQ	1162.32	05/04/23
21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	9589.14	19/05/23

Appendix 1