



# Walsall Council

## PLANNING COMMITTEE

10<sup>th</sup> March 2022

### 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 3<sup>rd</sup> quarter of 21/22 (1<sup>st</sup> October to 31<sup>st</sup> December 2021) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q3 of 2021/22.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3 of 2021/22.
- iii) An update of Planning Applications 'called-in' by Councillors in Q3 of 2021/22.
- iv) A progress report of enforcement proceedings.

Details of previous planning performance in the 3<sup>rd</sup> and 4<sup>th</sup> quarters of 20/21 (1<sup>st</sup> October to 31<sup>st</sup> December 2020 and 1<sup>st</sup> January to 31<sup>st</sup> March 2021) and the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2021/22 (1<sup>st</sup> April to 30<sup>th</sup> June 2021 and 1<sup>st</sup> July to 30<sup>th</sup> September 2021) can be found in the report to Planning Committee of 4<sup>th</sup> November 2021.

##### 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**

None required.

**10. CONTACT OFFICER**

Mike Brereton: Group Manager, Planning  
[Michael.brereton@walsall.gov.uk](mailto:Michael.brereton@walsall.gov.uk)

**11. BACKGROUND PAPERS**

All published.

**Mike Brereton**  
**Group Manager, Planning**

## PERFORMANCE UPDATE REPORT

### Development Management Performance Update Report

- i) **Speed of planning applications determined in Q3 of 2021/2022 (1<sup>st</sup> October to 31<sup>st</sup> December 2021).**

Note that the table also includes figures for earlier years.

Description	National Performance Target	Q1 Apr - Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Mar	Annual Cumulative
21-22 - Major	60%	100%	85.71%	100%		
20-21 - Major	60%	100%	100%	85.71%	90.00%	93.92%
19-20 - Major	60%	100%	100%	100%	90.91%	97.72%
21-22 - Minor	70%	85.00%	81.25%	78.72%		
20-21 - Minor	70%	95.65%	86.05%	78.05%	83.33%	85.77%
19-20 - Minor	70%	91.80%	92.11%	97.73%	90.00%	92.91%
21-22 - Other	70%	92.00%	86.08%	87.08%		
20-21 - Other	70%	92.80%	91.77%	92.55%	91.04%	92.04%
19-20 - Other	70%	92.22%	91.78%	87.20%	90.22%	90.35%

- 12.1 The latest performance figures represent a continuation of results exceeding national performance standards in all areas. Whilst performance has slightly reduced for minor applications in quarter 3 of 21/22, this in part relates to the issuing of older applications during this period in an effort to reduce the current backlog and the annual cumulative figure is anticipated to remain above the national target.
- 12.2 As noted in previous reports, the challenge for 2021/22, has been to maintain these performance levels given the high case-loads of officers as a result of a number of staffing changes and absences experienced within the team. These issues have been compounded by the Service Transformation Plan (STP), and the associated inability to recruit to vacant posts during that time. The ability to recruit experienced planning officers continues to prove to be difficult and coupled with a need for continued input from an agency contractor to assist with clearing backlog planning applications. This position 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 and work is underway to implement the new structure and to introduce additional resources to help improve this situation. Service performance benefits arising from this are anticipated in future reporting periods.
- 12.3 A wider range of chargeable services has also been introduced from January 2021 which has been well received by customers, and has resulted in an increase in paid-for advice and other services being applied for. This has contributed to the high workloads of officers, and the STP aims to address this through the implementation of a new structure with appropriate resources. The annual review of chargeable services is underway to ensure the fees reflect the amount of work involved and to

include the appropriate rates of inflation. The updated schedule is due to be implemented in quarter 1 of 2022/23.

- 12.4 Work is underway on the implementation of an upgrade to the back-office planning software which will enable, and support the service, in providing greater transparency on the overall process through the publication of additional information on the Council's website to provide customers with a greater ability to 'self-serve' and will enable integration with the corporate 'single sign on' approach improving access to Council-wide information. This will also help to continue the service's shift towards the use of electronic communications.
- 12.5 Processes are being reviewed regularly to aim to improve the speed of decision making and the overall customer experience. This includes the introduction of a 'one revision' only policy for householder planning applications from June 2021 which will also be rolled out to minor / other application types to help speed up determination periods. Other recommendations arising from the recent PAS Peer Review are also in the process of being worked up and implemented to further improve service performance and customer satisfaction, along with a comprehensive review of the Council's constitution and scheme of delegation in an effort to empower officers and to enable Members of Planning Committee to focus on the key regeneration development proposals of strategic importance.
- 12.6 The LPA seeks to agree extensions of time (EOT) on planning applications in negotiations with applicants and planning agents where necessary to aim to work through any matters arising throughout the life of an application, and within an agreed timeframe to offer a level of certainty and commitment. Whilst there will be a continued role for EOTs in certain cases, it is anticipated that the introduction of the above measures will help to reduce the need for an EOT whereby additional resources, and a reduction in the number of accepted revisions, should help to speed up the decision making process.
- 12.7 Officer training, procedures and templates have been implemented to ensure Ward Members are engaged once a decision to secure a S106 Planning Obligation has been resolved by Planning Committee. For consistency planning officers' co-ordinate negotiations between the Ward Members and service area teams responsible for the expenditure to ensure that any agreement reached in regard to expenditure is allocated in accordance with the policy and legislation. Member training on the overall Section 106 process is also planned for the new Municipal year.

ii) **Decisions made by the Planning Inspectorate in Q3 (between 1<sup>st</sup> October and 31<sup>st</sup> December 2021)**

Application Number	Site Address	Proposal	Council Decision	Appeal Decision
20/0096	137-138 Stafford Street, Walsall, WS2 8EA	48 Sheet Digital Advert	Refused (Delegated Decision)	Allowed
<b>Comments on:</b> Proposed set-back from road and position above ground level combined with nature of road would not result in public safety impacts in relation to highways safety.				
	Zandi tyres & Car	48 Sheet Digital	Refused	Dismissed

<b>21/0312</b>	Wash, Ward St, Walsall, WS1 2AG	Advert	(Delegated Decision)	
<b>Comments on:</b> Detrimental to amenity due to visual prominence and illumination method and detrimental to public safety due to introducing a distraction to drivers in a location with a considerable amount of vehicle and pedestrian traffic.				
<b>20/1539</b>	26, Banks Street, Willenhall, WV13 1SP	Lawful Development Certificate: Increase in number of children under Use Class C3(b)	Refused (Delegated Decision)	Dismissed
<b>Comments on:</b> Appellants evidence insufficient to clearly demonstrate that the increase would not result in a material change of use.				
<b>E18/0248</b>	Pelsall Stop, rear of 211 Norton Rd, Pelsall	Enforcement Notice: Domestic use, extensions and alterations	Enforcement Notice Served	Part Allowed / Part Dismissed
<b>Comments on:</b> Inspector agreed that the domestic use should cease along with the removal of an inappropriate rear extension, stainless steel flues and other works but allowed the retention of elements of the work including those that provided a water-tight structure to preserve the buildings.				
<b>20/0173</b>	First Floor 41-45 Bridge Street, Walsall, WS1 1JQ	Prior Approval: Change of use from office to residential	Undetermined	Quashed
<b>Comments on:</b> Appellant documents not received within appeal timeframe and Inspector turned the appeal away.				
<b>21/0391</b>	Telecommunications equipment, Broad Lane, Bloxwich	Prior Approval: 15m Street Pole and associated works	Refused	Allowed
<b>Comments on:</b> Not necessary to consider alternative locations for the replacement equipment, height of mast would be similar to existing street lights, overall simple form would not result in intrusive views from nearby dwellings and would not be out of character with the area.				
<b>21/0588</b>	Telecommunications equipment, Owen Road, Walsall, WV13 2AB	Prior Approval: 15m Street Pole, cabinet and associated works	Refused	Allowed
<b>Comments on:</b> No harm to existing trees, no available alternative sites, moderate harm to character and appearance of area is significantly outweighed by the benefits arising of improved network coverage and capacity for the local community.				
<b>21/0563</b>	Walsall Road, Willenhall, WV13 2EG	Prior Approval: 15m Street Pole, cabinet and associated works	Refused	Dismissed
<b>Comments on:</b> Prominent position and height and bulk of mast would be a dominant				

feature and incongruous with the area, benefits arising would not outweigh the significant harm to character and appearance of area and insufficient evidence on alternative sites.

**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 Councils decision = 40%

12.8 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**

12.9 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:

<b>Period</b>	<b>Call Ins</b>
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
Q3 2020/2021 (Oct-Dec 2020)	4 applications called in during 3 meetings
Q4 2020/2021 (Jan-Mar 2021)	4 applications called in during 3 meetings
Q1 2021/2022 (Apr-Jun 2021)	9 applications called in during 2 meetings
Q2 2021/2022 (Jul-Sept 2021)	7 applications called in during 3 meetings
Q3 2021/2022 (Oct-Dec 2021)	7 applications called in during 3 meetings

12.10 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.

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

12.12 The call-in form has been updated to make the section clearer on a Members intention to speak on an item at Planning Committee and to provide clear material planning reasons for the call-in.

### Q3 2021/2022 (Oct-Dec 2021)

Called in by Councillor	The Electoral Ward for the Application	Planning App Number	Planning Agent	Application Address	Method/Reason for Call In
<b>Planning Committee - 7<sup>th</sup> October 2021</b>					
Councillor S Coughlan	Willenhall South	21/0526	D2 Planning Limited	Unit 1, Former Magnet PLC, Rose Hill, Willenhall, WV13 2AR	Development is intrusive on the area and nuisance to neighbours.
Councillor Singh-Sohal	Paddock	21/0416	Lapworth Architects Ltd	31 Springvale Avenue, Walsall, WS5 3QB	Grounds of the application being sensitive planning.
Councillor Pedley	Streetly	21/0873	The General Architecture Company	184 Thornhill Road, Streetly, B74 2EH	Requirement for Planning Committee judgement
<b>Planning Committee - 4<sup>th</sup> November 2021</b>					
Councillor Singh-Sohal	St Matthews	20/1289	Mr Jim Malkin	Former Jabez Cliff, Lower Forster St, Walsall, WS1 1XA	Requiring sensitive planning judgement – Community interest.
Councillor Andrew	Pelsall	21/0047	Design Construction	Pear Tree Farm, Fishley	In the public interest and re-use

			Management Services	Lane, Bloxwich, WS3 3PZ	of a previously developed site to protect other untouched Green Belt land which is under threat.
Councillor Andrew	Bloxwich East	20/1222	Peter Jackson	Land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU	Public interest.
Councillor S Nasreen	St Matthews	20/0068	M.K. Cotton	49-51, Eastbourne Street, Walsall, WS4 2BN	Reasons for refusal are considered to be subjective, the proposal is not detrimental to the street scene and should be considered by Planning Committee
<b>Planning Committee - 2nd December 2021 (no call-ins)</b>					

#### 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.