



Walsall Council

Planning Committee

2nd February 2017

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 3rd quarter of 2016/17 (1st October to 31st December 2016) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q3.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3.
- iii) An update of Planning Applications 'called-in' by Councillors in Q3. 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 Q1 (April to June) and Q2 (October to December) 2016/17 can be found in the report to Planning Committee of 1st September and 1st December 2016 respectively.

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 Q2 (between 1st July and 30th September 2016)**

(2015/16 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Performance for 2016- 17 to date
a) Major applications Within 13 weeks (Gov't target = 60%)	85.71%	83.33%	90%	%	86.35%
Walsall Performance 2015/16	(69.23%)	(100%)	(100%)	(100%)	(90.91%)
National Average (2015/16 = 81%)					
b) Minor applications Within 8 weeks (Gov't target = 65%)	50.00%	60.00%	63.77%	%	57.92%
Walsall Performance 2015/16	(84.05%)	(87.60%)	(82.89%)	(89.58%)	(84.31%)
National Average (2015/16 = 75%)					
c) Other applications Within 8 weeks (Gov't target = 80%)	18.11%	52.85%	61.69%	%	44.22%
Walsall Performance 2015/16	(83.52%)	(55.10%)	(77.55%)	(69.66%)	(71.47%)
National Average (2015/16 = 84%)					

12.1 With three quarters now past, performance for 2016/17 remains above the government's target of 60% of decisions in time and the national average achieved in 2015/16 of 81% of decisions in time. This continued performance is therefore welcomed particularly given the governments introduction of a league table to assess poorly performing authorities' as part of the governments assessment as to whether a local planning authority should be placed in special measures. In this quarter, one county matter application was determined. As this was in time, 100% performance was achieved.

- 12.2 The substantive efforts put in place by the Planning Officers and the Technical Support Team to focus not just on the quality of decision making but also the processing of the applications from receipt in the planning department through consultation and on to the decision has brought a positive set of figures for all three categories of Major, Minor and Other forms of development.
- 12.3 For the Minor applications, performance has risen to 63.77% up from 60.00%. This is welcome news and continues to bring the Council close to the national average and the Government's target of 65% of Minor applications to be determined in time. Efforts continue to be focused on closing this gap to restore performance back to 2015/16 levels which at their lowest were 82.89% and averaged 84.31% for the year.
- 12.4 The Others category continues to see on-going improvement delivered in Q3. There remains a diminishing number of applications in the system which have still exceed the target decision time of 8 weeks and when determined, these results will impact on future performance levels.

ii) Decisions made by the Planning Inspectorate in Q3 (between 1st October and 31st December 2016)

App No.	Address	Proposal	Decision	Officer Rec	Comments
12.15/1569	Land Adjacent Tomell Mews, Cramp Hill, Darlaston	New detached 2 bedroom bungalow	Dismissed	Refuse	The main issues were the living conditions of future occupiers with particular regard to outlook, outdoor amenity space, privacy and security; and the impact on the character and appearance of the area. As the patio doors in the combined living and kitchen area and the window in the bedroom would face a 2 metre high breeze block boundary wall, which separates the appeal site from the rear of 1 Tomell Mews, the proximity of the wall would have an overbearing impact on future occupiers of the habitable rooms and users of the garden area of the new dwelling. However, in view of the mix of property types, styles and development in the locality, the Inspector conclude that the proposal would not harm the character and

					appearance of the area.
13. 15/1867	165, The Crescent, Walsall, WS1 2DD	Two storey side and rear and single storey rear extensions.	Dismissed	Refuse	<p>The main issues were the impact on the character and appearance of the host property and the surrounding area; and the living conditions of the occupiers of No 163 with particular regard to daylight and sunlight.</p> <p>The Inspector found that whilst the proposed development would not adversely affect the living conditions of the occupiers of No 163 with regard to sunlight, it would have a detrimental impact with regard to daylight.</p> <p>Furthermore, due to its size the proposed extension would be detrimental to the character and appearance of both the host property and the surrounding area.</p>
14. 15/1540	Providence Chapel, New Road, Willenhall, WV13 2BG	Conversion of former chapel (Class D1) to form 14 bed HMO (Class Sui Generis)	Dismissed	Approve: Committee Refusal	<p>Initially recommended for approval by Officers due to an absence of information to support concerns about the fear of crime, this application was refused at Committee.</p> <p>After the appeal had been lodged, additional material on the fear of crime was submitted by the Police. The Inspector took this into account in dismissing the appeal.</p> <p>Furthermore, the Inspector was of the opinion that the development would harm the two protected trees at the front of the site.</p>

15. 15/1229	Land adjacent 21A Millfield Avenue, Bloxwich, Walsall, WS3 3QS	Proposed construction of four no. apartments.	Dismissed	Non-Determination Appeal: Refusal recommended	The main issues were the effect on the character and appearance of the area, taking account of protected trees, and on highway safety. Due to the effect on the protected trees, the development would unacceptably harm the character and appearance of the area. The Inspector though did not support the view the development would result in a severe impact on highway safety as space could be provided on site.
16. 15/1803	Land To The South Of 18 And 19 Oakwood Close, Walsall Wood	Outline application for four dwellings with access, layout and scale for consideration.	Dismissed	Refuse	Outline application for the development of four houses in the Green Belt. Although the scheme would deliver a small number of new dwellings, this was not considered to be sufficient to outweigh the harm that the proposed development would cause to openness of the Green Belt.
17. 16/0179	Barn At, Meekes Farm, Pelsall Lane, Rushall, Walsall, WS4 1NE	Prior notification of a change of use of a barn to a dwelling house (C3) including elevation changes.	Dismissed	Refuse	Consideration was given to the extent of works required under Class Q of the PD Regulations 2015. The Inspector was unable to conclude that the works necessary to create a dwelling from the structure on site would fall within the scope of that permissible under Class Q(b). Accordingly, they would not be permitted development. Furthermore, the future occupiers of the properties would be at risk of disturbance from the operation of the farmyard which would be likely to be harmful to living conditions.

Target = 30%			0 appeals not decided in accordance with Councils decision = 0%	0 appeal not decided with officer recommendation = 0%	Total number of qualifying appeals = 5 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).
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12.6 The above outcomes show that none or 0% of the appeal decisions were determined differently to the councils' decisions in Q3. These are encouraging results.

12.7 Providence Chapel was a notable case in that the Police were able to bring forward new evidence to the appeal to support Members decision to refuse the application on fear of crime grounds. It is hoped this evidence can be applied in future cases.

12.8 Whilst all the decisions were favourable to the Council, it is noted that the Inspectorate did not support all of the Councils arguments. In the case of Millfield Avenue, the Inspector did not accept the case that the four new plots would generate sufficient traffic to generate a severe harm to the highway network and in the case of Tromell Mews, the Inspector looked at a wider area to form their view of the prevailing characteristic of the area than that normally considered.

12.9 The ability of the council to defend a high percentage of its decisions is particularly important as a qualitative performance measure because a local planning authority should be able to defend a high proportion of its planning decisions. This measure featured as a Best Value Performance Indicator until 2007/8 when it was dropped by the Government. However given the importance attached to this measure in the past and given that we have many years experience of collating this information it has been continued as a local performance measure.

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 5 applications have been called in during the third quarter of October to December. For details of applications previously called in please refer to the previous performance report of 1st December 2016.

Date of Planning Committee	Called in by Councillor	The Electoral Ward that the planning application was within	Planning Application number	Called in using
6 th October	Councillor Wilson	Aldridge Central And South	16/0760	Pro forma
3 rd November	Councillor Wilson	Aldridge Central And South	16/0706	Pro forma

1 st December	Councillor Hicken	Willenhall North	16/0905	pro forma
	Councillor Worrall	Rushall-Shelfield	15/0753/FL	pro forma
	Councillor Wilson	Aldridge Central And South	16/0706	Pro forma

iv) Progress on Enforcement Proceedings

12.11 Members will see from the attached table at Appendix A that progress is being made on some cases since the last update report. Inevitably some delay is experienced on some cases due to the nature of the work and legal and other complexities. The cases are being addressed by the Planning department.