

SOUTH STAFFORDSHIRE COUNCIL

PLANNING COMMITTEE – 17 NOVEMBER 2020

MONTHLY UPDATE REPORT

REPORT OF THE LEAD PLANNING MANAGER

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

1.1 A monthly update report to ensure that the Committee is kept informed on key matters including:

- Proposed training
- Any changes that impact on National Policy
- Any recent Planning Appeal Decisions
- Relevant Planning Enforcement cases on a quarterly basis
- The latest data produced by the Ministry of Housing Communities and Local Government

2. RECOMMENDATION

2.1 That Committee note the content of the update report.

3. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	
SCRUTINY POWERS APPLICABLE	Report to Planning Committee	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	17 November 2020	
FINANCIAL IMPACT	No	There are no direct financial implications arising from this report.
LEGAL ISSUES	No	Any legal issues are covered in the report.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	No other significant impacts, risks or opportunities have been identified.

IMPACT ON SPECIFIC WARDS	No	District-wide application.
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PART B – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 **Future Training** – Changes to Planning Committee were approved at the 26 March 2019 meeting of the Council to reduce committee size from 49 potential members to 21 members. As part of these changes an update report will now be brought to each meeting of the Committee. The intention has been that with a reduced size of Committee additional training will be provided throughout the year, namely before Planning Committee (starting at 5:30pm). The sessions may well change depending on what issues are on the agenda. Due to COVID 19, these have been suspended, however we will look to bring train sessions back where possible. A Member training session has recently been held to guide Members through the new Public Access system to view planning files.
- 4.2 We are also looking to arrange a refresher of the Planning Committee training on the Planning Protocol, committee requirements and ‘making good planning decisions’. We hope this will be run by our Planning Barrister, Piers Riley-Smith, who is well placed to advise members independently on legal and planning requirements of making planning decisions. The training will be open to all Council members, not just planning committee members. It is hoped that this will be done before a planning committee, ideally December’s planning committee, however a date will be circulated as soon as one can be agreed.
- 4.3 **Changes in National Policy:**
- 4.4 There have been no changes in national policy since last committee.
- 4.5 **Planning Appeal Decisions** – every Planning Appeal decision will now be brought to the Committee for the Committee to consider. There have been 4 appeal decisions since the last Committee, a copy of the decisions are attached as Appendix 1, 2 3 and 4. These relate to:
- 1 An appeal against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order at 18 Tollhouse Way, Wombourne WV5 8AF. The appeal was dismissed because the Inspector found that felling the tree would leave a notable gap in the street scene which would be harmful to the character and appearance of the area.
 - 2 An appeal against a refusal to grant a certificate of lawful use/development (LDC) at the Former Munitions Depot, Lawn Lane, Coven. The lawful use was sought for the storage of materials and goods, also the parking of transport and wagons. The appeal was dismissed as the Inspector concluded that there is insufficient evidence to demonstrate on a balance of probabilities, that the sole primary use over a continuous 10 year period has been for the storage of

materials and goods, also the parking of transport and wagons. Consequently, the appeal is dismissed. The Council was also awarded part costs in one element of the appeal, due to what the Inspector deemed as unreasonable behaviour on the part of the appellant which caused the Council unnecessary expense.

- 3 An appeal against a refusal for a replacement dwelling at Fieldfare, Cock Lane, Bednall ST17 0SD. The appeal was a Committee overturn and allowed on appeal and costs awarded against the Council on the basis that the proposal would be an acceptable form of development and would not be harmful to the character and appearance of the surrounding area. Equally it would not have a harmful effect on the living conditions of the occupiers of nearby properties.
 - 4 An appeal against a refusal to grant temporary planning permission for replacement structure and erection of lighting columns at to the North East of Saredon Road, Cheslyn Hay, Walsall WS6 7JD. The appeal was allowed as the scheme would not prejudice the purpose of land safeguarded for longer term development needs, or harm the character or appearance of the area and would not result in unacceptable living conditions for the occupiers of the dwellings on the adjacent site.
- 4.6 We are still awaiting the outcome of the 2 Crematoria appeal decisions. The decisions were due by 12 September 2019. On 9 October 2020, the Corporate Director of Planning and Infrastructure wrote to the Secretary of State, Robert Jenrick MP, for an update. We have received no reply. PINS advise they will inform us when they get any information.
- 4.7 The Secretary of State for Transport has made an order granting development consent West Midlands Interchange (WMI). Documents can be seen here : <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/> Officers are now working with the site promoters to understand next steps.
- 4.8 **Relevant Planning Enforcement cases on a quarterly basis** – Performance is currently at 90%, above the 80% target. There has clearly been an improvement in planning enforcement performance as a result of extra staff and a targeted triage approach to dealing with new cases. We are now fully staffed after successful recruitment, and as such the temporary staff have now left the Council.
- 4.9 **The latest data produced by the Ministry of Housing Communities and Local Government** – As members will recall, MHCLG sets designation targets that must be met regarding both quality and speed of planning decisions. The targets are broken into Major and Non major development. If the targets are not met, then unless exceptional circumstances apply, MHCLG will “designate” the relevant authority and developers have the option to avoid applying to the relevant designated Local Planning Authority and apply direct, and pay the fees, to the Planning Inspectorate. Details can be seen at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/760040/Improving_planning_performance.pdf

- 4.10 We will ensure that the Committee is kept informed of performance against the relevant targets including through the MHCLG's own data.
- 4.11 For Speed – the 2020 target for major developments is that 60% of decisions must be made within the relevant time frame (or with an agreed extension of time) and for non-major it is 70%. For Quality – for 2020 the threshold is 10% for both major and non-major decisions. Current performance is well within these targets and the position as set out on MHCLG's website will be shown to the Committee at the meeting – the information can be seen on the following link tables:
- 151a – speed – major
 - 152a – quality – major
 - 153 – speed – non major
 - 154 – quality – non major

The link is here – <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

The latest position is on the MHCLG website and the key figures are below:

Speed

151a – majors – target 60% (or above) – result = 90.9% (data up to June 2020)

153 – others – target 70% (or above) – result = 88.9% (data up to June 2020)

Quality

152a – majors – target 10% (or below) – result = 6.1% (date up to March 2019)

154 – others – target 10% or below – result = 0.8% (date up to March 2019)

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

N/A

6. PREVIOUS MINUTES

N/A

7. BACKGROUND PAPERS

Appendix 1 – Appeal Decision – Tree Preservation Order at 18 Tollhouse Way, Wombourne WV5 8AF

Appendix 2 – Appeal Decision – Former Munitions Depot, Lawn Lane, Coven

Appendix 3a and 3b – Fieldfare, Cock Lane, Bednall ST17 0SD

Appendix 4a and 4b – Land North East of Saredon Road, Cheslyn Hay, Walsall WS6 7JD

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