



13th November 2014

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Development Management Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Planning Committee of the latest performance and outcomes regarding development management matters and in particular to: -

- i) The performance figures for applications determined between 1st April and 30th September 2014.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st July and 30th September 2014.
- iii) A progress report of enforcement proceedings.
- iv) An update of Planning Applications 'called-in' by Councillors

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.

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**

David Elsworthy - Extension: 4722

11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

PLANNING COMMITTEE

13th November 2014

Development Management Performance Update Report

- i) **Speed of planning applications determined between 1st April 2013 and 30th September 2014.**

(2013/14 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2014- 15 to date
a) Major applications Within 13 weeks (Gov't target = 60%) National Average (2013 = 67%)	75% (46.67%)	80% (81.25%)	 (63.64%)	 (80%)	77.5% (67.65%)
b) Minor applications Within 8 weeks (Gov't target = 65%) National Average (2013 = 70%)	73% (60%)	59.3% (62.07%)	 (68.06%)	 (75%)	66.15% (65.56%)
c) Other applications Within 8 weeks (Gov't target = 80%) National Average (2013 = 83%)	86% (75.58%)	77.5% (58.33%)	 (72.57%)	 (86.71%)	81.75% (72.68%)

- 12.1 At 77.5% the number of major applications determined in 13 weeks for the first two quarters exceeds both the government's national target (60%) and average performance for planning authorities (67% in 2013). This performance is therefore welcomed particularly given the governments introduction of a league table to assess poorly performing authorities' which has seen the threshold raised for major applications from 30% to 40% as part of the governments assessment as to whether a local planning authority should be placed in special measures. This also includes 66% of 'County Matters' determined within 13 weeks as part of the overall

major application performance, which is a separate performance measure introduced recently by government.

- 12.2 66.15% of applications were determined in 8 weeks in the first two quarters performance in the 'minor' category which exceeds the government set target of 65% but is below the national average of 70% (in 2013). At 81.75% performance for the 'others' category this represents a continuing improvement compared to performance last year and has exceeded the government set target of 80% but is slightly below the national average of 83% in 2013.
- 12.3 Overall the performance for the first two quarters of this financial year represents a reasonable set of outcomes which I hope will continue to improve as notably the post holder for the Principal Planning Officer position in the South Team has recently taken up the post at the beginning of October.
- 12.4 The continued high level of performance and further customer service development will rely heavily on the retention in the number of staff and the continued use of the existing development management governance arrangements. It will also be influenced by the proportion of new to older applications being determined and the number of applications received. 1135 applications were received in 2013/14 compared with 1235 planning applications received in 2012/13; 1143 applications in 2011/12 and 1136 in 2010/11. In the first quarter of 2014/15 we received 614 applications (which no longer include certificates of lawful use - 4 received) compared to 600 applications received in the same quarter in 2013/14. This represents an increase of 2.3%.
- 12.5 This increase needs to be considered against the fact that 89 Prior Approval (permitted development) applications were also received in the first two quarters (compared with 133 received for the whole of 2013/14) and which are not included in the planning application figures (increase of 28% in quarter 2 compared with same period last year). This reflects the government's changes in legislation by the introduction of more permitted development (subject to prior approval conditions) and removing the need to submit a planning application. The majority of prior notifications are for large rear extensions to houses (41 out of 49 in the second quarter) which attract no fee but officers still need to administer, check, notify neighbours and determine accordingly. This takes up a considerable amount of officer's time which is compounded if an appeal is received against a decision made.

ii) *Decisions made by the Planning Inspectorate between 1st April and 30th September 2014.*

12.6 The following decisions have been made by the Planning Inspectorate between 1st April and 30th June 2014.

App No.	Address	Proposal	Decision	Officer Rec	Comments
4. 12/1572/FL	Aldridge Road Walsall	Change of use from agriculture to cemetery, new access and parking	Dismissed	Refuse	Inappropriate development in the green belt with an unacceptable risk of flooding, detrimental to the openness and character

					of the area and a risk to archaeological interest. There is no substantiated need.
5. 14/0125/FL	18 Wood End Way, Aldridge	Extension to lounge and pitched roof over	Dismissed	Refuse	The proposed size, location and design would appear intrusive and out of keeping in the area.
6. 13/1005/FL	Bronstone Stables, Erdington Road	Appeal against conditions 3a,3b,5a,5b,11 and 13	Allowed	conditions	Drainage conditions 3a and 3b are reasonable and necessary. 5a and 5b (lighting scheme) are not precise and need rewording. Personal condition 13 is reworded to run with the land.
7. 12/1555/FL	Unit 3 Wood Lane, Willenhall	Appeal to vary condition 2 opening time condition	Allowed	conditions	Allowed takeaway opening 9:00 to 23:30 Mon – Friday and 15:30 to 22:00 Sundays
8. 12/1552/FL	Unit 1 Wood Lane, Willenhall	Appeal to vary condition 2 opening time condition	Allowed	conditions	Allowed takeaway to open 9:00 to 23:30 Mon – Friday and 15:30 to 22:00 Sundays
9. 14/0490/FL	14 Wallows Lane	Part two storey and single storey rear extension	Dismissed	Refuse	Detrimental to the amenity of occupiers of no.12 by loss of light and outlook to main kitchen window
10. 13/1382/AD	Early Birds Nursery School 7a Lichfield Road	Illuminated entrance sign	Dismissed	Refuse	Unacceptably large and dominating in appearance to the detriment of the visual amenity of the area.
11. 13/1294/FL	Land at Mill Lane, Willenhall	1 one bedroom single storey detached dwelling	Dismissed	Refuse	Proposed dwelling would appear incongruous in the street scene due to its size and awkward shape and its isolated position. It would not provide satisfactory living conditions due to its proximity to the adjoining public house.
12. 13/1342/PT	Waverley Avenue and Beacon Road	Replacement monopole mast and retention of pillar and equipment cabins	Dismissed	Refuse	Proposal is acceptable in appearance but the appellant has failed to demonstrate that alternative suitable alternatives have been considered.
13. 14/0452/FL	47 Bentley Drive	Garage and bedroom extension	Allowed	Refuse	Design whilst not complying with the council's design guidance would not be detrimental to the appearance and character of the existing

					house.
Target = 30%			5 appeals not decided in accordance with Councils decision = 33%	5 appeal not decided with officer recommendation = 33%	Total number of qualifying appeals = 13 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 The above outcomes show that 38% (5 out of 13) of all the appeal decisions were determined differently to the councils' decisions between 1st April 2014 and 30th September 2014. Although only 13 appeal decisions have been received during the first two quarters this represents a reasonable performance outcome which although is above our challenging locally set target of 30% is only slightly above the national outcome figure of 35% for all appeals in 2013.

12.7 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. The government has also included this performance measure for major applications (based on 80%) as part of its assessment of poorly performing planning authorities included in the Growth and Infrastructure Act 2013.

iii) Progress on Enforcement Proceedings

12.8 Members will see from the attached table at Appendix A that steady progress is being made on many 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. However, a significant effort is being made to increase enforcement performance in Development Management with all officers now responsible for enforcement as part of their general casework.

iv) 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 that a total of 7 applications have been called in between 1st April and 30th September 2014.

Date of Planning Committee	Councillor who called the application in to committee	Ward	Application Number	Method of Call-in
26/6/14	Councillor McCracken	Paddock	14/0483/FL	Email
26/6/14	Councillor Arif	Birchills Leamore	14/0750/FL	Proforma

26/6/14	Councillor Whyte	Palfrey	14/0267/FL	Proforma
20/8/14	Councillor Nazir	Palfrey	14/0754/FL	Proforma
20/8/14	Councillor Sears	Aldridge North & Walsall Wood	14/0915/FL	Proforma
18/9/14	Councillor S Coughlan	Willenhall South	14/1024/FL	Proforma
18/9/14	Councillor I Shires	Willenhall North	14/1024/FL	Email reasons from proforma

PLANNING COMMITTEE - 13th November 2014 : Progress of formal enforcement actions.

Case Number & Case Officer(s)	Address	Date of committee authorisation for Enforcement Action	Type of action and date of issue	Current position
1 AT	Site of Mellish Road Church, Lichfield Road, Walsall	Latest resolution 10/3/2011	Section 215 Notice – issued 18/4/2011	The demolition has taken place. A planning application for a mixed use development may be submitted in the coming months.
2 PW	17 Newport Street, Walsall	26/10/2004	Listed Building Enforcement Notice and Prosecution	Continued non-compliance with Listed Building Enforcement Notices for installation of second floor windows and painting exterior of building. Also other external alterations including first floor windows continue to be an offence. Case is being reviewed with Conservation Officer and Legal Services to consolidate issues, with intention to report to committee in the future.
3 KH	74, 75, 76, Stafford Street, Willenhall (Dainty's)	Latest resolution 21/10/2010	Section 215 Notices Issued on 4 th July 2012	Section 215 notice required the repair of numbers 74 and 75. The notice took effect on 6 th August. The first compliance period expired on 6 th September; the second compliance period expired on 6 th December 2012. Requirements of the first two parts of the notice were not met. Prosecution was progressed with each Defendant being fined. A planning application for the conversion of the building to one retail unit and five flats has been approved. Following the planning consent the applicants have established that the quality of the existing building may not be suitable for refurbishment/redevelopment. A current planning application is being considered for redevelopment of the site to ten 1 bedroomed flats.
4 DM	The Bell Inn, Market Place Willenhall	Latest resolution 29/4/2010	Section 215 Notice -not issued, owing to sale to new	Willenhall Townscape Heritage Initiative grant scheme commenced in May 2011. Some work carried out to building and preparation of schedules of repair for grant aid application was

			owners	taking place. Planning and listed building applications were approved in April 2013, for external refurbishment works, (including shop-front, gates and staircase); and residential use of first floor. Works underway liaising with Conservation Officers
5 PH	Land at Canalside Close, Walsall	9/1/2007	Enforcement Notice – 5/11/2007	Erection of boundary wall, building and gates. Appeal partially upheld on 15/8/08. Planning permission granted subject to conditions for a change of use to motor vehicle salvage and breakers yard including alterations to the boundary wall by September 2012 subject to time limit actions. Actions not complied with. Discussions about new tenant and advice sought from officers in regard to a new planning application to address the issues.
6 PW	80 Noose Lane, Willenhall	28/10/2008	Enforcement Notice	Planning Contravention Notice issued 7/1/2011 to clarify fluctuating vehicle repair/sales/recovery but not responded to. Use appears to be mainly storage. Additional fencing recently erected. Officers continuing to pursue owner regarding removal of the additional fencing and reviewing the use.
7 PW	100 and 101 Union Street, Willenhall	31/3/2009	Section 215 Notices	A new owner for 101 Union St was contacted, prompting Officers to write to the owner requesting a timetable for resolving the breaches. Owners intended to carry out works to the building to improve its appearance. Scaffolding was erected and works were carried out to re-slate the damaged areas of roof, and add boarding to some windows.
8 HS	19 High Street, Walsall Wood – (formerly G D Memorials)	Further resolution 17/2/2011	Prosecution	Planning application for retention of building at a lower height with external cladding was approved by 18 th September 2014 planning committee. Officers monitoring to confirm that the works have been carried out.
9 HS	124 Willenhall Street, Wednesbury	26/5/2011	Enforcement Notice – 6/7/2012	Installation of metal container, roller shutter door and railings – compliance due 8/11/12. 18 th October 2012 Committee approved

				planning application for brick store and replacement access gate. Metal container and railings have been removed. Works carried out. RESOLVED
10 TP	Sites of former Junction Works and Railway Tavern Public House	2/02/2012	Enforcement Notices, 21/9/2012 -in respect of former Railway Tavern 23/10/2012	At Junction Works: Change of use to waste transfer and crushing/processing rubble to make secondary aggregates. Compliance due – (i) cease importing materials 05/09/13, (ii) cease all operations and clear the site 05/02/14. Appeal dismissed on the 5 th August and notice was upheld. Prosecution of owners being pursued. File with Legal Services to pursue prosecution. At Railway Tavern: Change of use to storage of skips, containers, wastes, machinery, and the parking of vehicles. Compliance due 05/11/2013. Appeal dismissed on the 5 th August and notice was upheld. Prosecution of both owners and tenants being pursued. File with Legal Services to pursue prosecution.
11 PW	65 Bloxwich Road South, Willenhall	20/9/12	Re –issue separate s.215 notice to changed owner.	Unsuitably void property. Legal services were instructed to commence prosecution in regard to non-compliance with S215 Notice, subject to viability. The amenity issues at no 65 were included in the original s215 notice. Amenity issues to be pursued.
12 AI	Land rear of Tempus Drive, Walsall	2/5/2013	Enforcement Notice	Change of use to deposition of waste material. Enforcement Notice issued. Appeal lodged but subsequently withdrawn. Enforcement notice compliance period expired April 2014. A planning application for works to level the site to create a development plateau has been submitted and made invalid on the 23/1/14 for being incomplete. Requested an Environmental Statement as part of the planning application. Applicants working on this for submission later this year.
13	12-14 Lower	2/5/2013	Prosecution in	Unsuitably void properties. Letter received early July sets out

PH	Lichfield Street, Willenhall		respect of S215 Notice.	intention to paint, replace glass and repair the roof within the next month. Building to be monitored to check for compliance, otherwise prosecution to be prepared. No works so far carried out.
14 SC	3 Walsall Road	September 2013	Enforcement notice	Unauthorised change of use, signage, fencing and building works. Authorisation to prosecute was approved by September planning committee. A planning application has been received and negotiation is taking place to amend the scheme. Both applications have now been refused site meeting with conservation officer has taken place and the agent has contacted officer confirming the submission of a revised application.
15 SC	11 Greenslade Road	30/08/13	Enforcement Notice	The Enforcement Notice has been served to remove the house and outbuildings, and the applicant has appealed the notice. Officers awaiting a decision from the Planning Inspector.
16 PH	97 Lydford Road, Bloxwich	19/12/13	Enforcement Notice – 13/3/14	Appeal dismissed and works undertaken to resolve the breach. RESOLVED
17 JF	24 Larkspur Way	16/01/14	Enforcement Notice	Enforcement Notice served, with the compliance period expiring at the beginning of October. Update 28-10-14 – Officer inspection confirms requirements of Enforcement Notice not complied with – Prosecution proceedings being prepared by officers.
18 JF	Ravenscourt Shopping Precinct	March 2014	Section 215 Notice	Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.
19 SC	Diamond Car Wash Ward Street, Walsall	March 2014	Enforcement Notice	Planning application to retain the car wash and tyre sales was refused. Applicant appealed the decision, officers currently awaiting a decision from the Planning Inspector
20 SC	Land Adjacent 26 Bradley Lane	June 2014	Enforcement Notice	The carrying out of engineering works to alter land levels and create access onto the highway, laying down of hardsurfacing, the erection of boundary gates and fencing, the erection of two stabling blocks and the partial construction of a storage barn. Applicant contests that the access has lawful use rights and

				there is a current certificate of lawfulness to be determined.
21 JF	1 Halford Crescent	May 2014	Enforcement Notice	Enforcement Notice served 24 th October 2014. Compliance period ends 24 th December 2014
22 JF	84 Fairburn Crescent	September 2014	Enforcement Notice	Enforcement Notice being prepared
23 SF JF	Middlemore Lane West – Former GKN	September 2014	Enforcement Notice	Enforcement Notice being prepared