



28th October 2008

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Development Control Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Development Control Committee of the latest performance and outcomes regarding development control matters and in particular to: -

- i) The 1st and 2nd quarter's performance figures for applications determined between 1st April and 30th September 2008.
- ii) The decisions made by the Planning Inspectorate on appeals lodged with the Secretary of State between 1st April and 30th September 2008.
- iii) A progress report of enforcement proceedings.

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.

7. **ENVIRONMENTAL IMPACT**

The impact of decisions made by the Planning Inspectorate on the environment is included in decision letters.

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: 2409

11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

DEVELOPMENT CONTROL COMMITTEE –

28th October 2008

Development Control 1st and 2nd Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st April and 30th September 2008 (2008/09 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2008- 09 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	64.2% (60%)	68.42% (76.19%)	(72%)	(80.95%)	65.96% (72.34% in 2007/8)
b) Minor applications Within 8 weeks (Gov't target = 82%) (Local Target + 82%)	82.3% (93.88%)	78.50% (83.33%)	(82%)	(86.13%)	80.21% (87.86%in 2007/8)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	92.3% (95.90%)	91.85% (93.52%)	(92%)	(93.26%)	92.09% (94.54% in 2007/8)

- 12.1 Members will note that this report covers the first two quarter periods for this financial year. Performance to date continues to out perform the Governments set targets within NIS 157a), b) &c) but 'Major' and 'Minor' application performance is slightly below our stretch target of 72% and 82% respectively. As Members are aware this can be due to a number of reasons such as negotiating amendments, deferrals, waiting further information and completing S106 agreements which have all had an impact so far this year.
- 12.2 Members will note that the performance in the 'Other' categories is continuing to meet the locally set stretch target levels.
- 12.3 The continued high level of performance and further customer service development will rely heavily on the retention and recruitment of staff and the continued use of the new development control governance arrangements. To this end I am pleased to advise members that we have no vacant planning officer posts in the service and therefore I hope that performance and customer service levels can be maintained or improved still further.

ii) Decisions made by the planning Inspectorate between 1st April and 30th September 2008

12.5 The following decisions have been made by the Planning Inspectorate between 1st April and 30th September 2008.

App No.	Address	Proposal	Decision	Officer Rec	Comments
1. 07/1419/FL/W7	The Brown Lion Public House, Wednesbury Road	Erection of two Flats	Dismissed	Refuse	Detrimental to residential amenity of occupiers, no amenity areas and poor design.
2. 07/2101/FL/E6	18 Inglewood Grove, Streetly	Demolition of bungalow and erection of two bungalows	Dismissed	Refuse	Detrimental to character of street scene and provide unsatisfactory living conditions
3. 07/1557/FL/H4	12 The Glades, Aldridge	Conservatory to the rear	Dismissed	Refuse	Detrimental to amenity of neighbours due to lack of distance separation.
4. 07/0608/FL/H5	31 Rushall Manor Road	Two storey side and rear extension	Allowed	Refuse	The proposed extension would not materially harm amenity of neighbours, is acceptable appearance in the area and has sufficient parking
5. 07/1767/FL/H5	348 Sutton Road, Walsall	two storey side extension	Allowed	Refuse	Would not result in terracing due to the setting back of the extension and retention of a 1m gap
6. 07/0523/FL/E8	Nisa, 152 Beacon Road	Two storey addition to provide 6 flats	Allowed	Approve	Would improve the character of the area and would not be detrimental to the amenity of neighbours whilst complying. The scheme would provide adequate under croft parking which would be secured and not detrimental to community safety.
7. 07/1847/FL/H5	18 Skip Lane, Walsall	Two bedrooms and bathroom over existing garage	Allowed	Refuse	Would not be out of character avoiding terracing by the design and

					orientation of the extension
8. 07/0749/FL/W3	207 Wednesbury Road, Pleck	First floor rear extension	Dismissed	Refuse	4.6m flat roof extension would be out of character with the existing building and area
9. 07/1815/FL/E11	1 Woodside Close	16 one and two bedroom apartments	Dismissed	Approve	Out of character with the area by the appearance of three storey development and design.
10. 07/0774/FL/E11	1 Woodside Close	16 one and two bedroom apartments	Dismissed	Refuse	Out of character with the area by the appearance of three storey development and design.
11. 07/2217/FL	43 Brace Street	Installation of an ATM	Dismissed	Refuse	Detrimental to highway and community safety
12. 07/1486/FL/H4	16 Crome Road Great Barr	Front Garden walls	Dismissed	Refuse	Detrimental to highway safety as brick piers interrupt visibility splays
13. 07/1727/FL/H3	98 Bentley Lane Birchills	First floor extension to bedroom	Dismissed	Refuse	Detrimental to the amenity of neighbours at No. 100
14. 07/0759/FL/E12	3&3a Beeches Road, Leamore	Change of use to Hot food Take away without complying with hours condition	Dismissed	Refuse	Opening to midnight would be detrimental to the amenity of neighbours
15. 07/2461/FL/W6	27 Essington Road, Willenhall	Change of use to Hot Food Take away and two bedroom apartment	Dismissed	Refuse	Detrimental to amenity of neighbours, the character of the area and highway safety
16. 07/2015/FL/W9	2 Bradford Place, Walsall	First floor Balcony	Dismissed	Refuse	Detrimental to the character and appearance of the existing building and the adjoining conservation area / Listed buildings.
17. 07/2582/FL/E9	55 Erdington Road, Aldridge	Two storey side extension, dormers and garage	Dismissed	Refuse	Detrimental to the character and appearance of the existing building and area
18. 07/1977/FL/E6	Furst Street, Brownhills	Two, 2 bed semi-detached dwellings	Allowed	Refuse	Satisfactory access and distance separation and not detrimental to

					amenity of neighbours – efficient and effective use of urban land
19. 07/2685/FL/W6	Land adj 37 dale end	Extension to dwelling to form a semi-detached property	Allowed	Refuse	Visual improvement than the existing house and not detrimental to the amenity of neighbours
20. 08/0212/FL	44 Park Road		Withdrawn	Refuse	
21. 07/1985/FL/H3	16, Ludlow Close, Willenhall	Dormer loft and single storey side extensions	Dismissed	Refuse	Dormer would be poorly designed and incongruous with the building and area
22. 08/0296/FL	Pyramid Profiles, Pyramid Industrial Park, Chase Rd, Brownhills	Cladding to front elevation and non compliance with landscaping condition	Allowed	Refuse	Inappropriate condition related to development (cladding) which is acceptable
23. 07/2513/FL/H2	21 Springfields Rushall	Extension over garage	Allowed	Refuse	1m set back is sufficient to avoid terracing effect and therefore not detrimental to the character of the area
24. 07/2608/OL/E12	Land rear of 99 Norton Road Pelsall	erection of a bungalow	Dismissed	Refuse	Disturbance to neighbours by vehicle movements
25. 07/1523/FL/H1	44 Mellish Road	First floor side extension and lean-to roof	Dismissed	Refuse	Overbearing and detrimental to amenity of neighbour and impact on TPO tree
26. 08/0049/FL	140 Collingwood Drive	First floor side extension	Dismissed	Refuse	Incongruous design and detrimental to amenity of neighbour and character and appearance of the area
Target = 30%			8 appeals not decided in accordance with Councils decision = 32%	9 appeals not decided with officer recommendation = 36%	Total number of appeals = 25 that relate to BVPI 204. Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included.

- 12.6 The above outcomes show that 32% of appeals were not determined in accordance with the councils' decisions between 1st April 2008 and 30th September 2008 (36% not determined in accordance with the officer's recommendation – 1 Woodside Close). Whilst this is slightly above the self set target of 30% it represents a satisfactory performance when considered against the national average of 34% (2007/8).
- 12.7 The ability of the council to defend a high percentage of its decisions is particularly important as a qualitative performance measure as a local planning authority should be able to defend its planning decisions. This used to feature as a Best Value performance Indicator until this financial year when it has been dropped by the Government and has not featured as one of the new National Indicators (NIS). However given the importance attached to this measure in the past and given that we have several years experience of collating this information it has been continued as a local performance measure.

iv) Progress on Enforcement Proceedings

- 12.8 Members will see that steady progress is being made on many cases with compliance achieved since last update report. Inevitably some delay is being experienced on several matters due to legal and other complexities. Members will also note that the number of cases on hand is increasing which is causing difficulties in the legal and enforcement teams capacity to deal with all matters as effectively as one would wish. Members will also note that there are other matters being dealt with by the planning enforcement team under delegation in addition to these matters and the most notable of these are included in part B of the table.