



29th May 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 4th quarter's performance figures for applications determined between 1st January and 31st March 2008 and 2007-08 out turn
- ii) The decisions made by the Planning Inspectorate on appeals between 1st January and 31st March 2008.
- iii) A quarterly 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 can be material considerations 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

29th May 2008

Development Control 4th Quarter Performance Update Report

i) BVPI 109 a), b), and c): Speed of planning applications determined between 1st January and 31st March 2008 (2006/07 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2007-8 (Out Turn for 2006-7)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	60% (68.75%)	76.19% (84%)	72% (52%)	80.95% (87.5%)	72.34% (71.95%) in 2006/7)
b) Minor applications Within 8 weeks (Gov't target = 82%) (Local Target = 82%)	93.88% (67.86%)	83.33% (76.81%)	82% (88.33%)	86.13% (92.77%)	87.86% (81.6% in 2006/7)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	95.90% (88.37%)	93.52% (91.74%)	92% (93.06%)	93.26% (93.68%)	94.54% (91.57% in 2006/7)

- 12.1 I am pleased to report that once again all categories of applications exceeded government targets in the fourth quarter with out turns for all categories exceeding our stretch locally set targets. Importantly major application performance has returned to a more satisfactory level following a relatively poor start to the year in the first quarter. At 87.86% for minor applications and 94.54% for other applications this performance is exceptional and should see Walsall as one of the top performing local planning authorities in the country. This is very much a reflection on the hard work and professionalism of Officers and Members of this Committee and the procedures that are now embedded.
- 12.2 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 (other than a trainee position following the post holders promotion into another post in regeneration) 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 January and 31st March 2008

- 12.5 The following decisions have been made by the Planning Inspectorate between 1st January and 31st March 2008. Members are advised to refer to the second and third quarter performance report presented to the 20th November 2007 and 11th March DC Committee reports for appeals referenced 6 - 41.

App No.	Address	Proposal	Decision	Officer Rec	Comments
42) 06/1632/FL/H4	20 Wych Elm Road, Brownhills	Rear Conservatory	Allowed	Refuse	Would not be detrimental to the amenity of neighbours despite being below distance separation levels in the SPG.
43) 07/0097/FL/H5	271 Wolverhampton Road	Erection of a detached garage	Allowed	Refuse	Would not be materially worse with respect to the safety of pedestrians
44) 06/1985/FL/W4	6 Kings Court, Bridge St Walsall	Installation of ATM	Allowed	Refuse	Would not be detrimental to the safety and free flow of traffic using Bridge Street
45) 07/1200/FL/H3	370 Bl;oxwich Road	Vehicle access and 1.2m high steel gates	Dismissed	Refuse	Insufficient space to turn a car and leave in forward gear resulting in hazardous manoeuvring on highway.
46) 07/1267/FL/H2	12 Sandy Grove Brownhills	Loft Conversion	Dismissed	Refuse	Detrimental to character of the property and street scene and disproportionate to the property being overbearing to neighbouring houses.
47) 07/0753/OL/E12	116 Foley Road West	erection of a bungalow	Dismissed	Refuse	Detrimental to privacy and community safety by exposing other dwellings to public areas and detrimental to amenity of 114 and 116 due to vehicle movements along the proposed access
48) 07/0190/FL/W5	Walsall campus, University of Wolverhampton Gorway Road	17m replacement floodlight supporting telcom antenna and equipment cabins	Allowed	Approve	The design would blend in with other similar structures with minimal visual intrusion. It would not be detrimental to amenity and suitable alternative site search has been done. Complies with

					PPG8 regarding health and there is no need for any ICNIRP checking conditions.
49) 06/1936/FL/E12	One man and his Dog PH, Bloxwich	Single storey all weather garden	Dismissed	Refuse	Detrimental to amenity of neighbours and would appear intrusive and incongruous.
50) 07/0345/FL/H4	Woodend, Bourne Vale, Walsall	extensions to front and rear	Dismissed	Refuse	Additions in context with previous extensions would be disproportionate and therefore would be inappropriate development in the Green Belt
51) 07/1621/FL/H4	39 Malvern Drive	Front bay and porch extension	Allowed	Refuse	Would reflect other similar extensions in the area and will not be detrimental to character of area
52) 07/0417/RM/E8	Former St Margarets Hospital, Queslett Road	Residential development (6 additional units) and revised access and gate post	Allowed	Refuse	loss of 38 parking spaces would not result in an inadequate level of provision and the proposed additional housing blocks would not cause harm to the character and appearance of the Conservation Area.
53) 07/0165/FL/W5	90 Stringes Lane, Willenhall	New dwelling	Dismissed	Refuse	Vehicle reversing would be detrimental to highway safety due to poor visibility
54) 07/0374/FL/E11	C/o Silver Street and Watermead Grange	Pub, restaurant and bingo hall	Withdrawn		
55) 06/1794/FL/W2	16 Church Street Darlaston	10 Flats	Dismissed	Refuse	The design would be detrimental to the character and appearance of the area, would have a lack of useable amenity space and detrimental to highway safety.
Performance to date from 1 st April, 2007 to 31 st Dec 2007			21 appeals not decided in accordance	19 appeals not decided with	Total number of appeals = 48 that relate to BVPI 204. Appeals against non determination,

Target = 30%			e with Councils decision = 43.75%	officer recommendation = 39.58%	conservation / listed building consent, adverts and those withdrawn are not included.
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- 12.6 The above outcomes show that 43.75% of appeals were not determined in accordance with the councils' decisions between 1st April 2007 and 31st March 2008 (39.58% not determined in accordance with the officer's recommendation). This represents a very disappointing outcome for the year above the target of 30% set by the Council. It does not compare favourably with the out turn in 2006-07 which was 32% relating to 70 appeals. Following a review of the individual cases it is apparent that the Inspectorate is giving very little weight to the Residential Design Standards (RDS) due partly to the fact that it is not a Supplementary Planning Document (SPD) in status together with the general reduced emphasis being placed on mechanistic numerical maximum / minimum standards.
- 12.7 This has led to a high proportion of house extensions (particularly conservatories) being allowed at distance separations significantly below thresholds in the RDS when last year similar proposals were being dismissed. Members will be aware that a new design SPD has recently been adopted which has replaced the RDS and it is considered that the council's ability to determine and defend such matters should be enhanced. However, officers have to take Inspectors decisions into consideration and the general outcomes as evidenced last year are being taken into account for similar proposals.
- 12.8 The ability of the council to defend a high percentage of its decisions is particularly important as all local planning authorities are assessed on this basis as part of an annual statutory performance indicator (BVPI 204 the percentage of appeals allowed against the authority's decision to refuse planning applications). The government uses this performance indicator in its assessment of the CPA / CAA performance of the council and also in previous allocation of Planning Delivery Grant. This measure has been abandoned for 2007-08 as it is not included in the Governments new National Indicators however for the purposes of measuring performance the measure has been adopted as a local indicator and will continue to be analysed in the future.
- 12.9 The council has not received any awards of costs against it in 2007-08 which is excellent news as all costs awarded against the Council will need to be found from existing revenue budgets at the expense of other service delivery unless they are met from the Council's reserves. We had one case challenged by Judicial Review (Walsall Football Club poster sign at Bank's Stadium) which the Council submitted to judgement. At this stage it is not known what the Government Treasurers costs are as the process has not been concluded. However such costs will need to be paid for from existing revenue accounts in this financial year.

iv) Progress on Enforcement Proceedings

- 12.10 Members will see that steady progress is being made on many cases although 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. There have been successful prosecutions recently, and the fines were

- 454 Sutton Road – fined £4,000
- 16-19 Church Street - fined £10,000
- 50 Cemetery Road Willenhall – 2 defendants – fined £750 each

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.