



Walsall Council

Planning Committee

24th October 2013

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 2013.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st July and 30th September 2013.
- 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

24th October 2013

Development Management Performance Update Report

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

(2012/13 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2011- 12 to date
a) Major applications Within 13 weeks (Gov't target = 60%) National Average (Jan- June 2013 = 59%)	46.67% (42.86%)	81.25% (43.75%)	 (60%)	 (38.46%)	63.96% (46%)
b) Minor applications Within 8 weeks (Gov't target = 65%) National Average (Jan- June 2013 = 68%)	60% (81.13%)	62.07% (60.29%)	 (60.34%)	 (73.68%)	61.04% (67.93%)
c) Other applications Within 8 weeks (Gov't target = 80%) National Average (Jan- June 2013 = 82%)	75.58% (85.78%)	58.33% (78.6%)	 (83.26%)	 (84.58%)	66.96% (83.37%)

- 12.1 At 81.25% the number of major applications determined in 13 weeks in the second quarter represents the highest quarterly performance since I have been producing this performance report (since 2004). At 63.96% performance for the first two quarters in this category is above the government set target of 60% and the national average of 58% (Jan – June 2013). This is therefore a welcomed improvement which is the result of concerted effort in order to ensure improved performance in this category given the governments introduction of a league table to assess poorly performing authorities and concentration on these application types.

- 12.2 At 62.07% of applications being determined in 8 weeks in the second quarter performance in the 'minor' category is slightly below the government set target of 65% and the national average of 68% (Jan – June 2013) but represents a small improvement on the first quarter. In stark contrast performance for 'others' at 58.33% represents the lowest performance that has been recorded since 2004. At 66.96% performance in the first two quarters failed to meet the government set target of 80% and the national average of 82% (Jan – June 2013) which is disappointing.
- 12.3 Overall the half year performance represents an unusual set of outcomes. There are several reasons for this and notably we are bedding in the two new Development Management teams North and South and the North Team Leader post is still vacant. An appointment has been made but the post holder will not take up the position until December. Andrew White is the team Leader for the South Team (which includes the Town Centre).
- 12.4 Notwithstanding the above there is no one single reason for this unusual performance in the 'minors' and 'others' categories but the following factors will have had some bearing on this:
- The number and type of applications received (see below)
 - A significant delay of 15 days in registering applications caused by a vacancy, a long term sickness and the holiday period all coming together within the Technical Support Team (4 FTE officers) resulting in planning officers and other officers having to cover this work also. The vacancy has now been filled and the long term sickness employee has returned. The backlog has also been removed and the team has returned to meeting its 5 days registration target.
 - Slow responses from applicants and agents despite our business friendly approach to meeting customer demand.
- 12.5 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 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. 1235 planning applications were received in 2012/13 compared with 1143 applications in 2011/12 and 1136 in 2010/11. In the first two quarters 577 applications have been registered compared to 591 in the same period last financial year.
- 12.6 This represents a small drop in overall numbers of planning applications received in the first half of the year compared to the same period last year. However this needs to be considered against the fact that 50 Prior Approval (permitted development) applications have been received in the first two quarters which are not included in these figures and some of these are likely to have been submitted instead of a planning application. This is particularly so as the majority are for the government's new rear extensions to house initiative. Members are reminded that no fee is required for householder prior notification applications of this type but officers still need to administer, check, notify neighbours and determine accordingly which takes up a considerable amount of officer's time.

ii) **Decisions made by the Planning Inspectorate between 1st April and 30th September 2013.**

12.5 The following decisions have been made by the Planning Inspectorate between 1st April and 30th September 2013. Details of appeals referenced 1 to 5 are set out in the Performance Report 1st August 2013

App No.	Address	Proposal	Decision	Officer Rec	Comments
6. 13/0436/FL	7 Sunnybank Close, Aldridge	Extension over existing garage to form 5 th bedroom	Allowed	Refuse	Amenity of occupiers of 9 Sunnybank would not be unduly affected due to only impacting on a side / secondary window
7. 12/1164/FL	Pleck Working Mens Club, Pleck Road	Side and rear extensions to the club	Dismissed	Refuse	Detrimental to Town Centres policies in that this would be in an out of centre location and the design would be incongruous in the street scene. It would also be more intensive in use to the detriment of local occupiers and insufficient car parking.
8. 11/1421/FL	222 High Street Bloxwich	Roller Shutter to shop front	Dismissed	Refuse	Retrospective application. Bland shutter and projecting box harmful effect on the character and appearance of the street scene and conservation area
9. 13/0538/FL	152 Broadway West	First floor side extension	Allowed	Refuse	Visual improvement over the existing flat roof and false pitch. The design would not alter the existing layout and would not be harmful to the street scene.
10. 12/1582/FL	18/20 Athlone Road	Single storey side extension to both 18 and 20 houses to provide access to both houses.	Allowed	Refuse	Noted it was retrospective and links the two buildings. The extension retains a visual gap at first floor, is set back and is not prominent or creates a terracing effect.
Target = 30%			3 appeals not decided in accordance with Councils decision = 30%	4 appeal not decided with officer recommendation = 40%	Total number of qualifying appeals = 10 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

- 12.6 The above outcomes show that 30% (3 out of 10) of the appeals were determined differently to the councils' decisions between 1st April 2013 and 30th September 2013. This represents a good performance which meets our locally set target of 30% and below the national outcome figure of 35% for all appeals (in 2012).
- 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 recently included this performance measure for major applications only 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 12 applications have been called in during the first two quarters since 1st April and 30th September 2013

Committee Date	Councillor	Ward	Application
26/9/13	Cllr Azam	St Matthews	13/0816/FL
29/8/13	Cllr Hughes	Streetly	13/0771/FL
1/8/13	Cllr Barker	Short Heath	13/0580/FL
1/8/13	Cllr D Shires	Short Heath	13/0580/FL
1/8/13	Cllr Worrall	Rushall-Shelfield	13/0489/FL
1/8/13	Cllr Oliver	Birchills Leamore	13/0390/FL
1/8/13	Cllr I Shires	Short Heath	13/0560/AD
4/7/13	Cllr Martin	Paddock	13/0125/FL
4/7/13	Cllr Barker	Short Heath	13/0546/FL
4/7/13	Cllr D Shires	Short Heath	13/0546/FL
6/6/13	Cllr Nazir	Paddock	13/0161/FL
2/5/13	Cllr Young	Blakenall	12/1733/FL
TOTAL TO DATE = 12			

PLANNING COMMITTEE - 24th October 2013 : 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 Invalid Application received 9/10/13	The demolition took place but one condition regarding validation of hazardous materials remains outstanding. A planning application for a mixed use development has been received and is currently invalid.
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 near 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 has been progressed with the case first going to court on 20 th May, it was adjourned and a hearing was held on 24 th June, 2013. Mr & Mrs Gupta both in attendance and both pleaded guilty. Each Defendant was fined £325.00 on each offence. A total of £650.00 each in fines. They were each ordered to pay the Victim Surcharge of £65.00 and £570.00 costs. Each Defendant therefore had a total in fines, costs and charges of £1285.00. Planning application for the conversion of the building to one retail unit and five flats currently being assessed.

4 PW	Green Lane, Walsall, at Rayboulds Bridge	19/4/2005	Prosecution for unlawful adverts	Poster hoarding at junction. Liaising with Property Services, regarding the removal of the hoarding from the verge as part of the wider area contract with the poster company. The poster company have now confirmed they will remove the hoarding.
5 PW	The Bell Inn, Market Place Willenhall	Latest resolution 29/4/2010	Section 215 Notice -not issued, owing to sale to new owners	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 taking place. Planning and listed building applications were withdrawn, but new applications were approved in April 2013, for external refurbishment works, (including shop-front, gates and staircase); and residential use of first floor.
6 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. Wall and gates not amended. Prosecution being prepared.
7 PW	24 Slaney Road, Pleck, Walsall	17/7/2007 & updated 29/5/2008	Enforcement Notice	Change of use of house to HMO. Liaising with Housing and Council tax team. Contact has been made with the Owner. Officers have inspected the property which was unoccupied with ten bed spaces, although the owner states that only 6 people live at the property at any one time. Officers considering what action to pursue.
8 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. Unless

				progressed, right of entry powers to be used.
9 PW	100 and 101 Union Street, Willenhall	31/3/2009	Section 215 Notices	A new owner for 101 Union St was contacted, prompting Officers wrote 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. Appearance remains far from ideal, and this to be pursued, with RFI notices to be issued to update ownership information.
11 HS	19 High Street, Walsall Wood – (formerly G D Memorials)	Further resolution 17/2/2011	Prosecution	Erection of building without compliance with planning permission. Non-compliance with enforcement notice, second planning application refused. Appeal dismissed. Owner pleaded guilty at court and fined £400 plus costs in February 2013. New planning application for retention of building at a lower height with external cladding is currently under assessment. Applicant has recently provided information and is being considered.
12 PH/SC	Land rear of 82-92 Salters Road, Brownhills	31/3/2011	Enforcement Notice – 26/1/2012	Unauthorised car wash - Planning application for the retention of the car wash refused 14/10/2011. Compliance with notice due 27/4/2012. Further retrospective planning application, but this withdrawn on basis of car wash ceasing. Officers monitoring to carry out final visit to confirm closure of the car wash. Monitoring by officers confirmed that the car wash has ceased operating. RESOLVED.
13 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. One final detail required from agent to enable condition to be discharged. Agent has confirmed they are reminding applicant for details of the

				rubber stops installed on the new gates to limit noise when closing
14 TP	24 Collins Street, Palfrey	13/10/2011	Enforcement Notice.	Enlargement of rear extension – Officers confirm the works just meet permitted development rights. RESOLVED .
15 PW	Sites of former Junction Works and Railway Tavern Public House	2/02/2012	Enforcement Notices, (deferred to allow the company time to re- locate) – in respect of Junction Works 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. Officers are actively monitoring the breaches to gather evidence for potential 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. Officers are actively monitoring the breaches.
16 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.
17 PW	Car wash on land adjacent Talbot Truck, Bilston Lane, Willenhall	20/9/2012	Prosecution in respect of Breach of Condition Notice	Intermittent breach of a condition, which prevents jet washing in the open. Officers monitoring the level of breach and reviewing available evidence with a view to commence prosecution. Additional notices may be served to obtain evidence and confirm owners/tenants.
18	75, Bridge Street,	15/11/2012	Enforcement Notice	Alteration to traditional shop front, involving installation of UPVC

PW	Walsall		– 22/04/2013	sliding door, in conservation area. No notification of an appeal has been received. Compliance was due 22/06/2013. Some works commenced, insufficient breach to pursue a prosecution. RESOLVED
20 TP	16 Athlone Road, Walsall	7/03/2013	Enforcement Notice – 10/05/2013	Part change of use to park /store van, lorry, plant etc at a house. Notice was due to take effect 12/06/2013. An appeal has been received.
21 HS	2 Bradgate Close, Willenhall	7/03/2013	Enforcement Notice – 23/04/2013	Timber building in garden. Enforcement Notice has not taken effect owing to an appeal, which based on a claim of lawfulness. Appeal process to run before any further action. No change to situation and outcome of appeal is awaited.
22 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 and Public Inquiry date confirmed for 25/26 March 2014.
23 PH	12-14 Lower Lichfield Street, Willenhall	2/5/2013	Prosecution in respect of S215 Notice.	Unightly void properties. Letter received early July sets out 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.
24 SC	176 Bloxwich Road, Walsall	Delegated	Breach of condition notice	Breach of condition requiring flue to terminate 1m above the roof. Issued 7/05/2013 - Compliance due by 4/06/2013. Application to vary the condition was refused at the August committee meeting. Authorisation to prosecute was approved at the September committee. An appeal has been lodged and is now being considered by the Planning Inspectorate.
25 SC	18 & 20 Athlone Road	4 th April 2013	Enforcement notice	Planning permission was refused for ground floor extension to link the houses. An appeal has been lodged. Planning appeal against the refusal of planning permission was allowed by the Planning Inspectorate. RESOLVED.
26 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.

