



# *Walsall Metropolitan Borough Council*

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## *Development Control Committee*

15<sup>th</sup> February 2005

### REPORT OF THE HEAD OF PLANNING AND TRANSPORTATION

#### **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 3<sup>rd</sup> quarters performance figures for applications determined between 1<sup>st</sup> October and 31<sup>st</sup> December 2005.
- ii) The decisions made by the Planning Inspectorate on appeals lodged with the Secretary of State.
- iii) A quarterly progress report of enforcement proceedings with respect to matters that have been resolved by the Committee.

##### **2. RECOMMENDATIONS**

That the Committee notes the report.

##### **3. FINANCIAL IMPLICATIONS**

None.

##### **4. POLICY IMPLICATIONS**

Within Council policy – YES

##### **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**

NOT APPLICABLE

7. **ENVIRONMENTAL IMPACT**

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

Martin Yardley, Head of Planning and Transportation

## DEVELOPMENT CONTROL COMMITTEE –

16<sup>th</sup> November 2004

### Development Control Performance Update Report

i) BVPI 109 a), b), and c): Speed of planning applications determined between 1<sup>st</sup> April and 31<sup>st</sup> December 2004

Application type	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Total to date
a) Major applications Within 13 weeks (target = 60%)	15%	71.4%	<b>42.9%</b>		42.9% (31.9% in 2003/4)
b) Minor applications Within 8 weeks (target = 65%)	54.7%	66.7%	<b>78.8%</b>		61.8% (42.1% in 2003/4)
c) Other applications Within 8 weeks (target = 80%)	81.1%	89.4%	<b>90.6%</b>		82.4% (65.9% in 2003/4)
Overall applications Within 8 weeks (target = 80%)	73.3%	82%	<b>84.8%</b>		80% (previous best 67.9% in 2002/3)

- 12.1 The above results represent an excellent outcome for ‘minor’ and ‘other’ application types for the third quarter, which are an all time high for Walsall and have considerably exceeded Government targets. The exception to these is for major applications which, has seen a dip in performance from the previous all time highest levels reached in the second quarter. This was expected and is due to the level of performance being influenced by the completion of a number of older applications that required S106 agreements before they could be issued.
- 12.2 Overall these outcomes are very encouraging and indicate that the new Development Control governance arrangements introduced in March last year are delivering planned performance levels. It is anticipated that performance for major and some minor applications will be improved further in the final quarter for 2004-05 and in subsequent quarters. This is due to further improvements made to delegations available to officers in allowing for the refusal of applications *which, would not raise complex or delicate judgement and when the proposed development does not comply with national or local planning policy and there is no significant community interest which would be contrary to the officer recommendation*, as approved by Council on 17<sup>th</sup> January 2005. These became effective from 1<sup>st</sup> February 2005.
- 12.3 The performance also rewards the hard work and commitment of officers and members of the Development Control Committee who together have implemented the new arrangements with high degree of professionalism. This is despite the

number of applications received being at an all time high (2728 applications received in 2004) and the service carrying several vacancies. The continued high level of performance will rely heavily on the retention and recruitment of staff and the continued use of the new development control governance arrangements.

**ii) Decisions made by the planning Inspectorate between 1<sup>st</sup> October and 31<sup>st</sup> December 2004**

12.5 The following decisions have been made by the Planning Inspectorate between 1<sup>st</sup> October and 31<sup>st</sup> December 2004 Previous appeal decisions 1 to 19 are set out in previous performance reports to this Committee.

App No.	Address	Proposal	Decision	Officer Rec	Comments
20) 03/2383/FL/E6	142-144 Whetstone Lane	Dwelling and access	Dismissed	Refuse	Out of character and detrimental to amenity of neighbours
21) 03/2250/FL/E5	R/o 3 Charlemont Road	3 bedroom detached dwelling and double garage	Dismissed	Refuse	Cramped and out of character and detrimental to occupiers of 5 Charlemont Rd
22) 03/2192/FL/E3	6&8 Foley Road East, Streetly	17 Apartments	Allowed	Grant	No objection to principal of demolition: neutral impact on environment; any disturbance would be well within reasonable tolerances.
23) 03/1048/FL/H2	16 Summer Lane, Pelsall	Front and side extension to dwelling	Dismissed	Refuse	Terracing effect – detrimental to character of area.
24) 03/2279/PT/E 5	Railswood Nurseries, Pelsall	Telecom base station – 12.5 m timber tower	Allowed	Grant	Very special circumstances exist to outweigh harm to Green Belt as defined in PPG8
25) 04/0136/FL/H5	19 Walton Heath, Bloxwich	Conservatory	Allowed	Refuse	The shortage of 2.5m distance separation would not be unacceptable to privacy of neighbours
26) 04/0859/AD/W	Crown Wharf retail	9 internally illuminated	Part Allowed	Refuse	2 dismissed in the interests of

4	Park	double sided 6-sheet panels mounted on lampposts			public safety and detrimental to amenity and 7 allowed as acceptable.
27) 03/2418/E5	Land off Featherston Road, Streetly	Erection of 1 dwelling and new access	Dismissed	Refuse	Detrimental to occupiers of 17 Carlton Croft
28) 03/1987/FL/W 4	17 Wood Lane, Willenhall	Non compliance with Conditions to increase trading times of sandwich bar	Dismissed	Refuse	Detrimental to amenity of neighbours
29) 04/1717/AD/W 7	Reedwood Retail Park	2 non illuminated freestanding 48 sheet poster panels	Allowed	Refuse	Hoardings will not be prominent or conflict with other signs
30) 03/2401/FL/H4	97 Skip Lane	Retention of open Verandah	Allowed	Refuse	Does not have an unacceptable effect on amenities of area or neighbours
31) 03/2217/FL/W 4	43/44 New Street	Change of use to single house	Dismissed	Refuse	Detrimental to occupiers from adjacent industry
32) 04/0350/FL/H5	48 St Pauls Crescent, Pelsall	1st floor extension and rear dormer window	Dismissed	Refuse	Detrimental impact on character of house and area due to design - flat roof
<b>Performance to date since 1<sup>st</sup> April, 2004 Target = 40%</b>			<b>14</b> appeals not decided in accordance with Councils decision = <b>48%</b>	<b>7</b> appeals not decided in accordance with officer recommendation = <b>24%</b>	Total number of decisions = 32 but only <b>29</b> are counted for BVPI 204 as it excludes non determination appeals

12.6 The above outcomes shows that 48% of applications were not determined in accordance with the councils' decision since 1<sup>st</sup> April 2004 (24% in accordance with officer's recommendation). This is a reasonable performance given the poor start that we got off to in the first quarter (77%). However, with one quarter

left to go before the end of the year it is evident that we may fall short of the target.

- 12.7 The ability of the council to defend a high percentage of its decisions is particularly important as all local planning authorities are now assessed on this basis as part of a new statutory performance indicator (BVPI204 the percentage of appeals allowed against the authority's decision to refuse planning applications), which has been introduced for this financial year. Although the target is set locally by each council the government will no doubt be using this performance indicator again in its assessment of the performance of the council and in allocation of Planning Delivery Grant. This is exemplified by the award of this years Planning Delivery Grant when £9,133 was deducted from the grant we were to receive as the Government was critical of the councils appeal success rate last year.

#### **iv) Progress on Enforcement Proceedings**

- 12.8 A table to show progress made on enforcement matters authorised by the Committee is attached at appendix A. These matters are included in part A of the table. Members will see that steady progress is being made on each matter. Members will also note that there are other matters being dealt with by the planning enforcement team in addition to these matters and the most notable of these are included in part B of the table.

DEVELOPMENT CONTROL COMMITTEEAPPENDIX APROGRESS OF ENFORCEMENT ACTION – 1 APRIL 2004 ONWARDS

Date of Authorisation	Site Address	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No	Prosecution?
Part A – Enforcement Action authorised by the Development Control Committee						
26 May 2004	Rear of 96 Valley Road, Bloxwich	Enf. Change of use to builders yard	Notice served - 10 September 04	Compliance date 15 January 2005 – this is now held in abeyance due to Appeal – to be dealt with by a Hearing on 8 <sup>th</sup> March 2005		
3 August 2004	36 Old Lane, Bloxwich	Enf. Storage of Commercial vehicles	Action held in abeyance as the vehicles were moved onto the highway. This matter was referred back to Legal in October 04 in order to issue a notice as a commercial vehicle was noted again on the land. RFI not returned - this also with Legal Services			

3 August 2004	Argyll Court 133 Essington Road, Willenhall	BCN Erection of fencing	Notice served Oct.2004	One Month compliance	Yes	
24 August 2004	7 & 9 Broadway North, Walsall	Enf. Excavations and removal of front boundary walls to form new accesses and parking spaces.	Notice served in respect of No 9. RFI and drafting of Notice for no 7 currently being pursued by Legal Services. Hoped to serve this by February 2005	Written Representations Appeals in respect of refusal of planning permission and Conservation Area Consent, (nos 7 and 9) and also Notice on no.9, are already running. Compliance therefore currently in abeyance pending Appeal Inspectors decision.		
24 August 2004	1 Weston Street & 144A West Bromwich Street	Enf. Sales and repair of vehicles	Notice to be served within the next week.			
14 Sept. 2004	47 Sites for which tidy up works are required for unsightly land and buildings	S215 Notices	Owners/occupiers have received one or more letters and some have made the improvements requested. RFI's have also been served in 23 cases. Section 215 Notices in respect of 8 cases are currently being			



			drafted in consultation with Legal Services, and it is hoped to serve these by the end of February.			
26 October 2004	17 Newport Street, Walsall Installation of UPVC windows to first floor. Also prosecutions in respect of various alterations to Listed Building	Listed Building Enf.	With Legal Services – review meeting with planning and regeneration officers taking place.			
26 October 2004	97 Skip Lane, Aldridge Installation of a veranda.	Enf. Notice	Appeal against refusal of planning permission.	Appeal allowed December 2004.	No further action required	
16 November 2004	275 Birmingham Road Boundary fence	Enf Notice	With Legal Services – Amended planning application approved– compliance to be pursued.			
7 December 2004	Rear 40 -54 Cartbridge Lane, Rushall -Erection of	Enf Notice	With Legal Services			

	timber cabin with concrete base , on gypsy site temporarily allowed on appeal.					
7 December 2004	16 -19 Church Street, Darlaston -Use as a car wash.	Enf Notice	With Legal Services			
4 January 2005	Sleems, 8 West Bromwich Road, Walsall -Illuminated advertisements	Prosecution	With Legal Services			
4 January 2005	74 and 75 Stafford Street, Willenhall - Unsightly neglected buildings.	Section 215 Notice	With Legal Services and Planning			
25 January 2005	65 Stafford Road, Bloxwich - Unauthorised business advertisement	Prosecution	Sign removed after report placed on agenda.	Complied	Yes	

**Part B – Enforcement Action taken under delegation**

Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No	Prosecution?
64 Borneo Street – Planning	Storage of scrap and vehicles	PCN	Notice served - 2 November 2004	Compliance 21 days	Yes	

129 Walsall Road	Breach of Condition Notice – Roof Tiles	BCN	Notice Served – 21 October 2004 –	Compliance date 21 <sup>st</sup> December 2004	Yes	
Redrow Homes, Aldridge Road	Breach of Condition Notice – Breach of operational hours	BCN	Notice Served 1st October 2004	To be complied with by 30 October 2004	No – some breaches have been reported by residents	Evidence for prosecution is being reviewed with Legal Services
34 Milton Street	Planning Contravention Notice- Use as a Community Centre	PCN	Notice served 19 October 2004	Compliance 21 days	Returned by Post Office Not re-served as circumstances changed by meeting, inspection, and planning application discussions.	
96 Valley Road	Planning Contravention Notice- Storage of scrap vehicles and access	PCN	Notice served 2 Nov. 2004	Compliance 21 days	No – with Legal Services	