



27th May 2010

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 4th quarter performance figures for applications determined between 1st January and 31st March 2010.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st January and 31st March 2010.
- 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. 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.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Officers in Legal Services have been consulted in the preparation of this report.

10. **CONTACT OFFICER**

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11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

DEVELOPMENT CONTROL COMMITTEE –

4th February 2010

Development Control 4th Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st April 2009 – 31st March 2010 (2008/09 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2009- 10 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	62.5% (64.2%)	76.7% (68.42%)	63.6% (50%)	56.25% (73.33%)	65.08% (64.47% in 2008/9)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	78.33% (82.3%)	76.7% (78.5%)	73.5% (75.5%)	85% (84.7%)	77.47% (79.87%in 2008/9)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	92.65% (92.3%)	86.9% (91.85%)	86% (92.5%)	89.4% (93.36%)	88.54% (92.35% in 2008/9)

- 12.1 Members will note that at 56.25% performance for major applications in the fourth quarter is down when compared to the rest of the year as 65.08% of all major applications were determined within 13 weeks. However, this continues to exceed the government set target of 60% but is below the locally set target of 72% and the national average of 71% (for applications determined in 2008/09). The main reason for this is the high proportion of applications determined that are older applications that have come to a conclusion in this quarter following completion of S106 agreements which have taken time to complete together with applications that have been previously deferred pending referral to Government Office and/or regarding ecological and other issues requiring negotiation and amendment.
- 12.2 Performance in the 'Minor' category has exceeded the government target (65%) but is currently below the locally set target of 83% and follows similar outturns for previous quarters and last year with over 77.47% of applications determined within eight weeks. 'Other' applications continue to exceed the government target of 80% determined within 8 weeks but at 88.54% performance for the year is below the locally set target level of 92%. I am pleased to report that both the 'minor' and 'other' categories performance are above the national average (2008/09) of 77% and 87% respectively.

12.3 It should be noted that since May 2009 the Planning Committee now meets on a four weekly cycle rather than a three weekly cycle and the service has seen a reduction of 3 planning case officers in the year. These have had some affect on the services ability to meet the locally set targets and this is likely to be the case in the future. The local targets will therefore need to be reset accordingly for the new financial year. However with the introduction of new working practices in association with the recent changes to the development management team structures it is considered that performance figures that reflect the national average situation should still be obtained.

12.4 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 due to the reduction in the number of applications received which are down from 1417 to 1202 or 15% in 2009/10 compared to 2008/09.

ii) Decisions made by the planning Inspectorate between 1st July and 31st December 2009

12.4 The following decisions have been made by the Planning Inspectorate between 1st January and 31st March 2010. Members are advised to refer to previous performance reports presented to the Committee for appeal decisions 1 to 43.

App No.	Address	Proposal	Decision	Officer Rec	Comments
44 09/0020/FL	31 Larks Mill, Pelsall	Rebuild roof and raise height to form three dormers	Allowed	Refuse	Would not harm character and appearance of existing property or character of the area which has properties of various designs and siting.
45 09/1322/FL	99 Lord Street	Two storey rear extension	Dismissed	Refuse	Detrimental to amenity of neighbours
46 08/1840/FL	17 Rutter Street, Palfrey	First floor rear extension	Dismissed	Refuse	Detrimental to the amenity of neighbours and would not provide satisfactory living conditions
47 08/1746/FL	107 Chapel Lane	Floor extension to provide additional bedrooms	Allowed	Refuse	Would not be disproportionate and therefore inappropriate development in the green belt or detrimental to its openness.

48 09/0239/FL	16 Magnolia Grove	New dwelling	Dismissed	Refuse	Detrimental impact on protected trees and inadequate access and parking
49 08/1771/FL	81a Lichfield Road	Retrospective COU from garage to car wash and valeting	Dismissed	Refuse	Detrimental neighbouring occupiers of dwellings
50 08/1940/FL	9 Park Hall Road	Substitution of house type and non compliance with obscure glazing condition	Allowed	Refuse	Removal of condition would not incur an unacceptable level of overlooking
51 07/1858/FL/E11	Land rear of 211-2 Wood Lane Pelsall	Conversion of canal buildings to a dwelling	Dismissed	Refuse	Would result in a major reconstruction changing the character of the building and causing a substantial encroachment into the countryside, detracting from the character and appearance of the area
52 09/0560/FL	337 West Bromwich Road	COU to hot food take away without complying with a condition restrict opening	Dismissed	Refuse	Extending opening hours beyond 23:00 on Mondays - Fridays and 23:30 on Saturdays would be detrimental to the amenity of neighbours
53 09/1273/FL	134 Wimperis Way	First floor side extension	Allowed	Approve	Would not be detrimental to amenity of neighbour and loss of outlook from kitchen window would not warrant refusal.
54 08/1832/FL	Broadwalk Retail Park	variation of condition 5 (c) to allow limited assortment discount store	Allowed	Not determined	Public Inquiry found that there would be no harmful effect on local centres
55 08/1833/FL	Broadwalk Retail Park	Variation of condition 5 to allow catalogue store	Allowed	Not determined	Public Inquiry found that it complies with sequential approach and there would be no harmful effect on local centres
56 09/0930/FL	17 Beacon Road	Replacement house to	Dismissed	Refuse	The proposed design and split

		provide 6 bed dwelling			ridge would result in poor design which would not comply with the SPD policies in Designing Walsall SPD and out of character with the area
57 09/0858/OL	91 Addenbrooke Street Wednesbury	Erection of dwelling	Dismissed	Refuse	Detrimental to character and appearance of the street scene; living conditions of future residents particularly regarding the small garden area and overlooking
Target = 30%			22 appeals not decided in accordance with Councils decision = 42.3%	23 appeals not decided with officer recommendation = 44.23%	Total number of qualifying appeals = 52 Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included.

12.6 The above outcomes show that 42% of appeals were not determined in accordance with the councils' decisions between 1st April 2009 and 31st March 2010. This is a little disappointing when considered against the national average of 35% for all types of appeals (2007/08). Interestingly outcomes vary dependant on the type of appeal process undertaken as nationally 39% of those determined following hearings were allowed and 54% were allowed following public inquiries (2007/08). Given that 2 of the 52 appeals were dismissed and 2 allowed following a public inquiry the outcomes are more in line with the national outcomes. Having reviewed the cases involved there does not appear to be any particular pattern or reason underlying these outcomes which are evident but it is worth noting that since 2005/06 and 2007/08 the number of cases allowed by the Planning Inspectorate have risen from 33% to 34% for written representations; 36% to 39% for hearings and from 42% to 54% for public inquiries.

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 a high proportion of its planning decisions. This used to feature as a Best Value Performance Indicator until 2007/8 when it was 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 many 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 since the last update report. Inevitably some delay is being experienced on several matters due to legal and other complexities. 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.