



Walsall Council

Planning Committee

5th February 2015

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 October and 31st December 2014.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st October and 31st December 2014.
- 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 and guidance.

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

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Development Management Performance Update Report

i) **Speed of planning applications determined between 1st October 31st December 2014**

(2013/14 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2014- 15 to date
a) Major applications Within 13 weeks (Gov't target = 60%) National Average (2013 = 67%)	75% (46.67%)	100% (81.25%)	78.5% (63.64%)	 (80%)	92.68% (67.65%)
b) Minor applications Within 8 weeks (Gov't target = 65%) National Average (2013 = 70%)	88.29% (60%)	76.27% (62.07%)	92.3% (68.06%)	 (75%)	87.34% (65.56%)
c) Other applications Within 8 weeks (Gov't target = 80%) National Average (2013 = 83%)	86.73% (75.58%)	89.79% (58.33%)	86.3% (72.57%)	 (86.71%)	88.09% (72.68%)

12.1 At 92.68% the number of major applications determined in 13 weeks for the first three quarters significantly exceeds both the government's national target (60%) and average performance for planning authorities (67% in 2013). This performance is therefore very welcomed particularly given the governments introduction of a league table to assess poorly performing authorities' which has seen the threshold raised for major applications from 30% to 40% as part of the governments assessment as to whether a local planning authority should be placed in special measures. This also includes 80% of 'County Matters' determined within 13 weeks as part of the overall major application performance, which is a separate performance measure introduced recently by government.

- 12.2 87.34% of applications were determined in 8 weeks in the first three quarters performance in the 'minor' category which significantly exceeds the government set target of 65% and the national average of 70% (in 2013). At 88.09% performance for the 'others' category represents a major improvement compared to performance last year and has exceeded the government set target of 80% and the national average of 83% (in 2013).
- 12.3 Overall the performance for the first three quarters of this financial year represents an extremely good set of outcomes which I hope will be sustained particularly as the service is working collaboratively with applicants and their agents in order to achieve quality decisions and outputs using the extension of time facility that was introduced last year by government.
- 12.4 The continued high level of performance and further customer service development will rely heavily on the retention 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. 1135 applications were received in 2013/14 compared with 1235 planning applications received in 2012/13; 1143 applications in 2011/12 and 1136 in 2010/11. In the first three quarters of 2014/15 we received 949 applications (which no longer include certificates of lawful use) compared to 815 applications received (increase of 14%) in the same period in 2013/14.
- 12.5 This increase needs to be considered against the fact that 107 Prior Approval (permitted development) applications were also received in the first three quarters (compared with 82 received for the same period in 2013/14) and which are not included in the planning application figures (increase of 23% compared with same period last year). This reflects the government's changes in legislation by the introduction of more permitted development (subject to prior approval applications) and removing the need to submit a planning application. The majority of prior notifications are for large rear extensions to houses which attract no fee but officers still need to administer, check, notify neighbours and determine accordingly. This takes up a considerable amount of officer's time which is compounded if an appeal is received against a decision made.

ii) Decisions made by the Planning Inspectorate between 1st October and 31st December 2014

12.6 The following decisions have been made by the Planning Inspectorate between 1st October and 31st December 2014. Details of previous decisions can be found in the performance report of 13th November 2014.

App No.	Address	Proposal	Decision	Officer Rec	Comments
13. 14/0452/FL	47 Bentley Drive	Garage and first floor bedroom extension	Allowed	Refuse	Although not complying with guidance in the designing Walsall SPD there would be sufficient gap between the neighbouring property and the hipped roof design would avoid a terracing effect.
14.	130 Lichfield	Dropped kerb	Allowed	Refuse	Noted the strategic highway

14/0520/FL	Road, Walsall Wood	to footpath and vehicular crossing			and other existing crossings in this 30 mph area. Insufficient evidence was available to show a severe impact given that a car can turn on the site and adequate visibility can be achieved.
15. 14/0269/FL	55 Charlemont Road	Single storey rear extension and two storey side extension	Dismissed – two storey Allowed – single storey	Refuse	Single storey porch extension would not impact unduly impact on the spacious character. The two storey extension would cause harm to the character closing the gap to the boundary and unduly impacting on the character of the area. Insufficient information on bats has been provide that would be required for the two storey extension
16. 14/0764/FL	7 Paradise Grove, Walsall	Two storey rear extension garage conversion and additional off road parking	Allowed	Refuse	Notwithstanding the guidance in the SPD there is sufficient separation and interruption of clear views between the appeal property and The Lodge that safeguards the amenity of the occupiers.
17 14/0641/FL	18 Queens Road	First floor bedroom and shower extension	Dismissed	Refuse	Proposed extension would be detrimental to the spacious character and appearance of the area causing harm to the visual breaks within the street scene. The design would include a flat roof shower room that would be disproportionate with the design of the existing dwelling.
18. 13/1419/FL	14 Ida Road	Change of use to hot food take away	Dismissed	Refuse	Insufficient evidence of day to day local need for the proposal and therefore does not comply with policy CEN6 and S6 of the Walsall UDP which are in compliance with the NPPF.
19. 14/0101/FL	68 Thornhill Road, Streetly	New dwelling c/o Thornhill Road and Foley Road East	Dismissed	Refuse	Too small appearing out of scale with other dwellings and forward of the building line appearing incongruous on the spacious character of the area. It would also result in the loss of outlook to occupiers of No 68.

20 14/0938/FL	4 Granton Road	Two storey extension to side of dwelling	Dismissed	Refuse	Would be detrimental to the living conditions of occupants of no. 6 Granton Road due to loss of sunlight and outlook.
21 140911/FL	71 Skip Lane	New dwelling on site of previous dwelling	Dismissed	Refuse	Proposed dwelling would be detrimental to the character and appearance of the area due to the change in levels, retaining walls, height, design and prominence of the garage forward of the building line.
22. 14/0471/FL	Land at Ward Street	Retention of hand car wash	Allowed	Refuse	Would not prejudice the comprehensive development of the area or emerging policy, being compatible with adjacent commercial uses and screened from residential properties.
23. 3/1155/FL	204 Rushall Home, Lichfield Road	Change to existing Flue design	Dismissed	Refuse	Would not be harmful to the character and appearance of the area but would be detrimental to the living conditions of neighbouring properties due to its intrusive visual appearance.
Target = 30%			10 appeals not decided in accordance with Councils decision = 43%	10 appeal not decided with officer recommendation = 43%	Total number of qualifying appeals = 23 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 The above outcomes show that 43% (10 out of 23) of all the appeal decisions were determined differently to the councils' decisions between 1st April 2014 and 31st December 2014. Although only 23 appeal decisions have been received during the first three quarters this represents a disappointing performance outcome which although is below our challenging locally set target of 30% and the national outcome figure of 35% for all appeals in 2013.

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 included this performance measure for major applications (based on 80%) 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 progress is being made on some 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 further 8 applications have been called in as part of a total of 15 for the first three quarters. For details of applications previously called in please refer to the previous performance report of the 13th November 2014.

<i>Date of Planning Committee</i>	<i>Called in by Councillor</i>	<i>The Ward that the planning application was within</i>	<i>Application number</i>	<i>Called in using</i>
13/11/14	Councillor Ian Shires	Short Heath	14/1175/FL	Pro-forma
13/11/14	Councillor Cassidy	Brownhills	14/0874/OL	Pro-forma
11/12/14	Councillor John Murray	Aldridge Central and South	14/1313/FL	Pro-forma
8/1/15	Councillor McCracken	Paddock	14/1395/FL	Pro-forma
8/1/15	Councillor E Hughes	Streetly	14/1722/FL	Pro-forma
8/1/15	Councillor S Craddock	Aldridge north and Walsall	14/1410/FL	Pro-forma
5/2/15	Councillor T Wilson	Aldridge Central & South	14/1717/FL	Pro-forma
5/2/15	Councillor Longhi	Pelsall	14/1802/FL	Pro-forma

PLANNING COMMITTEE - 5th February 2015 : 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	The demolition has taken place. Officers reviewing the current planning position.
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 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 was progressed with each Defendant being fined. A planning application for the conversion of the building to one retail unit and five flats has been approved. Following the planning consent the applicants have established that the quality of the existing building may not be suitable for refurbishment/redevelopment. Application 14/0739/FL for flats was refused 5 th September 2014. Had meeting with agents to discuss alternative scheme. Since the meeting, the agent been picking through the reasons for refusal to address them. They are expecting to resubmit before September 2015.

4 DM	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 approved in April 2013, for external refurbishment works, (including shop-front, gates and staircase); and residential use of first floor. Works underway and still ongoing, liaising with Conservation Officers.
5 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 subject to time limit actions. Actions not complied with. Discussions about new tenant and advice provided from officers in regard to a new planning application. No application forthcoming, prosecution to be prepared.
6 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 monitoring the use.
7 PW	100 and 101 Union Street, Willenhall	31/3/2009	Section 215 Notices	A new owner for 101 Union St was contacted, prompting Officers to write 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.
8 HS	19 High Street, Walsall Wood – (formerly G D Memorials)	Further resolution 17/2/2011	Prosecution	Condition 2 of Planning permission 13/0449/FL required completion of work in accordance with approval within 3 calendar months expiring on 19 th December 2014. Visit to site on 14 th January 2015 confirmed a portion of the external work have been carried out. Officers contacting owners to arrange internal

				inspection of the structure to assess sound insulation before deciding on next course of action.
9 TP	Sites of former Junction Works and Railway Tavern Public House	2/02/2012	Enforcement Notices, 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. Prosecution of owners being pursued. 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. Both cases presented at Walsall Magistrates' Court on Monday 1 December 2014. Tenant AB Waste Management Ltd pleaded guilty to all five summonses laid against them. Case has been adjourned to 16 March 2015 for sentence. Owners of sites Serve Firm Ltd and St Francis Properties LLP entered not guilty pleas. The case against them has been adjourned for a trial to take place on the 16 March 2015.
10 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 against both 63 and 65 The amenity issues at no 65 have been resolved. No.63 is secure and does not warrant any further action at this time. Officer will however continue to monitor.
11 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 but subsequently withdrawn. Enforcement notice compliance period expired April 2014. A planning application for works to level the site to create a

				development plateau has been submitted and made invalid on the 23/1/14 for being incomplete. Applicants are working on submission of a new application. New EIA Screening Opinion issued 11/12/14 confirming Environmental Statement not required.
12 PH	12-14 Lower Lichfield Street, Willenhall	2/5/2013	Prosecution in respect of S215 Notice.	Unsanitary void properties. No works carried out, prosecution to be prepared. Concerns regarding the safety of the building have been passed on to Building Control.
13 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. Both applications have now been refused site meeting with conservation officer has taken place and the agent has contacted officer confirming the submission of a revised application.
14 SC	11 Greenslade Road	30/08/13	Enforcement Notice	The Enforcement Notice has been served to remove the house and outbuildings, and the applicant has appealed the notice. Officers awaiting a decision from the Planning Inspectorate.
15 JF	24 Larkspur Way	16/01/14	Enforcement Notice	Enforcement Notice served, with the compliance period expiring at the beginning of October. Update 28-10-14 – Officer inspection confirms requirements of Enforcement Notice not complied with – Prosecution for non compliance ongoing
16 JF	Ravenscourt Shopping Precinct	March 2014	Section 215 Notice	Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.
17 SC	Diamond Car Wash Ward Street, Walsall	March 2014	Enforcement Notice	Planning application to retain the car wash and tyre sales was refused. Applicant won the appeal. Officers to monitor compliance with the Planning Inspectorates conditions.
18 SC	Land Adjacent 26 Bradley Lane	June 2014	Enforcement Notice	The carrying out of engineering works to alter land levels and create access onto the highway, laying down of hard-surfacing, the erection of boundary gates and fencing, the erection of two stabling blocks and the partial construction of a storage barn.

				Certificate of lawfulness has been determined confirming that they had been unable to demonstrate any lawful access. Enforcement Notice currently being prepared to be served
21 JF	1 Halford Crescent	May 2014	Enforcement Notice	Compliance period ended 24 th December 2014. Part compliance but fencing and hard-surfacing unchanged. Prosecution proceedings being prepared by officers.
22 JF	84 Fairburn Crescent	September 2014	Enforcement Notice	Enforcement Notice served 6 th December 2014. Appeal submitted to Planning Inspectorate. Appeal process ongoing.
23 SF JF	Middlemore Lane West – Former GKN	September 2014	Enforcement Notice	Owners have removed the unauthorised embankment and are in discussions with officers for the submission of a planning application to landscape the front of the site.
24 TP	105 Skip Lane	August 2014	Enforcement Notice	Enforcement Notice Served on 7 th January 2015. Compliance by 6 th March re: Change of Use from Agricultural to Garden Land and erection of Lighting/Camera Column.
25 SF/AI	Winterley Lane	8 th January 2015	Enforcement Notice/Temporary Stop Notice/Injunction	The applicant has ceased all operations on the site and is seeking to resolve the conditions of the planning permission.