



Walsall Metropolitan Borough Council

*Development Control
Committee*

28th June 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 4th quarters performance figures for applications determined between 1st January and 31st March 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 –

16th November 2004

Development Control Performance Update Report

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

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2004-5
a) Major applications Within 13 weeks (target = 60%)	15%	71.4%	42.9%	73.33%	52.04% (31.9% in 2003/4)
b) Minor applications Within 8 weeks (target = 65%)	54.7%	66.7%	78.8%	78.59%	65.1% (42.1% in 2003/4)
c) Other applications Within 8 weeks (target = 80%)	81.1%	89.4%	90.6%	93.77%	83.85% (65.9% in 2003/4)
Overall applications Within 8 weeks (target = 80%)	73.3%	82%	84.8%	82.18%	80% (previous best 67.9% in 2002/3)

- 12.1 The above results represent an excellent outcome for all application types for the fourth quarter, which is at an all time high for Walsall and which have considerably exceeded Government targets. This has resulted in two of the three Government targets being achieved for the financial year. The exception is major applications which, at 52.04% for the year is still the highest ever performance for Walsall. This was expected due to the poor start to the year following the change from the former District Committee system to the new development control governance arrangements in March 2004. During the first two quarters the level of performance was also influenced by the completion of a number of older applications that required S106 agreements before they could be issued.
- 12.2 Overall the outcomes are extremely encouraging and indicate that the new development control governance arrangements are delivering the planned performance levels. On this basis It is anticipated that all government targets will be achieved next year, which will exceed the enforced government targets placed on the Council (57% major and 63% minor) as part of the Best Value Performance Standards 2005-6.
- 12.3 The performance 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 1st January and 31st March 2005

12.5 The following decisions have been made by the Planning Inspectorate between 1st January and 31st March 2005. Previous appeal decisions 1 to 32 are set out in previous performance reports to this Committee.

App No.	Address	Proposal	Decision	Officer Rec	Comments
33) 04/0876/FL/E4	47 Portland Road Aldridge	22 apartments	Allowed	Grant	Would not give rise to parking problems or harm protected trees.
34) 02/1376/M1/M1	Aldridge Quarry, Birch Lane Stonnall	Non compliance with conditions (time limit, restoration of contours and non treatment of waste)	Part allowed and Part Dismissed	Refuse	Confirmed the importance of the non-processing of waste on the site but imposed two new conditions in varying the time scale to September 2010.
35) 04/2042/AD/W1	Bus shelter 184/185 Stafford Street.	Internally illuminated 6 sheet scrolling advertisement panel on new bus shelter.	Allowed	Refuse	Would not be detrimental to public safety.
36) 04/1925/AD/E5	Bus Shelter The Parade, Brownhills	Internally illuminated 6 sheet scrolling advertisement panel on new bus shelter.	Dismissed	Refuse	Detrimental to amenity but not public safety
37) 04/2038/AD/E5	Bus Shelter opposite 221 Sneyed Lane, Bloxwich.	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Dismissed	Refuse	Detrimental to amenity but not public safety
38) 04/1930/AD/E5	Bus Shelter at junction with Wolverhampt on Road and Clockmill Road.	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Dismissed	Refuse	Detrimental to amenity but not public safety
39) 04/2035/AD/E5	Bus Shelter fronting 174 High Street Bloxwich	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Allowed	Refuse	Not detrimental to amenity but not public safety 2 year time limit.

40) 04/2201/AD/W1	Bus Shelter fronting 15 Bradford Street	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Allowed	Refuse	Not detrimental to amenity but not public safety 2 year time limit..
41) 04/0794/FL/H1	4 Redbourne Road Bloxwich	Conservatory extension	Dismissed	Refuse	Loss of privacy to occupiers of 4 and 8 Redbourne Rd
42) 04/0600/FL/H4	132 Wimperis Way	Fist florr side bedroom extension	Allowed	Refuse	Not overbearing on neighbours to warrant refusal
43) 040634/PT/W4	South side of Walsall Canal, Cemetery Rd, Darlaston	Telecom apparatus – Prior approval	Allowed	Refuse	acceptable siting and appearance
44) 04/1918/AD/E5	Bus Shelter fronting 522-526 Sutton Road	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Dismissed	Refuse	Detrimental to amenity but not public safety
45) 03/2217/FL/W4	Bus Shelter adjacent to Sutton Road between Little Johnson's Lane and Beacon Road	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Dismissed	Refuse	Detrimental to amenity but not public safety
46) 04/0789/FL/H5	17 Egerton Road		Withdrawn by appellant		
47) 04/0578/FL/H4	102 Skip Lane	Two-storey side extension	Allowed	Refuse	Not detrimental to the character of area or amenity of neighbours
48) 04/1115/FL/W1	Land between Hospital Street and Northcote Street, Walsall	Residential Development	Withdrawn by appellant		
49) 04/0379/H4	11 Burnside Gardens	First floor extension	Dismissed	Refuse	detrimental to character of area and amenity of neighbours
50) 04/0844/FL/H4	48 Bluebell Road Walsall Wood	First floor bedroom extension	Dismissed	Refuse	detrimental to character of the existing house and area
51) 04/0026/FL/W3	James Bridge ATE, Joynson Street	Telecom – equipment on rooftop.	Dismissed	Grant	Detrimental to appearance of existing building and area

52) 04/2031/AD/W1	Bus shelter outside 107/109 Wolverhampt on Rd West	Internally illuminated 6 sheet scrolling advertisement panel on new bus shelter.	Allowed	Refuse	Not detrimental to amenity but not public safety
53) 04/2043/AD/W1	Bus shelter outside 76 Wolverhampt on Rd West	Internally illuminated 6 sheet scrolling advertisement panel on new bus shelter.	Dismissed	Refuse	detrimental to public safety
54) 04?1035/CP/H1	63 Buchanan Rd	Certificate of lawful development – loft conversion	Dismissed	Refuse	Would not constitute permitted development
55) 04/2194/AD/W2	Land south of Wolverhampt on Road	Pole sign	Dismissed	Refuse	Detrimental to amenity and public safety
56) 04/1054/FL/H2	4 Brookland Grove, Walsall Wood	Rear Conservatory	Dismissed	Refuse	Detrimental to amenity of neighbours
57) 04/2033/AD/E5	Bus shelter at 133 High Street, Bloxwich	Internally illuminated 6 sheet advertisement panel on new bus shelter.	Allowed	Refuse	Not detrimental to amenity but not public safety
58) 04/2125/AD/W3	Canal embankment Green Lane	Poster display	Dismissed	Refuse	Detrimental to amenity but not public safety
59) 04/0821/FL/H4	19 Tenbury Close	Front and two storey side extension	Dismissed	Refuse	Detrimental to on street parking and manoeuvring at head of cul-de-sac
60) 04/1025?H1	38 Thorpe Road, Caldmore	Single storey rear kitchen extension	Dismissed	Refuse	Detrimental to amenity of neighbours
61) 04/0727/Fl/W4	Shop3, The Woodlands Centre	Use as hot food take away	Allowed	Refuse	Complies with policies and not detrimental to amenity or parking
62) 04/0510/FL/E5	Land at 79 Simmonds Road	Two storey dwelling	Allowed	Refuse	
Performance to date from 1st April, 2004 to 31st March 2005 Target = 40%			26 appeals not decided in accordance with Councils decision = 46%	19 appeals not decided in accordance with officer recommendation = 33%	Total number of appeals =62. but only 57 are counted for BVPI 204 as it excludes non determination appeals and those withdrawn.

- 12.6 The above outcomes show that 46% of applications were not determined in accordance with the councils' decision between 1st April 2004 and 31st March 2005 (33% not determined in accordance with the officer's recommendation). This is a disappointing outcome which is largely due to the poor start that we got off to in the first quarter (77%). It also reflects a significant number of appeals against the refusal of illuminated advertisements on new bus shelters where highway and conservation area concerns have not been supported by the Inspectors. These are unusual and have obscured the outcome.
- 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 was introduced in April 2004. 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 £57,056 was deducted from the grant we received as the Government was critical of the councils appeal success rate last year. It is considered that a similar or higher deduction is likely to be incurred from next years award based on these latest results.

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.

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DEVELOPMENT CONTROL COMMITTEE

APPENDIX A

PROGRESS OF ENFORCEMENT ACTION – 1 APRIL 2004 – 31st March 2005

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 held in abeyance due to Appeal – to be dealt with by a Hearing on 8 th March 2005. Appeal dismissed 23 rd March .- Compliance due 23 rd June 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, but referred back to Legal when a vehicle returned. At present vehicles are not thought to be on site, and it is understood that a double garage with planning permission is to be built in their place.	Subject to monitoring.		

3 August 2004	Argyll Court 133 Essington Road, Willenhall	BCN Erection of fencing	Notice served Oct.2004	One Month compliance	Compliance Obtained.	
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 Conservation Area Consent Enforcement Notice for no 7 currently being pursued by Legal Services and Planning.	For no 9, Written Representations - joint appeals in respect of planning permission and Conservation Area Consent, and also Enf Notice are still awaiting decision, and compliance therefore remains in abeyance. For no. 7 Appeals in respect of planning permission and Conservation Area Consent have been unexpectedly detached from the above and decided. The appeals are dismissed. A Notice will therefore be served unless compliance obtained.		
24 August 2004	1 Weston Street & 144A West Bromwich Street	Enf. Sales and repair of	Notice is finalised but Legal problems with service were encountered.			

		vehicles	Meeting with Legal is taking place.			
14 Sept. 2004	47 Sites for which tidy up works are required for unsightly land and buildings	S215 Notices	As discussed in presentation to Committee, 31 of the sites were resolved informally. Work continuing on the remainder. Of these a batch of 8 were identified for notices, but compliance or demolition following property sales resolved 4 of them. The remaining 4 have notices with Legal Services for final checks and liaison with Planning.			
26 October 2004	17 Newport Street, Walsall	Listed Building- Installation of UPVC windows to first floor. Also prosecutions in respect of various alterations to Listed	With Legal Services- review with planning and regeneration officers took place and complex case histories assessed. Work on formal actions continuing.			

		Building Enf.				
26 October 2004	97 Skip Lane, Aldridge Installation of a veranda.	Enf. Notice	Appeal against refusal of planning permission. Allowed December 2004.		Compliance not possible as planning permission appeal successful.	
16 November 2004	275 Birmingham Road Boundary fence	Enf Notice	With Legal Services – Amended planning application refused. Compliance to be obtained or Notice served.	Fence reduced- compliance without formal action.	Yes	
7 December 2004	Rear 40 -54 Cartbridge Lane, Rushall -Erection of timber cabin with concrete base , on gypsy site temporarily allowed on appeal.	Enf Notice	With Legal Services - RFI not returned. Case being reviewed with Legal Services.			
7 December 2004	16 -19 Church Street, Darlaston -Use as a car wash.	Enf Notice	With Legal Services – awaiting service			
4 January 2005	Sleems, 8 West Bromwich Road,	Prosecution regarding	With Legal Services RFI response			

	Walsall -Illuminated advertisements	adverts	awaited.			
4 January 2005	74 and 75 Stafford Street, Willenhall - Unsightly neglected buildings.	Section 215 Notice	With Legal Services notice drafted –final checks and liaison with Planning			
25 January 2005	65 Stafford Road, Bloxwich - Unauthorised business advertisement	Prosecution	Sign removed after report placed on agenda.		Yes	
8 th March 2005	76 Buchanan Road, Walsall	Enf Notices- roof and raised patio -	Notice for roof not served, as roof altered –final inspection to take place. Notice on raised patio in abeyance as remedial proposals recently received in planning application.		Yes - pending confirmation	
30 th March 2005	Fastpack Solutions Ltd, Queen Street, Walsall.	Enf Notice – Installation of shipping container	Notice in abeyance pending result of current Appeal on planning permission.			

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 st 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	Some breaches were reported by residents- compliance improved following correspondence.	Evidence for prosecution is to be monitored.
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 - circumstances changed 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 – was with Legal Services, but late reply now being assessed by Planning.	