



Walsall Council

Planning Committee

13th February 2014

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 31st December 2013.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st October and 31st December 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

13th February 2014

Development Management Performance Update Report

i) **Speed of planning applications determined between 1st October and 31st December 2013.**

(2012/13 equivalent figures in brackets)

| Application type | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter | Out Turn for 2013- 14 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%) | 63.64% (60%) | (38.46%) | 64.15% (46%) |
| b) Minor applications Within 8 weeks (Gov't target = 65%) National Average (Jan- June 2013 = 68%) | 60% (81.13%) | 62.07% (60.29%) | 68.06% (60.34%) | (73.68%) | 62.74% (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%) | 72.57% (83.26%) | (84.58%) | 68.13% (83.37%) |

12.1 At 63.64% the number of major applications determined in 13 weeks in the third quarter exceeds both the government's national target and average performance for planning authorities (59% Jan – June 2013). It also provides for a consistently steady performance over the three quarters to date. This is therefore welcomed given the governments introduction of a league table to assess poorly performing authorities' relating to these application types.

12.2 At 68.06% of applications being determined in 8 weeks in the third quarter performance in the 'minor' category exceeds the government set target of 65% and

matches the national average of 68% (Jan – June 2013). It also represents an improvement on the first and second quarters. Performance for ‘others’ at 72.57% represents an improvement in performance on the second quarter but again has 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 performance in the three quarters represents an improving set of outcomes which I hope will continue as notably we are bedding in the two new Development Management teams, North and South with the North Team Leader post only recently being filled at the beginning of December.

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. 1235 planning applications were received in 2012/13 compared with 1143 applications in 2011/12 and 1136 in 2010/11. In the first three quarters 831 applications have been registered compared to 890 in the same period last financial year.

12.5 This represents a small drop in overall numbers of planning applications received in the three quarters compared to the same period last year. However this needs to be considered against the fact that 79 Prior Approval (permitted development) applications have been received in the three quarters (compared with 10 for the same period in 2012) which are not included in these figures. 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 initiative for new large rear extensions to houses. Members are reminded that no fee is required for this type of prior notification application 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 October and 31st December 2013.

12.6 The following decisions have been made by the Planning Inspectorate between 1st April and 30th September 2013. Details of appeals in previous quarters referenced 1 to 10 are set out in the Performance Report 1st August 2013 and 24th October 2013.

| App No. | Address | Proposal | Decision | Officer Rec | Comments |
|-------------------|----------------------------|---|-----------|-------------|--|
| 11. 0577/FL | 32 Pelsall Road | Two storey rear extension | Dismissed | Refuse | Would have an overbearing and dominant effect upon the character of the existing dwelling particularly when viewed from the side. It would therefore be unduly prominent when viewed from Pelsall Road |
| 12. 12/1335/FL | Inglewood Residential Home | Non compliance with planning condition restricting to no more than 20 residents | Allowed | Refuse | Condition varied substituting to no more than 23 residents. Won't have a significant impact on the demand for parking |

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| 13. 13/0633/FL | 1 The Glades, Aldridge | Living room and bedroom extension | Allowed | Refuse | Extension would not be unduly detrimental to the amenity of adjoining occupiers at 98 and 100 Walsall Wood Road as although closer it would be read in context of the background of the existing property and would not be overbearing due to the existing fencing, planting and positioning. |
| 14. 13/0547/FL | 14 Conway Crescent, Willenhall | Two storey side and single storey rear extensions | Dismissed | Refuse | Would be detrimental to character and appearance of the area by closing the gap between properties and a terracing effect |
| 15. 12/1668/FL | 11 Greenslade Road | Extension to Kitchen, bedroom and bay window | Dismissed | Refuse | Detrimental to the character and appearance of the area by virtue of the height, scale and depth of the rear extension and roof being incongruous in the street scene. |
| 16. 12/1036/FL | 10 Ravenscroft Road Willenhall | Erection of 4, three bedroom semi detached houses | Allowed | Approve | Proposed houses would not appear unduly prominent or out of character with the area. The parking and vehicle movements would not cause significant harm to the amenity of residents and two car parking spaces are provided for each house. |
| 17. 12/1562/FL | 20-22 Addenbrooke Street | Two apartments to rear of properties | Dismissed | Refuse | Detrimental to the amenity of occupiers of the proposed dwellings from noise and disturbance generated from adjacent businesses |
| 18. 13/0216/FL | 101-103 Leighswood Avenue | Erection of a pair of semi- detached dwellings | Dismissed | Refuse | Detrimental to the living conditions of 101 by virtue of its overbearing impact and loss of light and detrimental to the character and appearance of the area by infilling an important break in the street scene. |
| 19. 13/0199/FL | The Lunch Box unit 19 Brickyard Road | Single storey rear extension | Dismissed | Refuse | Extension would be detrimental to the amenity and loss of outlook to occupiers of the adjoining flat due to its size and proximity. |
| 20. | 107 Chapel Lane | Conversion and extension of an | Allowed | Refuse | The site is within a reasonable sustainable |

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| | | existing residential farm complex to provide 5 duplex dwellings and associated parking | | | location and distance to a bus service. The smaller units will meet a recognised need for such accommodation in the borough. The extension would be similar to previous approval and would not impact on the openness and character of the Green Belt or conservation area. Adequate parking of 1.5 spaces per dwelling exists and the existing access is acceptable. |
| 21. 13/0648/FL | 101 Skip Lane | Two Storey side extension, rear extension and loft conversion. | Dismissed | Refuse | Would be detrimental to the character and appearance of the area by creating a terracing effect |
| 22. 13/0901/FL | 36 Paul's Coppice, Brownhills | Single storey side and rear extension. | Dismissed | Refuse | The proposed extension would be detrimental to the amenity of neighbouring occupiers by virtue of the size and overbearing impact of the extensions. |
| Target = 30% | | | 7 appeals not decided in accordance with Councils decision = 32% | 7 appeal not decided with officer recommendation = 32% | Total number of qualifying appeals = 22 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included). |

12.6 The above outcomes show that 32% (7 out of 22) of the appeals were determined differently to the councils' decisions between 1st April 2013 and 31st December 2013. This represents a good performance which is only slightly above our challenging locally set target of 30% and out performs 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 included this performance measure for major applications 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 9 applications have been called in between 1st October and 31st December 2013. A total of 21 have been called in so far this year.

| <i>Date of Planning Committee</i> | <i>Called in by Councillor</i> | <i>Application within Ward</i> | <i>Application number</i> | <i>Called in using</i> |
|-----------------------------------|--------------------------------|--------------------------------|---------------------------|------------------------|
| 24/10/13 | Cllr A Andrews | Pheasey Park Farm | 12/1325/FL | Email |
| 21/11/13 | Councillor Whyte | Palfrey | 13/1314/FL | Pro-forma |
| 21/11/13 | Councillor Hughes | Streetly | 12/1429/FL | Pro-forma |
| 21/11/13 | Councillor J Murray | Aldridge Central & South | 13/1207/FL | Pro-forma |
| 21/11/13 | Councillor Sears | Aldridge North & Walsall Wood | 13/1367/FL | Pro-forma |
| 19/12/13 | Councillor I Shires | Short Heath | 13/1383/FL | Pro-forma |
| 19/12/13 | Councillor K. Sears | Aldridge North & Walsall Wood | 13/1367/FL | Pro-forma |
| 19/12/13 | Councillor J Fitzpatrick | Bloxwich | 13/1319/FL | Pro-forma |
| 13/2/14 | Councillor John Murray | Aldridge Central and South | 13/0482/FL | Pro-forma |

PLANNING COMMITTEE - 13th February 2014 : 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 has recently been approved . |

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| 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. Property services confirm the adverts now removed. RESOLVED |
| 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 approved in April 2013, for external refurbishment works, (including shop-front, gates and staircase); and residential use of first floor. Works underway liaising with Conservation Officers |
| 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. Owner was to meet officers to progress resolution, but no further contact. 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. 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 have reviewed the case and its history and consider the case as resolved via passage of time. RESOLVED |
| 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 |

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| | | | | 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 submitted an amended method statement for reconstruction which is being considered. |
| 12 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 |
| 13 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 | 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 |

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| | | | <p>of Junction Works 21/9/2012</p> <p>-in respect of former Railway Tavern 23/10/2012</p> | <p>actively monitoring the breaches to gather evidence for prosecution. Prosecution file being readied for legal officers to pursue enforcement action.</p> <p>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 5th August and notice was upheld. Prosecution file with legal services to pursue prosecution of the owners for non-compliance of the enforcement notice.</p> |
| 14 PW | 65 Bloxwich Road South, Willenhall | 20/9/12 | Re –issue separate s.215 notice to changed owner. | <p>Unsuitably void property. Legal services were instructed to commence prosecution in regard to non-compliance with S215 Notice, subject to viability.</p> <p>The amenity issues at no 65 were included in the original s215 notice. Amenity issues to be pursued.</p> |
| 15 PW | Car wash on land adjacent Talbot Truck, Bilston Lane, Willenhall | 20/9/2012 | Prosecution in respect of Breach of Condition Notice | <p>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.</p> <p>The car wash has not operated for last 4 months - according to neighbours. Temporary permission expires on 18th March 2014.</p> |
| 16 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. Appeal lost and notice upheld however a note by the inspector stated that the stationing of one commercial van on a residential property would be acceptable. Compliance with notice has so far occurred. Officers monitoring the site |
| 17 HS | 2 Bradgate Close, Willenhall | 7/03/2013 | Enforcement Notice – 23/04/2013 | Timber building in garden. The appeal was dismissed on 9/1/14 and the Enforcement Notice came into effect on this date. |

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| | | | | Compliance within one month is required or a prosecution will be prepared. Officers to visit the site 10/2/14 |
| 18 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. 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. |
| 19 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. No works so far carried out. |
| 20 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. 21/01/14 Appeal dismissed in relation to the amended flue height and part allowed in relation to extending the opening hours – The Planning Inspectorate has limited late opening to 10pm. Prosecution proceedings will now begin in relation to the flue height. |
| 21 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 and an Enforcement Notice to be issued. |
| 22 JT | 222 High Street, Bloxwich | 26/09/13 | Enforcement Notice | Removal of unauthorised roller shutter and box and frontage to be re-instated to match original. Planning Inspector dismissed the appeal against the refusal. Enforcement notice issued 3/1/14 which takes effect on 7/2/14, with compliance 7/4/14.. |
| 23 | 11 Greenslade Road | 30/08/13 | Enforcement Notice | The Enforcement Notice requires a reduction in the overall height |

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| SC | | | | and appearance of the roof to match that approved under planning application number 12/1116/FL. The appeal against the enforcement notice was quashed on the 23/01/14 and there is a new enforcement report on this agenda. |
| 24 PH | 97 Lydford Road, Bloxwich | 19/12/13 | Enforcement Notice | Erection of brick pillars and wooden boundary fence on top of an existing boundary wall. Enforcement Notice being drafted. |