



Walsall Council

*Development Control
Committee*

20th February 2007

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

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 3rd quarters performance figures for applications determined between 1st October and 31st December 2006.
- ii) The decisions made by the Planning Inspectorate on appeals lodged with the Secretary of State between 1st October and 31st December 2006.
- iii) A quarterly progress report of enforcement proceedings.

2. RECOMMENDATIONS

That the Committee notes the report.

3. FINANCIAL IMPLICATIONS

None directly 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 can be material considerations in the determination of subsequent applications where relevant.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report.

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**

David Elsworthy - Extension: 2409

11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

DEVELOPMENT CONTROL COMMITTEE –

21st November 2006

Development Control Performance Update Report

i) BVPI 109 a), b), and c): Speed of planning applications determined between 1st July 2006 and 30th September 2006 (2005/6 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2006-7
a) Major applications Within 13 weeks (target = 60%)	68.75% (71.43%)	84% (68.52%)	52% (66.66%)	(62.5%)	(66.67% in 2005/6)
b) Minor applications Within 8 weeks (target = 65%)	67.86% (82.30%)	76.81% (81.09%)	88.33% (84%)	(81.82%)	(81.92% in 2005/6)
c) Other applications Within 8 weeks (target = 80%)	88.37% (91.23%)	91.74% (90.95%)	93.06% (92.51%)	(89.35%)	(90.94% in 2005/6)

- 12.1 I am disappointed to report that performance in the third quarter for ‘major’ applications represents the lowest quarterly performance in the last two years. However, this is a sensitive indicator due to the relatively small number of applications (25) determined which can show fluctuations between quarters due to the types of applications and whether or not section 106 agreements are required etc. In this instance it should be recognised that the third quarters performance follows the best ever performance for ‘major’ applications in the second quarter. If added together they represent a performance average of 68% for the six month period which significantly exceeds the required government target.
- 12.2 I am pleased to advise Members that performance in the ‘minor’ and ‘other’ application categories represent the best achieved this year which has helped to correct the overall yearly performance which should enable the service to exceed targets despite a relatively poor performance particularly for ‘minor’ applications in the first quarter.
- 12.3 Members should also note that the number of applications received in 2006 (1882) is approximately 11% below the number received in 2005 (2134).
- 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 new development control governance arrangements. To this end I am pleased to advise members that we are no longer carrying vacant posts in the service and therefore I hope that performance and customer service levels can be maintained or improved still further.

ii) Decisions made by the planning Inspectorate between 1st October and 31st December 2006

12.5 The following decisions have been made by the Planning Inspectorate between 1st October and 31st December 2006. For details of decisions referenced 1 to 24 please refer to my performance reports for the first and second quarters dated 30th August 2006 and 21st November 2006.

App No.	Address	Proposal	Decision	Officer Rec	Comments
25. 06/0445/AD/W5	Land at James Bridge Gas Holder adj M6	Two internally illuminated advertisements	Dismissed	Refuse	Increase risk of accidents and would be unduly imposing
26. 05/2119/FL/W1	09a Strangers Lane Short Heath	New dwelling	Dismissed	Refuse	Inadequate access contrary to UDP and PPG13 requirements
27. 05/2415/FL/H1	34 Station Road Rushall	Boundary Fence	Allowed	Refuse	On land well related to the house and complying with UDP policies in terms of its design and appearance
28. 05/2270/FL/H4	20 Springvale Avenue	Two-storey extension	Allowed	Refuse	Design in keeping with staggered layout and design of house and gap at first floor overcoming terracing effect
29. 05/1927/FL/W5	County Bridge Service Station, Willenhall	Redevelopment of service station including retail building	Dismissed	Refuse	Fails sequential retail approach and UDP policies.
30. 06/0215/FL/H4	217 Broadway North	Two storey extension	Dismissed	Refuse	Detrimental to character and appearance of the area
31. 06/0022/FL/E7	140 Beacon Road	Rear extension and external works to restaurant	Allowed	Refuse	Not harmful to adjacent occupiers and would improve the site.
32. 06/0019/FL/H4	72 Shire Ridge, Walsall Wood	Dwarf wall and conservatory	Allowed	Refuse	Not detrimental to privacy and amenity of neighbours due to existing screening from fence and conifers
33. 05/2360/FL/H1	8 Troon Close Bloxwich		Withdrawn		
34. 05/2001/FL/E4	15 Daisy Bank Crescent	Change of use of house to two flats	Dismissed	Refuse	Detrimental to character of area and living conditions of neighbours
35.	154 Broadway	Single storey	Dismissed	Refuse	Detrimental to

05/2183/FL/H4	North	side extension and conservatory			character of the house and area by closing gap to adjacent property
36. 05/1852/FL/E5	158 Lichfield Road	Detached dwelling	Allowed	Refuse	Insufficient impact on loss of light to neighbour to warrant refusal and would provide windfall site
37. 06/0629/FL/W3	Redhouse Nursing Home, 55 Redhouse Street	Demolition of No.53 and extension to provide additional bedrooms	Dismissed	Refuse	Unsatisfactory relationship with external amenity space provision
38. 05/2429/FL/E7	23 Green Lane, Walsall Wood	3-bedroom house	Dismissed	Refuse	Detrimental to openness and character of Green Belt due to prominence
39. 06/0115/FL/H4	30 Longmeadow Road	Ground floor extensions	Dismissed	Refuse	Detrimental to neighbours by overlooking from balcony
40. 05/2424/FL/E7	466 Bloxwich Road, Leamore	Change of use to hot food take away, flue and shop	Dismissed	Refuse	Detrimental to living conditions of neighbours
41. 05/1466/FL/E3	36 New Road, Brownhills	Two houses	Allowed	Refuse	Would not cause unacceptable harm to trees and amenity of occupiers or character of area
42. 05/2387FL/E3	36 New Road, Brownhills	Three houses	Allowed	Refuse	Would not cause unacceptable harm to trees and amenity of occupiers or character of area
43. 06/0103/FL/E9	87 Skip Lane	Replacement dwelling	Dismissed	Refuse	Detrimental to character of area by large incongruous roof
44. 06/0186/FL/W3	Land off Horton Place, Darlaston	Pair of semi-detached dwellings	Dismissed	Refuse	Loss of privacy to occupiers
Performance to date from 1 st April, 2005 to 30 th September 2006 Target = 30% National Average (2004/5) = 34%			11 appeals not decided in accordance with Councils decision = 28.21%	8 appeals not decided in accordance with officer recommendation = 20.51%	Total number of appeals = 39 that relate to BVPI 204. Appeals against non determination, conservation / listed building consent and those withdrawn are not included.

- 12.6 The above outcomes show that 28.21% of appeals were not determined in accordance with the councils' decisions between 1st April 2006 and 31st December 2006 (20.51% not determined in accordance with the officer's recommendation). Although the third quarter performance of 36.84% was by far the worst quarter outcome this year, overall this represents a good performance for the year so far and we remain on course to meet the target of 30% with one quarter remaining.
- 12.7 The ability of the council to defend a high percentage of its decisions is particularly important as all local planning authorities are assessed on this basis as part of an annual statutory performance indicator (BVPI 204 the percentage of appeals allowed against the authority's decision to refuse planning applications). The government uses this performance indicator in its assessment of the performance of the council and also in allocation of Planning Delivery Grant.

iv) Progress on Enforcement Proceedings

- 12.9 A table to show progress made on enforcement matters authorised by the Committee is attached at appendix A. Members will see that steady progress is being made on many cases although some delay is being experienced on several matters due to legal and other complexities. Members will also note that the number of cases on hand is increasing which is causing difficulties in the legal and enforcement teams capacity to deal with all matters as effectively as one would wish. 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.

DEVELOPMENT CONTROL COMMITTEE

APPENDIX A

PROGRESS OF CURRENT ENFORCEMENT ACTION – (FROM 1 APRIL 2004)

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						
3 August 2004	36 Old Lane, Bloxwich	Enf. Storage of Commercial vehicles	Action held in abeyance as the vehicles were moved onto the highway. RFI not returned. Previously reported that no vehicles thought to be on site.	Will continue to monitor.		
24 August 2004	7 Broadway North, Walsall	Enf Notices Excavations and removal of front boundary walls to form new access and parking space.	Following dismissing of planning and Conservation Area Consent Appeals, a replacement wall was erected which not ideal in design. Legal Services have advised regarding whether permitted			

			development, and now advising on scope to serve unusual Conservation Area Consent Enf Notice.			
24 th August 2004	9 Broadway North, Walsall :	Enf Notices Excavations and removal of front boundary walls to form new access and parking space.	Notice served 3/11/04.	Joint Appeals in respect of planning permission, Conservation Area Consent, and Enf Notice have all been Dismissed, and Enf Notice requiring reinstatement upheld. Owner has sought limited deviation from 'like for like' reinstatement, and with Conservation Officer support. Owner has been advised in detail and a final date is being sought. .	Pending	
14 Sept. 2004	47 Sites for which remedial works are required for unsightly land and buildings	S215 Notices	At time of presentation to Committee, 31 sites had been resolved informally. Monitoring and negotiation continues on remainder with intention to bring forward for action if appropriate. 8 were identified for formal	Compliance due as follows; 182 Wolverhampton Road - 2/8/05,	No	Report to Committee on 27/6/06 approved Direct Action. Costings being

			<p>action. Some of these resolved by demolitions or compliance, and 4 Notices served on the most difficult cases, June to September 05.</p>	<p>49 Wednesfield Road - 24/8/05,</p>	<p>Yes</p>	<p>obtained and Legal Services considering re-charge procedure.</p>
				<p>69/72 Wednesfield Road - 3/11/05</p>	<p>Yes – overall -impact on street scene greatly improved, but compliance in preparing for painting is doubtful in places .</p>	<p>Weathering, appearance, and possible re-development to be monitored</p>
				<p>Mellish Road Church -13/12/05 Previously reported that Appeal made to Magistrates. After some procedural problems at the Court this was dismissed on 1st March 2006. Compliance then required by 1st May 06.</p>	<p>No – work resumed after a halt and continued beyond compliance date but then ceased and remains incomplete.</p>	<p>Prosecution remains a possibility. Also Direct Action was authorised by Committee resolution 25/4/06. The owners</p>

						resumed work but it remains incomplete. The 215 notice and also actions under Listed Building legislation are now the subject of letters and a series of meetings with the owners.
26 October 2004	17 Newport Street, Walsall	Listed Building Enf Notice - Installation of UPVC windows to first floor. Listed Building and Advert Regs Prosecutions in respect of exterior painting display of adverts.	Witness statements currently being updated as case being reviewed to gather further evidence before legal action can proceed. Discussions with legal Services on ways to proceed.			

7 December 2004	Rear 40 -54 Cartbridge Lane, Rushall	Enf Notice -Erection of timber cabin with concrete base , on gypsy site (with temporary permission following Appeal)	Planning application (incomplete) received 8/8/06 for permanent retention of gypsy caravan site. Action on notice in abeyance pending decision.			
7 December 2004	16 -19 Church Street, Darlaston	Enf Notice -Use as a car wash.	Notice served 1/6/06, and re-served (18/10/06) when new ownership information obtained..	Compliance was due end January 2007, but an Appeal has recently been received.		
4 January 2005	Sleems, 8 West Bromwich Road, Walsall	Prosecution regarding -Illuminated adverts	RFI regarding ownership/occupier not returned. New proprietor for business.- has been contacted and problem fully discussed with the new proprietor as part of a renewed attempt to negotiate a solution.			
4 January 2005	74 and 75 Stafford	Section 215 Notice	Served 7/9/05	Compliance due in stages;	No (Minimal	Not confirmed for first 215

Further resolution 10/10/06	Street, Willenhall	New section 215 notice – to require demolition (including 76 if appropriate)	Costings are being compared with those for renovation and compliance with first 215 notice.	7/11/05 and 7/12/05	works carried out)	notice
8 th March 2005	43 Wenlock Gardens	Section 215 Notice House and garden, badly boarded-up and maintained	Notice served 1 st March 2006.	Compliance due 13 th May 2006	No	Direct Action authorised at Committee 18/7/06. Costings being obtained and re-charge procedure being considered by Legal Services
19 th April 2005	Green Lane, Walsall, at Rayboulds Bridge	Prosecutions - Poster hoarding at junction	Discussions between Planning and Estates Depts on alternative sites, and negotiations with poster company in hand.		Pending	
10 th May 2005	37 – 38 Bradford Street	Section 215 notice	Notices served 6/6/06 to take effect from 7/7/06.	Compliance period – 6 weeks However the owners	No – the alternative of demolition	Not confirmed - a possible change in

				have opted to completely demolish the building rather than improve it to comply with the Notice. This is acceptable but has required an application for Conservation Area Consent and also application of Building Act provisions.	(see left) created temporary uncertainty, although the authorisations for this are now in place (subject to conditions).	ownership is being investigated..
19 th July 2005	454 Sutton Road Walsall	Enf Notice Erection of boundary wall and gates	Served October 05.	Appeal dismissed and enforcement notice upheld on 27/7/06. Full costs application allowed. Compliance period of 2 months.	No However a new and 'final' planning application proposing further amendments may be received.	Prosecution process has been commenced
19 th July 2005	35 Flaxall Street, Walsall	Section 215 Notice	Following multi-disciplinary meetings convened by Legal Services, the dereliction and damage is being tackled under Housing legislation .			
20 th September 2005	The Former Hatherton Liberal Club,	Section 215 Notice -advanced	Served 19 th May 2006.	Staged compliance periods:- clearance of grounds-	Partial compliance - owners opted	Not confirmed - vandalism and damage

	and House	dereliction and fire damage		19 th June improvement of buildings - 19 th July demolition of 2-storey building - 19 th August	to carry out more demolition than required in the Notice.- all buildings except the house now demolished. Boarding of windows etc does not conform to notice.	sustained, and a solution to be identified together with Public Protection officers
13 th December 2005	The former Manor House Public House, Mill Street, Walsall	Section 215 notice. -advanced dereliction	Draft Notices finalised but divided land ownership needed review for possible changes and clarification. Required ownership recently confirmed and to proceed with issue in form of 2 Notices.			
13 th December 2005	228 Tyndale Crescent, Pheasey	Enf notice - Dormer roof extension	Enf notice served 28 th April .	Appeal received and Hearing took place on 9/1/07. Appeal dismissed 5/2/07, with Compliance period extended to 12 months	Due 5/2/2008	
25th April 2006	East side of Green Lane,	Prosecution in respect of	With Legal Services. (A planning appeal			Pending

	north embankment of canal , Walsall	displaying a double-sided poster hoarding	already dismissed.) However now evidence of recent change of ownership which is to be checked.			
25 th April 2006	51 Allerdale Road, Clayhanger	Enf notice - rear conservatory at a house	Amended scheme discussed. New amended application granted permission	Monitoring compliance with amended conditional permission.		
25 th April 2006	15 Cricket Close, Walsall	Enf notice partially built front extension to house.	Notice served 17/11/06	Compliance due 1/3/07.		
25 th April 2006	Boundary Court, 35 -49 Boundary Road, Streetly.	Section 215 Notice – building and lock-up garages in disrepair	The Notice is drafted and final details of who to serve upon are being clarified as RFI's not returned. Legal Services also examining other possible solutions.			
25 th April 2006	81 Forrester Street, Walsall	Enf notices Installation of fume extraction flue Erection of first floor extension providing day	Formal action was deferred for 2 months and planning applications were submitted for both issues. These applications refused and the notices now to be drafted.			

		room and storage area.				
25 th April 2006	48 Lichfield Road , Walsall (resolution taken in conjunction with Committee refusal of planning permission)	Enf Notice Conversion of house to 4 flats	First draft of notice prepared. However an appeal against refusal of Planning Permission has been received.			
25th April 2006	KFC Drive Thru, 10 Wolverhampton Road, and adjacent Wolverhampton Road frontage, Walsall.	Prosecutions in respect of :- -displaying an illuminated pole-sign - displaying signboards on longer frontage.	The advertisement head of the pole-sign was removed, and subsequently the head replaced and a new application granted consent. Legal Services being instructed in respect of various signboards of KFC and others			Pending
18 th July 2006	15 Emery Street	Enf Notice -erection of block-work to block side-facing window of adjacent	Notice issued 18/10/06 -	Almost immediate compliance took place but replaced with a more temporary structure. To be re-assessed.		

Further resolution 12th December 2006		property Enf Notice - erection of structure comprising fence panel on block-work				
18 th July 2006	Land rear of Fordbrook Lane, Pelsall, Walsall	Enf Notice - use of land for storing building materials and equipment	Land ownership enquires ongoing. PCN served 6/10/06 and reply received. Removal has been taking place prior to service of Notice and this being reviewed before further action.			
8 th August 2006	115 Sutton Road, Walsall	Enf Notice -erection of detached garden building	Notice issued 18/10/06 with 2 month compliance period .	Compliance due 30/1/07.	At time of writing mainly achieved and being monitored	
8 th August 2006	1a Weston Street, Walsall	Enforcement and Stop Notices -use for vehicle washing and vehicle sales	Uses ceased prior to issue of Notices – to be monitored			
8 th August	50 Cemetery	S 215	Undertakings given by	Compliance due 8/2/07 –		

2006	Road, Willenhall	'amenity' Notice	owner that will be remedied by end November 2006, but was necessary to issue Notice 30/11/06	to be monitored		
8 th August 2006	177 Weston Street, Walsall.	S 215 Notice 'amenity' Notice .	Notice being checked. Continuing efforts to trace owner. May eventually require direct action and charge to property.			
30 th August 2006	Barr Beacon Service Station, Beacon Road, Pheasey	Enf Notice - use for vehicle washing and valetting	Notice is at checking stage.			
10 th October 2006	Abu Bakr Mosque, 154-160 Wednesbury Road, Walsall	Enforcement notice - erection of canvas modular building	Notices served October 2006, but some reserved Nov 2006.	Compliance due June 2007		
10 th October 2006	23 Rosemary Close, Clayhanger	Prosecution in respect of failure to (i) comply with BCN requiring removal of fence and gates, and (ii) also reply to	Previously reported in Part B of table, service of Breach of Condition Notice 22/6/06. No compliance obtained. Preceding Planning Contravention Notices not replied to. Further resolution			Prosecution proceeding. First hearing 6/2/07

		preceding PCN's.	10/10/06 (as left) Legal Services (Litigation) are pursuing			
10 th October 2006	Bell Inn , Market Place Willenhall	Urgent Works Notice requiring works to a Listed Building	Owner has been advised before serving formal notice – response to be monitored before further action.			
10 th October 2006	Pallet Racking Systems Ltd, Ashmore Lake Way, Willenhall	Enforcement Notice -use for storage, distribution and assembly of racking systems.	Preliminary RFI issued The company recently indicated that a planning application, to continue the use whilst including measures to remedy harmful impacts, was being formulated. At time of writing this has not been received.			
10 th October 2006	Pallet Racking Systems Ltd, Spring Lane, Willenhall	Enforcement Notice -use for storage, distribution and assembly of racking systems	Preliminary RFI issued The company recently indicated that they are ceasing to occupy the site. This is being monitored. Enforcement Notice -use for storage, distribution and assembly of racking systems			
10 th October 2006	Willenhall Commercials, land btwn.	Enforcement Notice - use for	Preliminary RFI issued			

	Ashmore Lake Way and Spring Lane, Willenhall	storage , distribution and repair of HGV's				
12 th December 2006	27 Daffodil Place, Walsall	Enforcement Notice – erection of fence	Amended scheme being negotiated. Notice being drafted.			
12 th December 2006	88 Howdles Lane, Brownhills	Enforcement Notice – erection of timber hoist structure				
9 th January 2007	The Former Mellish Road Church, Lichfield Road Walsall	Urgent Works Notice - under Listed Conservation Areas Act	Currently subject of letters and a series of meetings with the owners.			
9 th January 2007	Land at Canalside Close, Walsall	Enforcement Notice – Erection of boundary wall, building and gates (for coach storage)				
9 th January 2007	60 Norton Road, Pelsall	Prosecution – failure to reply to Planning Contravention Notice	Prosecution process commenced			

		Enforcement Notices – Erection of timber buildings in rear garden.	Owner has been given a deadline of 13 th February prior to issuing notice – one building removed so far.			
9th January 2007	19 Laurel Drive, Streetly (Resolution considered as part of planning application report on an extension)	Enforcement Notice - erection of fence adjacent to highway				
30 th January 2007	Woodland Spinney adjacent 2 Bella Pais Close, Aldridge	Enforcement Notice - erection of palisade fencing adjacent to highway				
Part B – Enforcement Action taken under delegation						
Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No	Prosecution?
Unique Roofing Ltd	Breach of Condition –	BCN	Notice served 28/6/05	Compliance 30 days	No A planning	Report for Committee

Balls Street, Walsall	storage on parking area				application for alternative parking and storage arrangements was received but subsequently has been refused.	authority to prosecute is intended, if company do not relocate. .
11 Aldridge Road, Walsall	Breach of Condition - Formation of opening for side-facing window.	BCN	Notice served 22/9/05	Compliance 30 days	No	Report for Committee authority may be made, regarding changed circumstances.
14 Walsall Road, Darlaston – J9	Building to rear and use for commercial storage	PCN	Served 26/7/06	21 days	No Some information obtained at a subsequent meeting.	
96 Valley Road Blakenall	Storage, repair, dismantling of vehicles and materials	PCN	Served 24/5/06 .		Compliance continuing under review with Legal Services following further reply	
19 High Street, Walsall Wood – G D Memorials	-Use for cutting and working of stone. -Erection of building without compliance with planning permission	PCN Enf	Served 27/7/06 Served 31/1/07		Complied (Company later relocated – to inspect for removal of building.)	

	02/1855	Notice in respect of the building delegate d urgent action				
Land between 126 and 140 Walsall Road, Darlaston	Breach of condition 4 – BC56322P. No details of retaining walls to ensure ground stability.	PCN	Served 23/8/06 – 21 day compliance. PCN re-served by hand 6/10/06 as not received through post	21 days	No Plans have been received to remedy the breach of condition.	