



Walsall Council

Planning Committee

15th May 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 January and 31st March 2014.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st January and 31st March 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.

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

15th May 2014

Development Management Performance Update Report

- i) **Speed of planning applications determined between 1st April 2013 and 31st March 2014.**

(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 (2013 = 67%)	46.67% (42.86%)	81.25% (43.75%)	63.64% (60%)	80% (38.46%)	67.65% (46%)
b) Minor applications Within 8 weeks (Gov't target = 65%) National Average (2013 = 70%)	60% (81.13%)	62.07% (60.29%)	68.06% (60.34%)	75% (73.68%)	65.56% (67.93%)
c) Other applications Within 8 weeks (Gov't target = 80%) National Average (2013 = 83%)	75.58% (85.78%)	58.33% (78.6%)	72.57% (83.26%)	86.71% (84.58%)	72.68% (83.37%)

12.1 At 80% the number of major applications determined in 13 weeks for the final quarter significantly exceeds both the government's national target (60%) and average performance for planning authorities (67% in 2013). It also provides for a consistently steady performance over the financial year (67.65%). This performance is therefore welcomed particularly given the governments introduction of a league table to assess poorly performing authorities' relating to these application types.

- 12.2 At 75% of applications being determined in 8 weeks in the fourth quarter performance in the 'minor' category exceeds the government set target of 65% and the national average of 70% in 2013. It also represents an improvement on the first three quarters taking the overall performance for the year to 65.56%. At 86.71% performance for the 'others' category represents a significant improvement in performance compared with the previous three quarters and has exceeded the government set target of 80% and the national average of 83% in 2013 which is welcomed. However, at 72.68% for the financial year this is below all set targets and is therefore very disappointing.
- 12.3 Overall the performance for the financial year 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 only being in post since the beginning of December.
- 12.4 The continued high level of performance and further customer service development will rely heavily on the retention in the number 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.
- 12.5 This represents a small drop in overall number of planning applications received last year compared to 2012/13. However this needs to be considered against the fact that 133 Prior Approval (permitted development) applications have been received in 2013/14 (compared with 23 in 2012/13) which are not included in the planning application figures. This reflects the government's changes in legislation by the introduction of more permitted development and removing the need to submit a planning application. This is particularly so as the majority of prior notifications are for 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 January and 31st March 2014.***

12.6 *The following decisions have been made by the Planning Inspectorate between 1st January and 31st March 2014. Details of appeals in previous quarters referenced 1 to 10 are set out in the Performance Report 1st August 2013, 24th October 2013 and 13th February.*

App No.	Address	Proposal	Decision	Officer Rec	Comments
23. 13/0192/FL	87 Whetstone Lane	5 detached dwellings	Dismissed	Approve	Detrimental to the character and appearance of the area particularly when viewed from Severn Acres and is not therefore sustainable development

24. 13/0677/FL	11 Bentley Lane Willenhall	2 semi detached houses	Allowed	Refuse	Would not be harmful to the character of the area or the local highway network
25. 13/1028/FL	62 Camden Street	Two storey rear extension	Dismissed	Refuse	Would be detrimental to the amenity of no 64 causing a claustrophobic environment and an overbearing impact.
26. 13/0080/FL	10 Highgate Avenue	Two storey side extension, conservatory, porch and basement.	Dismissed	Refuse	Design is incongruous and squeezed in appearance leading to the appearance to look miss-matched and would close the gap between the neighbouring property to the detriment of the character and appearance of the area. It would also be detrimental to the amenity of neighbours due to it being overbearing and resulting in the loss of light.
27. 13/1040/FL	18 Woodend Way, Aldridge	Single storey front extension	Dismissed	Refuse	Would result in an intrusive form of development interrupting the rhythm of the row of bungalows to the detriment of the street scene
28. 13/0640/FL	176 Bloxwich Road	Continued use of hot food take- away without complying with a condition 2b regarding the termination of a flue 1m above the height of the ridge.	Dismissed	Refuse	Chimney would not obtrusive in the street scene and is required to safeguard the amenity of local residents from odour.
29. 13/0640/FL	176 Bloxwich Road	Continued use of hot food take- away without complying with a condition 7 regarding hours of operation	Allowed	Refuse	Dismissed in part to prevent opening beyond 22:00 hours but allowed to open between 14:00 and 16:30 as this would not impact unduly on the parking and free flow of traffic in the area.
30. 12/1316/FL	2 Westbourne Street	Non compliance with conditions 4a and 13 relating to the design and incorporation of a roller shutter and to extend the opening hours	Dismissed	Refuse	The requirement of 60% transparency in design of the roller shutter was upheld as being reasonable in this prominent location as required by local and national planning policy. Condition 13 is also deemed to be reasonable and required to protect the amenity of local residents

					in ensuring that the hot food take away is closed at 9 pm.
31. 13/0571/FUL	112 Leighswood Avenue	Bungalow in rear garden for elderly father	Dismissed	Refuse	The bungalow would appear unduly prominent and detrimental in the area by virtue of its size, location and roof height but would not be unduly detrimental to neighbours at 110 and 114 due to the distance separation.
32. 13/ 1021/FL	Land at 39 Western Avenue, Bentley	Erection of 3 bed dwelling	Dismissed	Refuse	Would not be unduly detrimental to the character of the area. Insufficient evidence has been provided to show that the site is safe and stable to overcome the coal authority objection.
33. 13/1429/FL	4 Bella Pais Close	Garage conversion and single storey rear extension	Allowed	Refuse	Would not involve disproportionate development in the Green Belt and would not materially harm the character and appearance of the area
34. 13/1367/FL	99 Walsall Wood Road	Proposed demolition of garage, carport, lounge and construction of lounge, kitchen, dining room, study and conservatory.	Allowed	Approve	Would not cause unacceptable harm to living conditions of neighbours due to design, existing boundary (hedge), fall back situation of extant scheme, and would be sited to the north of neighbours. Would not cause unacceptable harm to character of street scene as would remove utilitarian garage and car port structures and the proposed design would improve the appearance. It would also appear subservient to the main part of the property when viewed from neighbouring properties.
35. 13/1271/FL	2 Ingestre Close	First floor extension above study	Dismissed	Refuse	Would cause unacceptable harm to amenity of neighbouring house due to loss of light to side window

36. 13/1592/FL	51 Berryfields, Aldridge	Double and single storey side extension	Dismissed	Refuse	Would be detrimental to the character and appearance of the area due to the size of the extension which would unbalance the pair of semi's and appear disproportionate.
37. 13/1588/FL	303 Birmingham Road	Replacement boundary wall	Dismissed	Refuse	Detrimental to highway safety due to inadequate visibility splay
38. 13/1456/FL	185 Walsall Road, Aldridge	Loft Conversion	Allowed	Refuse	The side dormer would appear harmful to the character of the area but could be built under permitted development and is therefore allowed given this fall back issue.
39. 13/1509/FL	14 Manor Road Streetly	2 storey side and partial front extension	Dismissed	Refuse	Scale and design would totally overwhelm the character of the existing property to the detriment of the character of the area and the amenity of the neighbouring property (12).
40. 13/1589/FL	27 Redmires Close, Rushall	Conversion of underpass to single garage	Dismissed	Refuse	Would reduce the available parking by preventing the use of parking space at the rear which would be exacerbated in the area if other similar designed properties close by did similar.
41. 13/1079/FL	7 Stonehurst Road, Great Barr	Conversion of a single dwelling to two separate dwellings	Dismissed	Refuse	Harmful to the amenity occupiers of the future dwellings due to overlooking of inadequate garden area and into the proposed flat
Target = 30%			12 appeals not decided in accordanc e with Councils decision = 29%	12 appeal not decided with officer recomm endation = 29%	Total number of qualifying appeals = 41 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 The above outcomes show that only 29% (12 out of 41) of all the appeal decisions were determined differently to the councils' decisions between 1st April 2013 and 31st March 2014. This represents a very good performance outcome for the year which meets our challenging locally set target of 30% and out performs 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 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 6 applications have been called in between 1st January and 31st March 2014. A total of 27 have been called in during 2013/14.

Date of Planning Committee	Called in by Councillor	Application within Ward	Application number	Called in by using
13/3/14	Councillor Nazir	Palfrey	13/1650/FL	Pro-forma
13/3/14	Councillor Sears	Aldridge North and Walsall Wood	13/1563/FL	Pro-forma
24/10/13	Councillor John Murray	Aldridge Central and South	13/0482/FL	Pro-forma
15/5/14	Councillor Lane	Bloxwich West	14/0418/FL	Pro-forma
15/5/14	Councillor Lane	Bloxwich West	14/0419/FL	Pro-forma
15/5/14	Councillor S Coughlan	Willenhall South	13/1438/FL	Pro-forma

PLANNING COMMITTEE - 15th May 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 remains 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. Following the planning consent the

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				<p>applicants have established that the quality of the existing building may not be suitable for refurbishment/redevelopment. Therefore they are currently investigating other ideas in respect of demolition and rebuild. Negotiations are taking place between the applicants, case officer and conservation officer to develop the site.</p>
4 PW	The Bell Inn, Market Place Willenhall	Latest resolution 29/4/2010	Section 215 Notice -not issued, owing to sale to new owners	<p>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</p>
5 PH	Land at Canalside Close, Walsall	9/1/2007	Enforcement Notice – 5/11/2007	<p>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.</p>
6 PW	80 Noose Lane, Willenhall	28/10/2008	Enforcement Notice	<p>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 progressed, right of entry powers to be used.</p>

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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 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.
8 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.
9 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
10 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 of Junction Works 21/9/2012	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. Officers are actively monitoring the breaches to gather evidence for prosecution. File with legal officers to pursue prosecution.

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			-in respect of former Railway Tavern 23/10/2012	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. Prosecution file with legal services to pursue prosecution of the owners for non-compliance of the enforcement notice.
11 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. The amenity issues at no 65 were included in the original s215 notice. Amenity issues to be pursued.
12 PW	Car wash on land adjacent Talbot Truck, Bilston Lane, Willenhall	20/9/2012	Prosecution in respect of Breach of Condition Notice	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. The car wash has not operated for last 4 months - according to neighbours. Temporary permission expired on 18th March 2014.
13 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
14 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. Compliance within one month is required or a prosecution will be prepared. Officers have visited site and confirmed compliance - RESOLVED.

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15 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. Officers continuing to work with owners to bring forward development
16 PH	12-14 Lower Lichfield Street, Willenhall	2/5/2013	Prosecution in respect of S215 Notice.	Unsuitably 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.
17 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. Discharge of conditions application received 20/03/14, proposed to increase the flue height to meet condition 2b of application 10/1591/FL. Details approved 21/03/14. Recent site visit confirms no work has taken place. Prosecution proceedings will now begin in relation to the flue height.
18 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.

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19 JT	222 High Street, Bloxwich	26/09/13	Enforcement Notice	Enforcement notice complied with 01-05-14. Resolved
20 SC	11 Greenslade Road	30/08/13	Enforcement Notice	The Enforcement Notice requires a reduction in the overall height 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. Application for a new house 14/0245/FL was refused at last committee and there is a new enforcement report on this agenda.
21 PH	97 Lydford Road, Bloxwich	19/12/13	Enforcement Notice – 13/3/14	Removal of pillars and wooden fence and reinstatement of matching brick capping. Enforcement Notice is currently subject to an appeal.
22 JF	24 Larkspur Way	16/01/14	Enforcement Notice	Enforcement Notice being prepared.
23	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.
24 SC	Diamond Car Wash Ward Street, Walsall	March 2014	Enforcement Notice	Current valid application to retain the car wash and tyre sales.