



Planning Committee
31st March 2011

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Land to the rear of 82-92 Salters Road, Walsall Wood, Walsall, WS9 9JB

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take planning enforcement action in respect of the use of the land for washing and valeting vehicles.

2.0 RECOMMENDATIONS

- 2.1 That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3.
- 2.2 To authorise that the decision as to the institution of prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of control; be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control.
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out below stating the nature of the breaches and the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site:

Details of the Enforcement Notice

The Breach of Planning Control:-

Change of use of land to use for vehicle washing and valeting

Steps required to remedy the breach:-

- Permanently cease to use the land for the washing or valeting of vehicles.
- Permanently remove from the land all vehicles, materials and equipment which are used in connection with the use for vehicle washing and valeting.

Period for compliance:-

Two months

Reasons for taking Enforcement Action:-

1. The hand car wash and valeting use including the use of pressure washers, vacuum cleaners, vehicles waiting, manoeuvring and associated general activities results in noise, disturbance and overspray of water that unacceptably reduces the level of amenity available to the surrounding residential occupiers. The use is therefore contrary to saved policies GP2, 3.6, 3.7, ENV10 and ENV32 of Walsall's adopted Unitary Development Plan (2005) and Planning Policy Guidance 24: Planning and Noise.

3.0 FINANCIAL IMPLICATIONS

An appeal against an enforcement notice could be subject to an application for a full or partial award of the appellant's costs in making an appeal if it was considered that the Council had acted unreasonably.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies. The following planning policies are relevant in this case:

Saved Policies of Walsall's Unitary Development Plan (2005)

Policy 3.6 development should help to improve the environment of the Borough.

Policy 3.7 seeks to protect people from unacceptable noise, pollution and other environmental problems.

GP2: The Council will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance
- II. Creation of pollution of any kind

ENV10: The development of any facility which may cause pollution will only be permitted if it would not cause unacceptable adverse effect in terms of noise or have an unacceptable adverse effect on nearby land uses.

ENV32: Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

National Policy

PPG24: Planning & Noise, outlines the considerations to be taken into account in determining planning applications, both for noise sensitive developments and for those activities which will generate noise.

5.0 LEGAL IMPLICATIONS

None arising from the report.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from the report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse environmental impacts.

8.0 WARD(S) AFFECTED

Aldridge North and Walsall Wood

9.0 CONSULTEES

None.

10.0 **CONTACT OFFICER**

Paul Hinton 01922 652486

11.0 **BACKGROUND PAPERS**

Enforcement file not published.

David Elsworthy

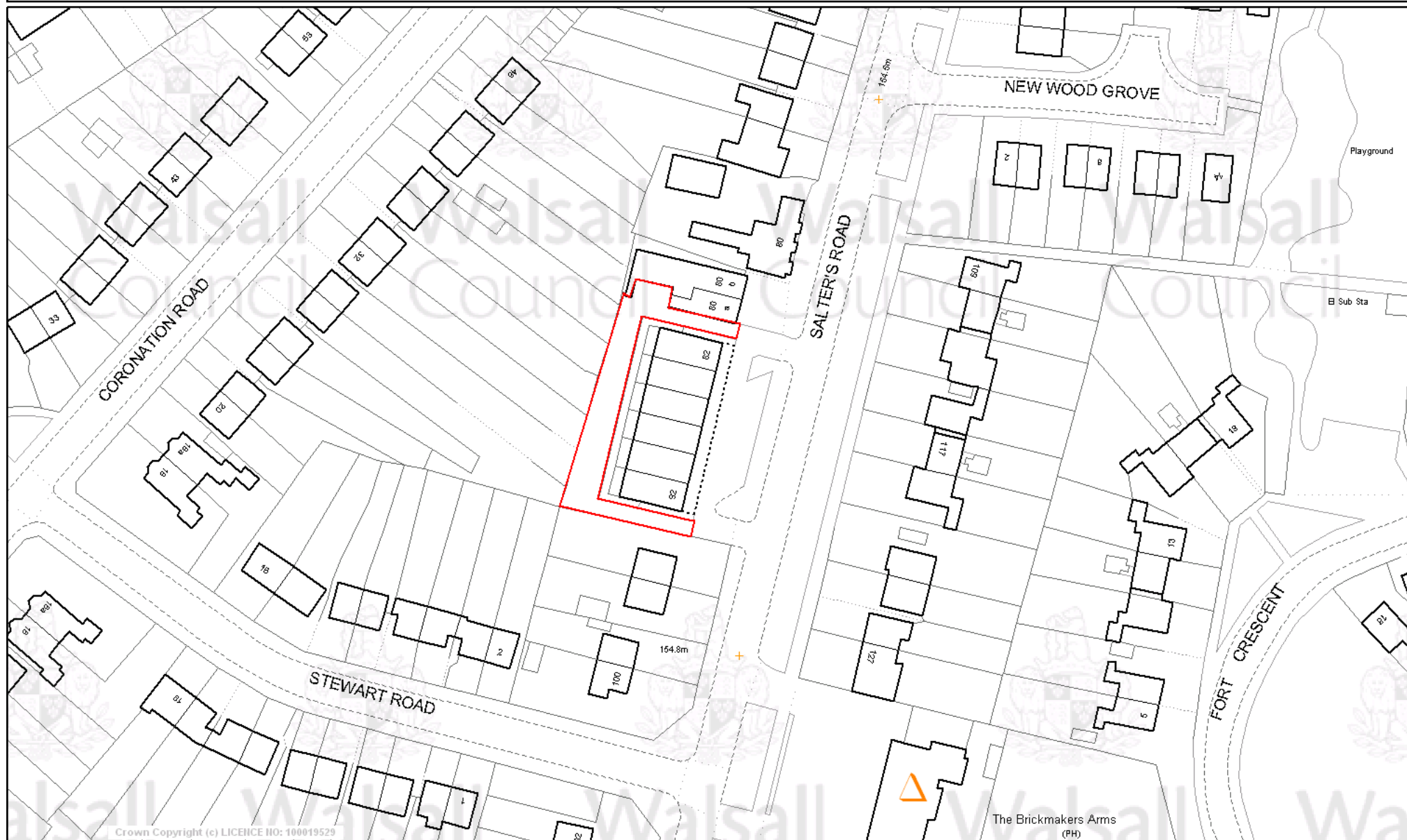
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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 The site is situated on the western side of Salters Road, Walsall Wood (District Distributor). The breach of planning control is the change of use of the narrow service area to vehicle washing and valeting at the rear of a small parade of shops (including a convenience store and takeaway) with flats at first floor. The vehicle wash uses a one way system with vehicles entering the site via the access adjacent to number 82 Salters Road, vehicles washed with power washers and dried at the rear of number 82, then moved further along the rear yard to be valeted with the aid of vacuum cleaners and finally exiting via the access adjacent to number 94. A concrete boundary fence separates the service yard and the rear gardens of houses along Coronation Road.
- 12.2 Both the owner and occupier of the site have been advised that they are operating without the benefit of planning permission. The occupier verbally expressed a will to submit a planning application, though Officers advised any planning application is unlikely to be supported. The use involves the comings and goings of vehicles, the frequent use of pressure washers and vacuum machinery in close proximity to the flats above the shops and adjoining residential garden. The use is a source of continued annoyance for nearby residents, far in excess of that which can be reasonably expected by its use as a service yard, by virtue of noise, disturbance and water overspray. The use reduces the level of amenity to adjoining residential occupiers and is therefore contrary to the aims and objectives of policies GP2, 3.6, 3.7, ENV10 and ENV32 of Walsall's adopted Unitary Development Plan (2005) and Planning Policy Guidance 24: Planning and Noise.
- 12.3 The hand car wash and valeting continues at the site. Because of the harm the development is causing, as explained above, it is considered expedient that enforcement action is now taken through the issue of an enforcement notice. Officers therefore request that authorisation is given to take this course of action.

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Walsall Council

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