



18th June 2009

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 4th quarter performance figures for applications determined between 1st January and 31st March 2009.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st January and 31st March 2009.
- iii) A progress report of enforcement proceedings.

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 Control and enforcement 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.

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 –

18th June 2009

Development Control 4th Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st January and 31st March 2009 (2007/08 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2008- 09 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	64.2% (60%)	68.42% (76.19%)	50% (72%)	73.33% (80.95%)	64.47% (72.34% in 2007/8)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	82.3% (93.88%)	78.50% (83.33%)	75.71% (82%)	84.74% (86.13%)	79.87% (87.86%in 2007/8)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	92.3% (95.90%)	91.85% (93.52%)	92.51% (92%)	93.36% (93.26%)	92.35% (94.54% in 2007/8)

- 12.1 Members will note that performance for major applications was more encouraging in the fourth quarter with 73% of all applications determined within 13 weeks. This helped to improve the cumulative total for the year to just below 65% which continues to exceed the government set target of 60%. It is considered that this is a very solid performance during a difficult year that has seen a decline in the number of applications. We have also determined a number of older applications, particularly in the third quarter that have come to a conclusion following the completion of S106 agreements which have taken time to complete together with applications that have been previously deferred pending referral to Government Office and the resolution of ecological and other issues requiring negotiation and amendment.
- 12.2 Performance in the 'Minor' category has exceeded both government targets (65%) and our own stretch target of 83% for this quarter. Taken over the year this equates to nearly 80% of all minor applications being determined within eight weeks which is a good performance in the circumstances. 'Other' applications continue to meet the locally set stretch target levels and represents an excellent outcome over the year. In particular this has enabled 92% of all householder applications to be determined within 8 weeks which I believe is particularly well received by citizens. It is

considered that both the 'minor' and 'other' categories performance is above average when compared nationally.

- 12.3 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 existing development control governance arrangements. It will also be influenced by the proportion of new to older applications being determined which at present due to the down turn in applications received (down 36% in 2008 compared to 2007) is showing a distortion in performance compared to recent years. However, this has begun to correct itself as the proportion of older applications that are able to be determined have been dealt with relative to more recently received applications. We are also beginning to see evidence of a small increase in the number of applications in May and June 2009 compared with numbers received over the previous six months which I may be able to illuminate further in my next report on 13th August.

ii) Decisions made by the planning Inspectorate between 1st January and 31st March 2009

12.4 The following decisions have been made by the Planning Inspectorate between 1st January and 31st March 2009. Previous decisions referenced 1 to 38 were reported in my previous reports to this committee on 28th October 2008 and 10th March 2009.

App No.	Address	Proposal	Decision	Officer Rec	Comments
39. 08/1083/FL	91 Chester Road, Streetly	Change of use to Class C2 residential home 5 children	Allowed	Approve	Sufficient parking and will not generate a highway safety issue; will not be detrimental to amenity by fear of crime due to proposed occupants and concerns about a future change of use can be controlled by condition
40. 08/0574/FL	27 Spinney Close	Loft Conversion	Dismiss	Refuse	Incongruous and detrimental to the existing house and character of area
41. 08/0662/FL	Land Fronting New Cross St R/o 4 and 6 Darlington Street	Non compliance with conditions 5 and 8	Allowed	Refuse	Allowed due to existing adequate amenity space available and ground levels now being acceptable
42. 07/2474/FL/H2	Hollowcroft Road	Front porch and rear conservatory and two storey rear extension	Allowed	Refuse	The proposed first floor extension would not be detrimental to the amenity of neighbours
43.	195b Foley	Single garage	Allowed	Refuse	Will not be

08/0269/FL	Road West				detrimental to the character of area in Schoolacre Rise
44. 08/0189/FL	18 Westbourne Road	3 bedroom detached house	Dismissed	Refuse	Insufficient parking provision
45. 08/1230/FL	52 The Parkway, Shelfield	Non compliance with condition 4	Allowed	Refuse	Relocation of fence to 1.2m instead of required 2m behind footpath
46 08/0128/FL	110 Bridle Lane	Alterations to a detached garage	Dismissed	Refuse	Over dominant and detrimental to area due to excessive height
47. 08/0765/FL	34 Compton Drive	Two storey side extension	Dismissed	Refuse	Detrimental to neighbour amenity due to los of light to side window
48. 08/0291/OL	43 Middleton Road	Erection of 2 detached houses	Dismissed	Refuse	Disturbance to neighbour due to close proximity of access
49. 06/1386/FL/E11	40-54 Cartbridge Lane	Retention of a Gypsy caravan site	Allowed	Refuse	Allowed due to lack of suitable alternative accommodation and the health of the applicant for 4 years to bridge the policy gap when DPD allocation documents will be determined
50. 08/1131/AD	1a High Street Moxley	two internally illuminated single sided free standing adverts	Allowed	Refuse	Would add interest to the street scene and be seen against a backdrop of close boarded fence.
51. 08/1132/AD	32a Birmingham Road	1 internally illuminated free standing advertisement	Dismissed	Refuse	Prominent and detrimental to character of conservation area due to its position and angle adding additional clutter
52. 08/0078/FL	95 Rutter Street	Two storey front, side and rear extension	Dismissed	Refuse	Over dominant and overbearing causing harm to the living conditions of neighbours
53. 08/0726/OL	Brownhills Business park		Withdrawn	Refuse	
54. 08/1562/AD	Co operative Funeralcare 9 Market Place Willenhall	Externally illuminated letters	Dismissed	Refuse	Design detrimental to fascia and pilasters being of non traditional appearance to the

					detriment of the conservation area
55. 07/2688/FL/E9	64 Norton Road Pelsall	Retention of hardstanding for parking	Allowed	Refuse	Will not unacceptably harm living conditions or the character of the conservation area
56. 08/0582/FL	33 Dunnerdale Road	Change of use to garden and erection of fence	Dismissed	Refuse	Fence is detrimental to character of the area and detrimental to visibility and highway safety.
57. 08/0869/FL	4 Greaves Avenue		Withdrawn	Refuse	
Target = 30%			20 appeals not decided in accordance with Councils decision = 37.5%	18 appeals not decided with officer recommen- dation = 34%	Total number of appeals = 53 Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included.

12.6 The above outcomes show that 37.5% of appeals were not determined in accordance with the councils' decisions between 1st April 2008 and 31st March 2009 (34% not determined in accordance with the officer's recommendation). This is a slightly disappointing outcome when considered against the national average of 34% (2008/9). Having considered the outcomes there does not appear to be any particular pattern or reason underlying these outcomes.

12.7 The ability of the council to defend a high percentage of its decisions is particularly important as a qualitative performance measure as a local planning authority should be able to defend its planning decisions. This use to feature as a Best Value performance Indicator until this year when it has been dropped by the Government and has not featured as one of the new National Indicators (NIS). However given the importance attached to this measure in the past and given that we have several years experience of collating this information it has been continued as a local performance measure.

iv) Progress on Enforcement Proceedings

12.8 Members will see that steady progress is being made on many cases with compliance achieved since the last update report. Inevitably some delay is being experienced on several matters due to legal and other complexities. 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.

Progress of formal enforcement actions - (cases from 1 April 2004)

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
1	Mellish Road Church –	Further Committee resolution 25/4/06	Direct Action to secure compliance with S 215 notice	Direct Action could not be taken as the owners resumed work themselves.	Owners progress in complying with the S 215 notice has been under continual review with them, in the context of a Repairs Notice /CPO process. As reported 11 th December 2007, compliance is relatively high in terms of numbers of items, but some problems.	No – work remains incomplete Prosecution remains a possibility. Previously reported that for this aspect and also the Urgent Works aspect below, given the continued failure of the owners to bring forward a coherent proposal officers were assessing all options available to the authority. Now a meeting to be held with Members and owners (as well as English Heritage if possible) to discuss some proposals for the building.
2	Mellish Road Church,	9 th January 2007	Urgent Works Notice - under Listed Buildings legislation	Some temporary roofing work done towards rear. Limited additional work was then pursued informally. Recent fire damage at front is being considered.		As above.
3	182 Wolverhampton Road (former Curl and	Further Committee resolution 27/6/06		A possible alternative of a new S.215 notice (to require demolition) has been discussed with	Other sections have been considering potential for action. Cabinet approved, in	Failure to comply with the original S 215 notice remains. Information has been provided to Legal

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Dye)	17 th February 2009	Confirmation of authority for taking Direct Action (with 2 other sites), to secure compliance with section 215 notices, and reclaiming cost from owner if necessary by attaching a Charge against the property	Legal Services.	principle, the making of a CPO on 22 October 2008. To support the CPO process an outline planning application for residential use is currently being prepared. Once it has been determined a further report will be presented to Cabinet outlining the detailed proposals for the CPO.	Services to help trace the owner. Owing to budgetary restrictions only one of the sites could be subject of Direct Action. (please see entry below regarding 43 Wenlock Gardens) The process towards CPO is continuing
4	17 Newport Street, Walsall	26 October 2004	Listed Building Enf Notice - Installation of UPVC windows to first floor. Listed Building and Advert Regs Prosecutions in respect of painting and adverts.	Under review with Conservation Officer, taking into account further changes to building.		

5	8 West Bromwich Road, Walsall	4 January 2005	Prosecution regarding illuminated adverts	RFI regarding ownership/occupier not returned. New proprietor for business.- has been contacted and problem fully discussed as part of a renewed attempt to negotiate a solution.		Remains a possibility if negotiations cannot be progressed
6	74 and 75 Stafford Street, Willenhall	4 January 2005 Further resolution 10/10/06 – takes new direction	Section 215 Notice New section 215 notice – to require demolition (including 76 if appropriate)	Served 7/9/05 Costings are being compared with those for renovation and compliance with first 215 notice.	Compliance due in stages; 7/11/05 and 7/12/05	No (Minimal works carried out) Complex case – need for update review and report to meeting in near future.
7	43 Wenlock Gardens	8 th March 2005 Further Committee Resolution 18/7/06 – 17 th February 2009	Section 215 Notice House and garden, badly boarded-up and maintained Direct Action to secure compliance with s 215 Notice Confirmation of authority for taking Direct Action (with 2 other sites), and reclaiming cost from owner if necessary by attaching a Charge on the property.	Notice served 1 st March 2006. Costings and contract process being pursued and re-charge procedure being discussed with Legal Services.	Compliance due 13 th May 2006 However difficulties arising with direct action.	Resolved. Direct Action has taken place. Prosecution process was commenced. However, a small windfall budget was identified through the Void Property Group and Borough Tasking. Contractors employed by Council carried out the requirements of Notice by 24 th March 2009, and steps now being taken to reclaim the costs from owner.

8	Green Lane, Walsall, at Rayboulds Bridge	19 th April 2005	Prosecutions - Poster hoarding at junction	Discussions in hand between Planning and poster company on alternative sites.		Pending
9	454 Sutton Road Walsall	19th July 2005	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 – but progressing Prosecution has taken place in Magistrates Court. Fined £4,000. A planning application to retain lower parts of some pillars and erect railings has subsequently been approved. Implementation delayed by major works to the house but some reduction of wall took place. Further reductions in wall with some similarity to the planning permission have recently taken place, and agent states a new planning application to retain the wall will be made..
10	228 Tyndale Crescent, Pheasey	13 th December 2005	Enf notice -Dormer roof extension	Enf notice served 28 th April .	Appeal lodged but dismissed 5/2/07. Compliance period extended to 12 months Due 5/2/2008	Resolved . Significant modification to the roof extension has taken place, simultaneous with application for a Certificate of Lawfulness. Appeal received and Local Public Inquiry arranged for 3 rd March 2009.. Appeal allowed and Certificate of Lawfulness granted .

11	East side of Green Lane, north embankment of canal , Walsall	25th April 2006	Prosecution in respect of displaying a double-sided poster hoarding	Planning appeal dismissed. Two prosecutions involved (two companies, one marketing the advertising space, one owning hoarding structure).		No Prosecution process commenced. One company has complied but the display continues. The case submitted by the second company is being considered with Legal Services. Previously reported that possibility of the land being owned by Council is being investigated. This confirmed and Civil proceedings now intended.
12	Boundary Court, 35 -49 Boundary Road, Streetly.	25 th April 2006	Section 215 Notice – building and lock-up garages in disrepair	The Notice was drafted but not served. A report seeking in principle Cabinet authority for a CPO was approved by Cabinet in December 2007. A site development brief has been formulated and published by Estates and Development Team, to attract proposals from potential development partners, with the best proposals to be decided by Cabinet.	Correspondence prior to CPO has produced some progress. Owners have recently submitted a substantial schedule of proposed improvement works for officer comment.	
13	81 Forrester Street, Walsall	25 th April 2006	Enforcement notices:- Installation of fume extraction flue	Formal action was deferred for further planning applications but these Refused. Issued 12 th May 2008.	Enforcement Appeal dismissed .	No Officers to begin prosecution

13A		31 st May 2007	Erection of extension to original first floor flat providing day room/ storage	Please see below	Compliance due 1 st March 2009	process.
13B		9th December 2008	Erection of additional first floor flat without compliance with approved plans Further report to revise scope of enforcement action in respect of the flats, in particular because unauthorised part of one flat occupies a previously approved flue position	Checks in consultation with Building Control and Public Protection owing to linked issues with the flue and flat Joint Enforcement Notice affecting the two flats was issued on 22 nd December 2008.	Enforcement Appeal has been lodged. Local Inquiry scheduled for 2 nd September 2009.	
14	KFC Drive Thru, 10 Wolverhampton Road, and adjacent Wolverhampton Road frontage, Walsall.	25th April 2006	Prosecutions in respect of :-- displaying an illuminated pole-sign and displaying signboards on longer frontage.	Pole sign revised and granted consent. This element of case now closed. Preparatory work outstanding in respect of other sign boards .		Resolved in part
15	50 Cemetery Road, Willenhall	8 th August 2006	S 215 'amenity' Notice	Undertakings given by owner that would be remedied by end November 2006, but not	Compliance due 28/5/2007	Resolved in part Prosecution took place in Magistrates Court, with both defendants fined £750.

		17 th February 2009	Confirmation of authority for taking Direct Action (with 2 other sites), and reclaiming cost from owner if necessary by attaching a Charge on the property	done. Notice issued 30/11/06. Notice re- issued 5/4/2007		<p>Later the case was re-opened in court by the Defendant however the decision and fine was upheld. Subsequently more works were undertaken but rubbish and old building materials remained.</p> <p>Owing to budgetary restrictions only one of the sites could be subject of Direct Action. (please see entry above regarding 43 Wenlock Gardens)</p> <p>The rubbish has been mainly removed by the owner but some items to be queried.</p>
16	177 Weston Street, Walsall.	8 th August 2006	S 215 Notice 'Amenity' Notice.	Difficulty in tracing the owner. Notice served 10/05/07	Compliance due 12/07/07	No. Prosecution case was initially heard in Court on 29 th July 2008 however was adjourned until 19 th August 2008. The defendant did not appear on the 19 th August and the case was again heard on 7 th October when defendant was found guilty and fined £1,000 plus costs. Works have now commenced on site which will be monitored.
17	Bell Inn , Market Place Willenhall	10 th October 2006	Urgent Works Notice requiring temporary works to a Listed Building	Some work has now been carried out without Notice being served. However further inspections to be		

		31 st March 2009.	As above – renewal of Committee authority	undertaken and options reviewed. Urgent Works Notice served 8 th June 2009.	Compliance due 6 th July 2009	
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18	Land at Canalside Close, Walsall	9 th January 2007	Enforcement Notice – Erection of boundary wall, building and gates (for coach storage)	Enforcement Notice Served December 2007. Compliance due 5 April 2007.	The enforcement notice was appealed and the Inspectors decision received on 15 August 2008. The appeal was partially upheld, with the Notice having variations to its requirements: - The boundary wall to be reduced to 3 metres rather than 2 metres. The compliance period extended from 4 to 5 months – 15 January 2009.	No Intended to commence prosecution process.
19	Vehicle Wash at Fletchers Lane, Willenhall	31 st May 2007	Enforcement Notice -use as a vehicle wash	Notice issued 17th September 2007.	Compliance due 22nd December 2007	No. Legal consideration has been necessary, but now matters have been resolved a Prosecution action has been instigated. The defendant failed to attend Court and a Warrant was issued, but did attend in May. Trial due to take place on 13 th July 2009.

20	88 Manor Road,	17 th July	Enforcement Notice	Notice issued 25-9-07	Compliance was due	No
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	Streetly	2007	- detached garden building		30 th December 2007 Retrospective planning application refused, and planning application Appeal received – Officers were awaiting outcome of that appeal before resuming enforcement action. Planning application appeal dismissed 24 th October 2008. Owner indicated would comply	Intended to commence prosecution process,
21	41 Westbourne Road, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to 6 flats	A retrospective planning application received 25 July 2008 and refused. Enforcement Notice was issued in August and again in September 2008	Compliance was due 21/4/09, but an Enforcement Appeal received. Hearing took place on 17 th March 2009. Appeal was allowed and planning permission granted	Resolved Appeal allowed
22	43,44 New Street, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to 14 flats	Requisitions for Information served. Noise related issues emanating from industrial units to the rear were the main reasons for dismissal of a ministerial appeal for a single dwelling house. An acoustic consultant has therefore submitted a survey under review with Pollution Control.		
23	261 Walsall Road, Darlaston	17 th July 2007 & updated 29 th	Change of use to HMO	Requisitions for Information served. Modifications to the rear		Pending

		May 2008		garden have now been undertaken to return the former rear garden to this property ensuring the garden is now available for tenants. Following inspection the matter may now be resolved.		
24	12 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber buildings for residential use	A retrospective planning application was received on 25 July 2008 for retention of timber chalets and a fence which was refused. Enforcement Notices were served on 9/10/08.	Appeals made to Planning Inspectorate against refusal of planning application and Enforcement Notice. Hearing took place on 7 th May 2009 and Appeals were dismissed.	
25	24 Slaney Road, Pleck, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to HMO	The owner and agent of this property have disputed a breach of planning control. Further investigation is required.		
26	33 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber garden buildings	Requisitions for Information have been served. The owner has advised that the timber sheds have been removed. To be inspected.		
27	112 Temple Road, Willenhall	17 th July 2007 & updated 29 th May 2008	Erection of a timber garden building	Requisitions for Information have been served. The owner advised that the timber building has been removed. This requires further investigation.		
28	Saddlers	7 th August	Enforcement	Enforcement Notices	The steel structure has	Only in part

	Garage, 115 Wednesbury Road, Walsall	2007	Notices - steel framework for building, and two storage containers.	Served January 2008	been removed, but the storage containers have not.	Legal Services have sent a final warning before prosecution in respect of the storage containers.
29	110. Bridle Lane, Streetly	18th September 2007	Enforcement Notice – erection of detached garage.	A further planning application to retain the garage with modifications was received, but was refused and is currently at Appeal. Enforcement Notice issued 29/08/08. .	Enforcement Appeal, was considered jointly with the planning application appeal Appeals dismissed . Compliance due by 13 th May 2009	No Prosecution process to commence.
30	133 Dickinson Drive, Walsall	11th December 2007	Enforcement Notices - installation of storage container and use of land as storage yard.	Notice served 21 st July 08.	Compliance due 21 st October 08	No Prosecution process has commenced
31	Halliwells Funerals, Norton Road, Pelsall	11 December 2007	Enforcement Notice - Change of use of residential curtilage to commercial use	Enforcement Notice requiring the use to cease and reinstatement of a rear boundary was served on 6 August 2008	The Enforcement Notice was Appealed and this linked to Appeal against refusal of planning permission. Appeals allowed and planning permission granted for parking of funeral cars subject to hours restrictions.	Resolved Appeal allowed
32	4 Heron Close	15 July 2008	Enforcement Notice Erection of front boundary wall and gates	Enforcement Notice issued 23 rd September 08.	Compliance due 30 th January 2009.	In part only. The pillars and gates remain but the railings on top of wall removed. This is being assessed.
33	207 Wednesbury Road	15 July 2008	Erection of a first floor rear extension	Enforcement Notice issued 25 th November 2008.	Compliance due 1 st March 2009. A planning application	No Prosecution process to commence

					to retain at same size but with modifications was refused on 31st March.	
34	3a Beeches Road	7 October 2008	Installation of a cooking fume extraction flue (see also hours of opening issue below)	Enforcement Notice issued 6 th January 2009.	Compliance due 10 th April 2009. Further site visit needed owing to access problems	.
35	Land adjacent 18 Rose Hill, Willenhall	28 October 2008	Change of Use to vehicle wash	A second planning application was received for continuation of the use for a temporary period, but this has not been processed owing to information problems. Agent advised enforcement process to continue.		
36	2 Longwood Lane, Walsall	28 October 2008	Erection of new sloping roof and post with wire.	Enforcement Notice issued 3 rd Feb 2009.	Compliance due by 3 rd May 2009, but an Appeal being received but then withdrawn, gave new compliance date of 1 st June 2009. Remedial work carried out which officers are to inspect.	
37	80 Noose Lane, Willenhall	28 October 2008	Part change of use at a house to storage and repair of cars , and parking of breakdown recovery truck and van	Intended to clarify uses by issuing a Planning Contravention Notice before drafting enforcement notice, especially owing to some improvement.		
38	Shire Oak PH	9 December	Change of Use to	Enforcement Notice	Compliance was due	

	Chester Road Brownhills	2008	vehicle wash	issued 29 January 2009	by 3 rd May 2009. However an Appeal received. This being processed jointly with recent appeal against refusal of planning permission, and under Written Representations procedure	
39	10,11,12 Pinfold Street , Darlaston	9 th December 2008	Erection of rear extension to create 14 flats	Enforcement Notice has been drafted but is under review while a retrospective planning application to retain the extension is processed.		
40	Land at Brewers Farm, Brewers Drive, Pelsall	Enf Notice-Resolution 9 th Dec 08 when Committee refused application	Parking of HGV lorry on agricultural land	Prior to issuing Enforcement Notice, Legal Services served an RFI for information on owners and occupying company. The breach was not being carried on at that time, but is to be monitored. An appeal against refusal of planning permission recently received.		
41	64 Friezland Lane, Brownhills	27 January 2009	Part change of use at a house to parking and storage of vehicles, including commercial	A notice has been drafted and is being reviewed in light of changes on site.		
42	Car park in Spout Lane, Caldmore , Walsall.	27 January 2009	Change of Use to vehicle wash	Before serving notice Legal Services are making additional enquiries on ownership.		

43	25 High Street Walsall Wood	27 January 2009	Non compliance with condition requiring details of fume extraction flue , this resulting in flue and use as takeaway both being unauthorised.	Following the Committee decision, two alternative schemes have been submitted in an effort to resolve the non - compliance and avoid need for enforcement action. Significant progress has been made but some additional information has been requested.		
44	Manor Court Residential Home, Manor Road Precinct, Walsall	27 January 2009	Installation of storage container	Prior to issuing Enforcement Notice, Legal Services have served an RFI for owners and occupiers details. Responses at first difficult to obtain, but now received, and a notice being drafted.		
45	Rear of 170 and 170A, Lichfield Road, Brownhills	10 th March 2009	Change of use of curtilage to takeaway and flat, to curtilage serving vehicle repair garage , and associated minor works.	Legal Services are making enquiries regarding ownerships and occupiers.		
46	Unit 3, Woodlands Centre, Bloxwich Road North, Willenhall	31 st March 2009	Non compliance with condition requiring details of fume extraction flue, this resulting in flue and use as takeaway both being unauthorised	Following the Committee decision, proposals for a flue and fume treatment facilities have been submitted in an effort to resolve the non - compliance and avoid need for enforcement action. Significant progress has been made		

				but some aspects are still being considered by officers.		
47	100 and 101 Union Street, Willenhall	31 st March 2009	Section 215 notice and follow-up actions, in respect of derelict condition of buildings.			

Appendix B Enforcement Cases acted upon under delegation						
	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
48	11 Aldridge Road, Walsall	Breach of Condition - Formation of opening for side-facing window.	BCN	Notice issued 22/9/05	Compliance 30 days	No - Report for Committee authority may be made, regarding changed circumstances.
49	19 High Street, Walsall Wood – (formerly G D Memorials)	- Erection of building without compliance with planning permission 02/1855	Enforcement Notice (Delegated urgent action)	Issued 31/1/07	Compliance was due 2/05/07, but Appeal received. Substantial alterations to the building during appeal process. Notice upheld and requires either demolition or alteration to comply with 2002 planning permission. Compliance due 19 th January 2008	No A planning application received to retain the building with lesser alteration than that required for compliance with 2002 permission, but this now refused. Owner wishes to re-apply for alterations much closer to 2002 permission and prosecution suspended for a period, pending the outcome of discussions.

50	3A Beeches Road, Leamore	Non - compliance with hours condition on a Takeaway.	Breach of Condition Notice	Issued 21/7/07	21 st August 2007 An appeal against refusal of planning permission to vary the hours was dismissed 29/7/08 Owner informed takeaway to close at 10.30pm. (also see above - new action against fume extraction flue).	..
51	25 High Street, Walsall Wood	Non – compliance with condition at a Take-away requiring approval of fume extraction facilities.	Breach of Condition Notice	Issued 19/10/07	19th November 2007	Some details of fume extraction proposals submitted and officers sought additions to this, but leaseholder changed. Correspondence with new leaseholder produced further submission of details which unsatisfactory . Now proceeding under Committee resolution on 27 th January 09– please see above.
52	101 Woden Road West , Darlaston	Breach of landscaping condition at warehouse building	Breach of Condition Notice to require approved landscaping scheme to be carried out.	Issued 11 th March 2008	Compliance required in two phases - trees by 23 rd April 2008 , other plants by 12 th December 2008	First phase - tree planting - carried out. Second phase – a native hedge and other plants - has not. A report to Committee on the options is intended.
53	1A High Street Moxley	Breach of Boundary Treatment Condition at permitted car wash	Breach of Condition Notice to require scheme to be submitted for approval	Issued 3 October 2008	Compliance required by 31 October 2008	No However required boundary treatment is related to noise control requirements, which are under review
		Condition	Breach of	Issued 9 th April 2009	Compliance	Monitoring is needed

		restricting size of vehicles washed.	Condition Notice to prevent larger vehicles being washed and valeted		required by 7 th May 2009	
54	Site of demolished Dolphin Pub, Goscote Lane, Walsall	Unightly demolition rubble etc	Section 215 Notice to require improved appearance	Notice issued 13 th January 2009 Requires removal of broken fencing, demolition rubble, rubbish and overgrown vegetation	Compliance due 18 th April 2009- However an appeal made to Magistrates Appeal heard on 2 nd June 2009. Notice upheld and compliance required by 3 rd September 2009	
55	84 Belvidere Road, Walsall	Condition requiring materials of house extension to match remainder	Breach of Condition Notice to require matching in key respects	Issued 9 th February 2009	Compliance due 9 th April 2009. Access still being sought	
56	Land at 39 – 67, Enterprise Drive, Bridle Lane, Streetly	Breach of condition restricting hours of work at house-building site	Breach of Condition Notice to require work to be in permitted hours only .	Issued 28th April 2009	Compliance by 26 th May 2009	Monitoring is needed