



19th August 2010

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 1st quarter performance figures for applications determined between 1st April and 30th June 2010.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st April and 30th June 2010.
- 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 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.

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

PLANNING COMMITTEE

19th August 2010

Development Control 1st Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st April and 31st March 2011 (2009/10 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2010- 11 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	76.92% (62.5%)	(76.7%)	(63.6%)	(56.25%)	(65.08%)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	85.18% (78.33%)	(76.7%)	(73.5%)	(85%)	(77.47%)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	88.14% (92.65%)	(86.9%)	(86%)	(89.4%)	(88.54%)

- 12.1 Members will note that at 76.92% performance for major applications in the first quarter performance is up when compared to last year when 62.5% of all major applications were determined within 13 weeks. This has therefore exceeded both local and national targets and exceeds the national average of 71% (for applications determined in 2009/10).
- 12.2 Performance in the 'Minor' category has exceeded all targets and at 88.15% it represents an excellent level of performance. It is also well above the national average of 77% (2009/10). At 88.14% 'Other' applications have also exceeded the national target and average of 79.59% (2009/10).
- 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 management governance arrangements. It will also be influenced by the proportion of new to older applications being determined due to the reduction in the number of applications received which were down from 1417 to 1202 or 15% in 2009/10 compared to 2008/09. This trend has unfortunately

continued in the first quarter this financial year with 389 applications received compared to 412 in the same quarter last year.

ii) Decisions made by the Planning Inspectorate between 1st April and 30th June 2010

12.4 The following decisions have been made by the Planning Inspectorate between 1st April and 30th June 2010.

App No.	Address	Proposal	Decision	Officer Rec	Comments
1. 08/1725/OL	Brownhills Business Park	89 dwellings, associated access and parking	Allowed	Refuse	Following a two week public Inquiry the inspector considered that the transfer of this site from employment to residential despite requiring the required relocation of existing companies is in accordance with regional policy (RSS) and emerging policy (JCS) and there is sufficient supply of industrial land. The council has appealed this case to the High Court and we are awaiting a hearing date
2. 09/1821/FL	12 Darvel Road Willenhall	Conversion of garage to habitable room and additional pitched roof	Allowed	Approve	The roof would not be incongruous and there are numerous single storey extensions front extensions in the area. Sound insulation of the party wall is a matter for the building regs rather than planning legislation. The Inspector has allowed a part cost award against the council with respect to the unreasonable refusal based on noise. We are awaiting details of the applicant's costs in this respect.
3. 09/1562/FL	27a Featherston Road, Streetly	First floor side extension	Allowed	Refuse	On balance considers the loss of light and harm to the amenities of No. 29 would be acceptable. Accepts that the councils concerns to the possibility of bats is reasonable but considers

					that a condition requiring mitigation measures be imposed if bats are found from a survey.
4. 09/0672/OL	454 Sutton Road	Proposed detached bungalow	Allowed	Refuse	The proposed bungalow would not be detrimental to the character of the area as the site is in a dip, the trees lost are of little value and the area is characterised by dwellings of different types and styles.
5. 10/0099/FL	41 Little Hardwick Road, Streetly	Detached single garage in garden	Dismissed	Refuse	Detrimental to the character and appearance of the existing dwelling and street scene as it would be prominent and obscure over a third of the existing property.
6. 09/1395/FL	12 Walsall Road Darlaston	Retention of single storey building to form 2-bedroomed and one bedroomed shared dwelling	Dismissed	Refuse	Detrimental to the living conditions of unit 4 and the loss of privacy of occupiers of units 1 and 3. Proposed communal room (former unit 2) would have poor light and outlook.
7. 10/0295/FL	12 Redruth Road	Single storey side double garage and rear extension	Dismissed	Refuse	Unnecessarily complex roof detrimental to the design of the existing house and an intrusive feature in the street scene with the loss of the hedge and open aspect on the corner of Liskeard Avenue.
Target = 30%			4 appeals not decided in accordance with Councils decision = 57.14%	3 appeals not decided with officer recommendation = 42.85%	Total number of qualifying appeals = 7 Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included.

12.6 The above outcomes show that 57% (4 out of 7) of appeals were not determined in accordance with the councils' decisions between 1st April 2010 and 30th June 2010. This is a little disappointing when considered against the national average of 35% for all types of appeals. Interestingly outcomes vary dependant on the type of appeal process undertaken as nationally 39% of those determined following hearings were allowed and 54% were allowed following public inquiries. Of note is that the council

is challenging the Brownhills Business Park decision in the High Court as it is considered that the Inspector has misdirected himself regarding the interpretation of evidence. Therefore there is the possibility that this decision could be quashed.

- 12.7 It is important to note that the Inspector when allowing the 12 Darvel Road case also awarded partial costs against the council as there was no evidential basis to support the refusal against noise through the party wall as this is a matter for the building regulations. Members may recall that this was against your officer's advice and the council must now pay the appellants costs associated with appealing this element. It is considered that as this was a written representation case the cost should be minimal.
- 12.8 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 a high proportion of its planning decisions. This used to feature as a Best Value Performance Indicator until 2007/8 when it was 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 many years experience of collating this information it has been continued as a local performance measure.

iv) Progress on Enforcement Proceedings

- 12.9 Members will see that steady progress is being made on many cases 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.

PLANNING COMMITTEE 19th August 2010

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

Appendix A Enforcement Cases acted upon with Committee authority

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
1	Mellish Road Church –	Long running case, latest resolution 16 th July 2009	Resolved to allow two months for progress to be achieved.			<p>Owners have made a listed building consent application to demolish. The owners have been invited to provide additional information to support their proposal. Officers are liaising closely with the owner's agents to monitor progress, particularly in terms of the remarketing of the property.</p> <p>English Heritage's Structural Engineer and Quantity Surveyor have visited the site in order to inform the LBC process. A report is to be prepared for the next meeting.</p>
2	182 Wolverhampton Road (former Curl and Dye)	Latest resolution 17 th February 2009	Confirmation of authority for taking Direct Action to comply with section 215 notice, and reclaim cost		Cabinet approved, in principle, the making of a CPO on 22 October 2008. To support the CPO process an outline planning application for residential development has been under	<p>Failure to comply with the original S 215 notice remains.</p> <p>Prosecution is in Walsall Magistrates Court on 23rd August 2010.</p>

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			from owner.		preparation, but this slowed while discussions take place with the owner regarding the possible demolition of the property.	Legal services have been contacted by an agent who has advised that he will be arranging for works to be carried out to the property.
3	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.	Actions taken in period 2004 to 2006. Case hampered at various times by need for specialist advice.		
4	8 West Bromwich Road, Walsall	4 January 2005	Prosecution regarding illuminated adverts	The proprietor for business has again changed, and the fascia sign has recently been replaced with one of reduced size and impact. The large projecting sign remains and officers are to pursue this.		Remains a possibility if negotiations cannot be progressed
5	74 and 75 Stafford Street, Willenhall (Dainty's)	Latest resolution 13 th August 2009 (private session report)	Agreed use of Section 79 of Building Act to require repair or demolition, and Local Government (Miscellaneous			Actions necessary being explored with Legal.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			Provisions) Act to secure the building in interests of public safety.)			
6	43 Wenlock Gardens	Latest Resolution 17 th February 2009	Section 215 Notice Direct Action to secure compliance			Direct Action to obtain compliance took place in March 2009 , but debt recovery is not yet successful. The Walsall County Court has given a Judgement in Default in respect of owner's failure to pay the Council's invoice. Subsequently it made an Interim Charging Order which has allowed the debt to be recorded at the Land Registry as a Charge on the property. A hearing into a Final Charging Order is scheduled for 27 th August 2010.
7	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
8	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.	Prosecution took place and fined £4,000. Planning permission was granted to retain largely as now built,. Reduction of gates is being monitored.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
9	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).		An application to register the land on which the poster hoarding stands as Council property is currently being processed at the Land Registry. Upon the conclusion of that application a view will be taken as to how to proceed. Further Committee authority may be required.
10	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.	Works have been undertaken to improve the appearance of the building. Vacant premises are becoming occupied and character of the building is being uplifted.	Officers continue to monitor positive progress.
11	81 Forrester Street, Walsall	Latest report 9th December 2008	Enforcement notices:- Installation of fume extraction flue Erection of extension to original first floor flat providing day room/ storage Erection of additional first	Enforcement Notice affecting the two flats, and use of roof area as amenity space, was issued on 22 nd December 2008.	Enforcement Appeal dismissed . Compliance due 1 st March 2009 Second appeal dismissed and compliance due 13 th January 2010.	Part compliance in respect of the remaining item, the additional flat; — the door accessing roof space removed, but additional floor-space obstructing route for replacement takeaway flue remains. However as the use of takeaway below has stopped, the need for a replacement flue is not clear and objection to the additional floor-space is

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			floor flat without compliance with approved plans			reduced for the time being. This situation is to be monitored.
12	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 heard in Court on the 7th October 2008 when defendant was found guilty and fined £1,000 plus costs. Works commenced on site, but were insufficient and work on a second prosecution is now progressing.
13	The Bell Inn , Market Place Willenhall	Latest resolution 29 th April 2010	Urgent Works Notice requiring temporary works to a Listed Building Section 55 Notice requiring the owner to pay the Council back for works undertaken under Section 54.. Also authority delegated to issue a section 215 Notice if appearance not	Notice to be served with relevant invoice.	Compliance period of 28 days.	Direct Action has been carried out by the Council to complete required works, Officers pursuing recovery of costs for the work. The owner has been advised regarding improvements in appearance, but has not responded positively. Current information is that that the site has been re-possessed by the mortgagee. This is being confirmed, and implications for section 215 notice considered. Draft

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			improved.			Notice is being reviewed with Conservation and Legal officers.. .
14	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:	No. Owner seeking alterations to wall. Officers judge not acceptable. Officers attempting final negotiation before commencing prosecution. process.
15	12 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber buildings for use as residential units and erection of high fence	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 against refusal of planning application and Enforcement Notice. A joint Hearing took place and permission granted for one of 4 residential units, and retention of fence if reduced to 2.3 metres. 3 other residential units to be removed. Subsequent planning application to retain block of 3 units was refused in Dec 2009. Subsequent Appeal lodged and dismissed.	Part compliance - the fence has been reduced, but demolition of the block of 3 units pending second appeal. The appeal was dismissed in July 2010. The owner is now being pressed to demolish or face prosecution.
16	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.		
17	33 Walsall Street,	17 th July 2007 & updated	Erection of timber garden	Requisitions for Information were		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Willenhall	29 th May 2008	buildings	served. Owner has advised that a timber shed has been removed. Subsequent inspections were inconclusive owing to secluded location, but now arranging to enter site to inspect for this and satisfactory use of other shed.		
18	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. Contrary to this the building remains, but its use may have ceased. To be confirmed and reviewed		
19	Saddlers Garage, 115 Wednesbury Road, Walsall	7 th August 2007	Enforcement Notices - steel framework for building, and two storage containers.	Enforcement Notices Served January 2008	The steel structure, and (more recently) one of the storage containers have been removed, but one storage container remains.	Resolved in large part. Further improvements being sought. Being monitored.
20	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	Resolved in large part Prosecution took place in Magistrates Court on 16 th November 2009. Two defendants each fined £600 and £400 costs. Fines reflected 'guilty' plea and defendants making

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						major effort to comply shortly before the Court date. Officers will monitor for removal of some remaining stored items.
21	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. Further progress is being sought.
22	207 Wednesbury Road	15 July 2008	Enforcement Notice- Erection of a first floor rear extension	Enforcement Notice issued 25 th November 2008.	Compliance due 1 st March 2009. A planning application to retain, but with modifications, was refused on 31st March. An appeal made but turned away by Inspectorate as not in Applicants name. A further similar application was made and refused and is now at Written Representations appeal	No Prosecution process has commenced and a final letter before action has been sent..However this now pending following lodging of second appeal to retain the extension with a modified roof. The Planning Inspectorate's decision is expected shortly
23	3a Beeches Road	7 October 2008	Enforcement Notice- 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.	No The flue remains but an application to discharge planning conditions for the approved alternative flue has now been submitted for consideration.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
24	80 Noose Lane, Willenhall	28 October 2008	Enforcement Notice- 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. Uses have fluctuated and repairs may have ceased, .		
25	10,11,12 Pinfold Street , Darlaston	9 th December 2008	Enforcement Notice - 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 Report on application expected to be to next committee.		
26	64 Friezland Lane, Brownhills	27 January 2009	Enforcement Notice - Part change of use at a house to parking and storage of vehicles.	A Notice was drafted. Improvements took place on the site, but these not sustained. Enforcement process to continue.		
27	Car park in Spout Lane, Caldmore , Walsall.	27 January 2009	Enforcement Notice - Change of Use to vehicle wash	Enquiries on ownership have been made and a Enf Notice drafted - this to be reviewed when a current planning application (second application) is decided.		
28	25 High Street Walsall Wood	27 January 2009	Enforcement Notice - Non	Following the Committee decision,		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			compliance with condition requiring details of fume extraction flue , this resulting in flue and use as takeaway both being unauthorised.	two alternative plans were submitted in an effort to resolve the non -compliance and avoid need for enforcement notice. One of plans carried forward and some additional information was requested. The unauthorised flue has recently been removed and replaced with a flue not fully in accordance with plan, This is currently being assessed..		
29	100 and 101 Union Street, Willenhall	31 st March 2009	Section 215 notice (and follow-up actions if needed), in respect of derelict, unsightly condition of buildings.	Ownership enquiries were made prior to issuing Notice, but difficulties were found. However, officers have recently met with owners of 100 Union Street. Contrary to some earlier indications it now appears the buildings are in two fully separate ownerships. Legal advice is being sought. Regeneration Officers have also looked for an improvement grant but none has yet been identified. .		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
30	30 -31 Wiley Avenue, Darlaston	13 th August 2009	Enf Notice – erection of 'garage' building at shop and house.	Notice to require removal of building in its present form was issued 29/10/09.	Notice not appealed, and compliance due by 1/04/10. However planning application received to retain building with modifications, and approved in December 09 with conditions to require modifications by 10/03/10 .	Owner is seeking to supersede the Notice by implementing the subsequent planning permission. Modifications to building carried out, but a further planning permission needed for the different window and door layout. A further retrospective application has been received.
31	Land Adj Neptune Ind Estate, Bilston Lane , Willenhall (Now re-named land adjacent Talbot Truck)	10 th September 2009	Enf Notice – change of use to vehicle wash and valet, and associated buildings and alterations.	Previously reported that have issued a Requisition for Information Notice, and carried out other ownership checks, but more work was necessary. Also the third planning application was refused.	The Enforcement Notice was issued on 8 th June 2010, with compliance required by 12 th September .This was not appealed but an appeal is currently underway against the third refusal of planning permission for the change of use. This may effect compliance in same way as an enforcement appeal would	
32	Gala Bingo, Park Lane, Wednesbury	3 rd December 2009	Enf Notice – erection of smoking shelter building	Enforcement Notice issued 10 th March 2010.	Compliance due 12 th August 2010. Planning permission was granted for a different smoking shelter building in February 2010	
33	Land at Berryfields Farm, Walsall Road, Aldridge	7 th January 2010	Enf Notice – change of use to stationing a residential	Enforcement Notice issued on 29 th July 2010	Compliance due on 27 th October 2010, with deadline for appeal on 27 th August .	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			mobile home.			
34	101 Woden Road West, Darlaston	4 th March 2010	Prosecution action in respect of Breach of Landscaping condition at warehouse building. (also see item in Appendix B below)			Undertakings were received to the effect that the required additional planting would be begun in week commencing 29 th March 2010, but this did not take place and Legal Services are now being instructed.
35	103 High Road, Lane Head, Willenhall	29 th April 2010	Enforcement Notices:- Use for vehicle sales, installation of containers, and erection of canopy building,	Legal Services are clarifying ownerships and occupiers. The site appears complex with 5 ownership interests involved. A planning application may be made		
36	13 Daw End, Rushall	27 th May 2010	Enforcement Notice: Lorry body erected in rear garden	Legal Services are clarifying ownerships and occupiers.		
37	813 Sutton Road, Walsall	27 th May 2010	Enforcement Notice: Two canopies to rear of the house	Enforcement Notice drafted.	Canopies removed and replaced with plastic sheeting which is not considered development under the requirements of the Act	Resolved
38	Rose Cottage, Rainswood	29 th July 2010	Enforcement Notice: Change	Enforcement Notice is being drafted		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Nurseries, Pelsall		of use for stationing of one residential caravan and creation of raised patio area			
39	2 St. Michaels Close, Pelsall	27 th May 2010	Enforcement Notice: Construction of boundary wall above permitted development limit	Enforcement Notice drafted	Majority of pillars have been reduced to acceptable height. Officers in negotiation to secure reduction in rest of wall height.	
40	11 Leighs Road, Pelsall	27 th May 2010	Enforcement Notice: Boundary fencing and canopy	Legal Services are clarifying ownerships and occupiers.		
41	85 Kinross Crescent, Pheasey	27 th May 2010	Enforcement Notice: Conservatory	Enforcement Notice issued on 9 th June 2010	Appeal in process	
42	71 Sutton Road, Walsall	27 th May 2010	Enforcement Notice: Garden building	Enforcement Notice drafted	Revised planning application due to be submitted shortly	
43	Former filling station, Ward Street ,corner with Walhouse Road, Walsall	29 th July 2010	Enforcement Notice – Use as vehicle wash, and for private parking and car sales. Discontinuance Notice – advertisements.	Legal Services have obtained a reply from the owner to the Requisition for Information. Drafting of Notices to proceed A second planning application has been received for continuation of vehicle		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			Section 215 Notice - appearance of building and land.	wash only.		

Appendix B Enforcement Cases acted upon under delegation

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
44	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.
45	19 High Street, Walsall Wood – (formerly G D Memorials)	- Erection of building without compliance with planning permission 02/1855	Enforcement Notice	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 wished to re-apply for alterations much closer to 2002 permission and prosecution was suspended for a period, pending the outcome of discussions. However no progress resulted, and prosecution process has commenced with a final warning from Legal Services .

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
46	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	Issue had been resolved however recent monitoring determined continued breaches. Final warning letter to be issued before report to committee seeking authorisation for prosecution.
47	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 conditions, for which submitted information under review. More information requested from the operator but this not received.
48	1A High Street Moxley	Condition restricting size of vehicles washed.	Breach of Condition Notice to prevent larger vehicles being washed and valeted	Issued 9th April 2009	Compliance required by 7th May 2009	No evidence of substantial breaches so far
49	1A High Street Moxley	Condition preventing use of jet washers without prior approval	Breach of Condition Notice to require use of jet washers to cease	Notice issued 10th June 2010.	Compliance due by 19th July 2010.	Compliance was not obtained. The latest situation on site, and evidence to commence prosecution, are being reviewed with Legal Services