



11th November 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 2nd quarter performance figures for applications determined between 1st July and 30th September 2010.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st July and 30th September 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%)	76.47% (76.7%)			76.67% (65.08%)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	85.18% (78.33%)	78.16% (76.7%)			80.85% (77.47%)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	88.14% (92.65%)	88.69% (86.9%)			88.44% (88.54%)

- 12.1 Members will note that at 76.47% performance for major applications (determined within 13 weeks) in the second quarter has mirrored levels achieved in the first quarter this year and the second quarter last year. This has therefore exceeded both local and national targets and exceeds the national average of 71% (for applications determined in 2009/10).
- 12.2 At 78.16% performance in the 'Minor' category has fallen back slightly from the high level of 85% obtained in the first quarter but exceeded the 76.7% achieved in the same quarter last year. This represents an excellent level of performance and is also above the national average of 77% (2009/10). At 88.69% 'Other' applications have also exceeded the national 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 two quarters of this financial year with 621 applications received compared to 639 in the same period last year.

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

12.4 The following decisions have been made by the Planning Inspectorate between 1st July and 30th September 2010. Members should refer to the previous Performance Report of the 19th August for details of appeals referenced 1 to 7.

App No.	Address	Proposal	Decision	Officer Rec	Comments
8. 09/1694/FL	92 Broadway North	Change of use from dwelling to residential care home for 4 children 8-16	Dismissed	Refuse	Insufficient parking provision and detrimental to highway safety
9. 10/0261	113 Watling Street Brownhills	Proposed drop curb access to dwelling	Dismissed	Refuse	Detrimental to highway safety
10. 10/0136/FL	111 Hundred Acre Road	Two storey rear extension	Dismissed	Approve	The ramp would be detrimental to privacy of occupiers of 113 and the extension harmful to amenity of occupiers of 3 Fordwater Road
11. 10/0459/FL	10 Lambourn Road Willenhall	Single storey rear extension	Dismissed	Refused	Detrimental to amenity of occupiers of 7 and 9 Evenlode Grove by overlooking due to the sub standard distance separation of 17.3m from properties to the rear.
12. 09/1228/FL	Land Adjoining 22 Tilley Street	Detached 2-bedroom dwelling	Dismissed	Refuse	Dwelling would be dominant and overbearing when viewed from neighbouring properties and substandard garden areas. Overlooking of 39 and 41 Gladstone Road. Also would be out of character with the area and increase demand for on road parking.
13. 10/0116/FL	207 Wednesbury Road	Retention of rear first Floor extension to add new roof	Dismissed	Refuse	Commercial extension would be incongruous in the street scene due to its bulk and design and detrimental to character of the area
Target =			4	4	Total number of

30%			appeals not decided in accordance with Councils decision = 30.76%	appeals not decided with officer recommendation = 30.76%	qualifying appeals = 13 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).
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- 12.6 The above outcomes show that 30% (4 out of 13) of appeals were not determined in accordance with the councils' decisions between 1st April 2010 and 30th September 2010. This is on course to meet our locally set target and is below the national outcome figure of 35% for all appeals. Members will note that the appeal at 111 Hundred Acre Road was also dismissed in accordance with the Committees decision (and not officer's recommendation).
- 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 a high proportion of its planning decisions. This use 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

- 12.8 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 being experienced on several matters due to legal and other complexities. Members will also note that there are other matters being dealt with under officer 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)

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.			Listed Building Consent was granted for demolition, subject to referral to GOWM, at the Committee meeting on 9 September 2010. In a letter dated 22 October 2010 GOWM confirmed that the Secretary of State for Communities & Local Government does not require the application to be referred to him. As such a decision notice has now been issued. A meeting will take place with the owners shortly to discuss the likely timetable for demolition.
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 from owner.		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 preparation, but this slowed while discussions take place with the owner	Failure to comply with the original S 215 notice remains. Prosecution took place in Walsall Magistrates Court on 23 rd August 2010. The owner did not attend but was fined £350 with an additional £200 costs, and £15 victim surcharge.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
					regarding the possible demolition of the property.	<p>The owner subsequently offered to do the work after a further 6 months. In response officers issued a written warning of a second prosecution and daily fine.</p> <p>Contacts from two professional agents to date have not resulted in any works. The owner is still considering demolition as an alternative. Officers are preparing for a second prosecution.</p>
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 replaced with one of reduced size and impact. The		<p>Resolved</p> <p>Following contact by a Ward Councillor the projecting sign has also been removed. The replacement fascia sign,</p>

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				large projecting sign remained		although illuminated, is considered satisfactory
5	74 and 75 Stafford Street, Willenhall (Dainty's)	Latest resolution 21 st October 2010 (private session report)	Authorised issuing of a new section 215 notice, to require external repair or demolition. Authority to prosecute for any non-compliance delegated. Direct Action also delegated but for external repair only.			
6	43 Wenlock Gardens	Latest Resolution 17 th February 2009	Section 215 Notice Direct Action to secure compliance			<p>Direct Action to obtain compliance took place in March 2009, but debt recovery is not yet successful.</p> <p>However the legal process has progressed from a County Court Judgement in Default to a Final Charging Order in August. This recorded with the Land Registry. Upon next sale of the house the debt should be recovered. Officers are considering whether any other steps are now open.</p>

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
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. Gates have not been reduced and ornamental capping to pillars has recently appeared. Consideration whether to prosecute for continued non-compliance with notice.
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 has been confirmed by the Land Registry. A letter has been sent to the owners of the hoarding, evicting it from the land, in view of harmful impact and unlawful status

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
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 floor flat without compliance with approved plans	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 One aspect remains - the additional floor-space at the flat above the takeaway, which obstructs route for replacement takeaway flue. 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 reduced for the time being. The owners to be contacted to clarify intentions..
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

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						insufficient, and officers commenced process of a second prosecution and application for a daily fine. The case comes to Court again on 15 th November.2010
13	The Bell Inn , Market Place Willenhall	Latest resolution 29 th April 2010	Urgent Works Notices requiring temporary works to a Listed Building - Section 55 Notice requiring the owner to pay the Council's costs for undertaking Urgent Works . Also authority delegated to issue a Section 215 Notice if appearance not improved.	Section 55 Notice was issued The owner was also advised regarding a Section 215 Notice. As no improvement, the , Notice drafted The property has been re-possessed by the mortgager and in August was sold at auction to a small group of local people. A meeting has recently taken place with new owners, with Councillor involvement. They are to secure the building. Officers are supplying a list of necessary works and investigating any possible grant aid . The section 215 Notice not being served at present. To be reviewed		The debt recovery issue has been Resolved . – the monies were paid to Council as part of auction process.(please see left)
14	Land at	9 th January	Enforcement	Enforcement Notice	The enforcement notice	No.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Canalside Close, Walsall	2007	Notice – Erection of boundary wall, building and gates (for coach storage)	Served December 2007. Compliance due 5 April 2007.	was appealed and the Inspectors decision received on 15 August 2008. The appeal was partially upheld, with the Notice having variations to its requirements:	Owner seeking alterations to wall. Officers judge not acceptable. Officers seeking update on ownership prior to commencement of prosecution proceedings.
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. An MP has written on owners behalf, but the owner has verbally agreed to demolish.
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. The legislative context has been changed by the new 'permitted development' right to change houses into HMO's with up to 6 residents. Actual number may exceed this, but the potential for effective action		

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				could be reduced. To be further reviewed.		
17	33 Walsall Street, Willenhall	17 th July 2007 & updated 29 th May 2008	Erection of timber garden buildings	Requisitions for Information were 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. A building remains, but with reduced size and its use appears to have ceased. Officers arranging access to clarify.		
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 were sought. Operator has now been advised to remove remaining container or face prosecution. Being monitored.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
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 major effort to comply shortly before the Court date. Officers seeking access into container to check for removal of the remaining 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. Owner advised of final opportunity to comply before commencing prosecution proceedings.
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	No Prosecution process was pending following lodging of second Appeal to retain the extension with a modified roof. The Appeal was dismissed and the owner indicated an intention to demolish as required. However no time

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
					made and refused and is now at Written Representations appeal	scale was given and officers are therefore preparing prosecution.
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 planning permission granted for alternative flue and conditions recently discharged. Close monitoring to ensure replacement takes place.
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. Now more of storage use.		
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 at Planning Committee in near future.		
26	64 Friezland Lane, Brownhills	27 January 2009	Enforcement Notice - Part change of use at a house to	A Notice was drafted. Improvements took place on the site, but these not sustained.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			parking and storage of vehicles.	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 compliance with condition requiring details of fume extraction flue, this resulting in flue and use as takeaway both being unauthorised.	The flue has been removed and an alternative erected. Officers considering acceptability of new flue.		
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 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		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				have also looked for an improvement grant but none has yet been identified.		
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 .	Resolved Owner was seeking to supersede the Notice by implementing the subsequent planning permission, but a further planning permission was needed for the different window and door layout. A further retrospective application for these was approved.
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 was made against the latest refusal of planning permission for the change of use. This subsequently dismissed. Officers are writing to state the compliance period applicable in these circumstances.	
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	No A warning of prosecution has been issued. Gala state that the building is about to be dismantled.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
33	Land at Berryfields Farm, Walsall Road, Aldridge	7 th January 2010	Enf Notice – change of use to stationing a residential mobile home.	Enforcement Notice issued on 29 th July 2010	Officers currently dealing with Appeal lodged against notice.	
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. Legal Services have been requested to prosecute and the preparations are underway.
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 retrospective planning application has recently been made.		
36	13 Daw End, Rushall	27 th May 2010	Enforcement Notice: Lorry body erected in rear garden	Not served	Alterations undertaken to structure resulting that it no longer requires planning permission	Resolved
37	Rose Cottage, Railswood Nurseries, Pelsall	29 th July 2010	Enforcement Notice: Change of use for stationing of one residential	Draft enforcement notice in place. Appeal against the refusal of planning permission for the caravan has		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			caravan and creation of raised patio area	recently been heard at public inquiry. Awaiting inspectors decision before progressing.		
38	2 St. Michaels Close, Pelsall	27 th May 2010	Enforcement Notice: Construction of boundary wall above permitted development limit	Enforcement Notice not served.	Pillars reduced and gates removed. Resultant wall is permitted development.	Resolved
39	11 Leighs Road, Pelsall	27 th May 2010	Enforcement Notice: Boundary fencing and canopy	Enforcement Notice issued on 14 th October 2010	Compliance date 13 th December 2010	
40	85 Kinross Crescent, Pheasey	27 th May 2010	Enforcement Notice: Conservatory	Enforcement Notice issued on 9 th June 2010	Appeal upheld in part giving three months rather than two months to comply. Compliance date 2 nd January 2010.	
41	71 Sutton Road, Walsall	27 th May 2010	Enforcement Notice: Garden building	Enforcement Notice drafted. Retrospective planning application received for garden building. Planning permission refused at Committee on 21.10.10 and Enforcement Notice issued 28. 10. 10. Previous refusal related to same building being proposed as an	Compliance due 29 th January 2011, if no appeal	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				ancillary dwelling unit Recent inspection showed no actual fitting out or use as a dwelling unit. Notice therefore referred only to detached building.		
42	Former filling station, Ward Street ,corner with Walhouse Road, Walsall	29 th July 2010	<p>Enforcement Notice –</p> <p>Use as vehicle wash, and for private parking and car sales.</p> <p>Discontinuance Notice – advertisements.</p> <p>Section 215 Notice - appearance of building and land.</p>	<p>Second planning application received for continuation of vehicle wash only. Officers are seeking additional consultee comments before determining application, if appropriate, finalising draft enforcement notice.</p> <p>Not yet issued as negotiations have resulted in substantial improvement</p> <p>Being drafted</p>		<p>Advertisements issue Resolved in large part. Unsightly large forecourt sign removed. Also some reduction in adverts on building. Remaining scope to serve Notice to be reviewed.</p>
43	163-168 High Street, Brownhills	9 th September 2010	Enforcement Notice: Unauthorised car wash	Legal Services are clarifying ownerships and occupiers.		

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	Yes.
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	Appeal upheld and requires either demolition or alteration to comply with 2002 planning permission. Compliance due 19 th January 2008	No. Planning application received to retain the building with lesser alteration than that required for compliance with 2002 permission. Application was refused, but owner wished to arrange access from neighbouring property and re-apply. Prosecution was suspended for a period, pending the outcome of discussions. No progress resulted, and prosecution process commenced. A further planning application recently received. However not suitable for processing as the submitted plans are incomplete. Officers reviewing
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 issued and monitoring to continue prior to 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

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
						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	Previously reported no evidence of substantial breaches. Now monitoring more frequently.
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. Has been reviewed with Legal Services and now monitoring for evidence.
50	66 Mill Lane, Walsall	House - occupied but neglected and unsightly	Section 215 Notice	Notice issued 5 th July 2010	Compliance due by 11 th August	Part compliance Authority delegated at 21 st October Committee to commence prosecution.
51	104, 105,106 Lowe Avenue, Rough Hay Darlaston	3 terraced houses in seriously unsightly condition (104 ruinous)	Section 215 Notices –	Notices served 27 th August (one on 104 and one on 105/106)	Compliance due by 27 th November 2010	