



10th September 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 1st quarter performance figures for applications determined between 1st April and 30th June 2009.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st April and 30th June 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 –

10th September 2009

Development Control 1st Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st April and 30th June 2009 (2008/09 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2009- 10 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	62.5% (64.2%)	(68.42%)	(50%)	(73.33%)	(64.47% in 2008/9)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	78.33% (82.3%)	(78.5%)	(75.5%)	(84.7%)	(79.87%in 2008/9)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	92.65% (92.3%)	(91.85%)	(92.5%)	(93.36%)	(92.35% in 2008/9)

- 12.1 Members will note that performance for major applications was slightly down in the first quarter with 62.5% of all applications determined within 13 weeks. However, this continues to exceed the government set target of 60% but is below the national average of 71% for 2008/09. This follows on from performance levels attained during the last financial year that has seen a decline in the number of major applications received. We have also determined a number of older applications 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/or regarding ecological and other issues requiring negotiation and amendment.
- 12.2 Performance in the 'Minor' category has exceeded the government target (65%) and has reached a similar level as experienced last year with over 78% determined within eight weeks which is a good performance in the circumstances. 'Other' applications continue to meet the locally set stretch target level and represent an excellent outcome for the quarter. Therefore both the 'minor' and 'other' categories performance are above the national average (2008/09) of 76% and 87% respectively.

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 due to the down turn in applications received which are currently down from 464 to 409 or 12% in the first quarter in 2009 compared to 2008.

ii) Decisions made by the planning Inspectorate between 1st April and 30th June 2009

12.4 The following decisions have been made by the Planning Inspectorate between 1st April and 30th June 2009.

App No.	Address	Proposal	Decision	Officer Rec	Comments
1. 07/2564/LE/H1	228 Tyndale Crescent	Cert of Lawful dev't	Allowed	N/A	Non determination appeal allowed on factual evidence relating to permitted development on hard paving and enclosure under decking
2. 07/2581/LE/H1	228 Tyndale Crescent	Cert of Lawful dev't	Allowed	N/A	Non determination appeal allowed on factual evidence relating to permitted development on loft extension and dormer window
3. 08/0317/FL	125 Castlehill Road	First Floor extension	Dismissed	Refuse	Inappropriate development in the green belt
4. 07/1197/OL/E11	Foxhills Fisheries, Pinfold Lane	2 bed managers dwelling and garage	Allowed	Refuse	Requirement to live on site to deal with emergency situations related to health of fish is special circumstance to offset the inappropriateness of development in the green belt
5. 07/2559/OL/E11	Northgate, Aldridge	Residential development (125 dwellings) and demolition of industrial buildings	Dismissed	Refuse	Contrary to UDP policy JP5 (loss of Core Employment) and the loss of valuable employment land and the harm it would cause to the wider economy of the borough.
6. 08/0818/FL	27a Featherstone	First floor extension,	Allowed	Refuse	Not detrimental to the amenity of

	Road, Streetly	dormers and front bay			neighbours by loss of light or overbearing
7. 08/1464/FL	2 Lichfield Road Shire Oaks	Two storey side extension	Dismissed	Refuse	Inappropriate development and reduce the openness in the green belt due to the size of the extension
8. 08/1228/FL	12 Walsall Road Darlaston	Retention of 4 one bed studio chalets	Allowed in part	Refuse	Allowed in respect to unit 4 and dismissed for units 1-3 due to unacceptable living conditions
9. 08/1567/OL	41 Little Hardwick Road	Erection of a bungalow	Allowed	Refuse	Would be well integrated in the surrounding area, will achieve a satisfactory residential environment and access complying with UDP policy
10. 08/1266/OL	16 Pools Lane	2 three bed dwellings	Dismissed	Refuse	Detrimental to the occupiers of neighbouring dwellings by noise and disturbance particularly from vehicle movements
11. 08/1080/FL	23 Shire Ridge, Walsall Wood	Removal and erection of new wooden boundary fence.	Allowed	Refuse	The new fence would be set behind sufficient existing planting to soften its impact and therefore not detrimental to the character of the area
12. 08/1268/FL	26 Kingfisher Grove	Single storey side extension	Dismissed	Refuse	Detrimental to the open aspect of the area due to height and width
13. 08/1087/FL	42 Jesson Road	Two storey and single storey extension	Allowed	Refuse	Not detrimental to the character of the area or appearance of the dwelling
14. 08/0814/FL	18 Sandbeds Road	Two Storey side extension and rear extension	Dismissed	Refuse	Detrimental to amenity causing loss of light to occupiers of No 16 due to the length and close proximity
15. 08/1919/OL	Outokumpu Copper MKM Ltd Middlemore lane Walsall	84 dwellings and retention of bowling green	Dismissed	Refuse	Insufficient evidence to justify the loss of the sports facilities with insufficient mitigation and not

					accessible to public transport
Target = 30%			6 appeals not decided in accordance with Councils decision = 46%	6 appeals not decided with officer recommendation = 46%	Total number of appeals = 13 Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included.

12.6 The above outcomes show that 46% of appeals were not determined in accordance with the councils' decisions between 1st April 2008 and 30th June 2009. This is a disappointing outcome when considered against the national average of 35% for all types of appeal (2007/08). 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 (2007/08). Given that two of the 13 appeals were determined (and dismissed) following a public inquiry the outcomes are more in line with the national outcomes. Having reviewed the cases involved there does not appear to be any particular pattern or reason underlying these outcomes which are evident but it is worth noting that since 2005/06 and 2007/08 the number of cases allowed by the Planning Inspectorate have risen from 33% to 34% for written representations; 36% to 39% for hearings and from 42% to 54% for public inquiries.

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 used to feature as a Best Value performance Indicator until 2007/8 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 resolution 25/4/06 Further resolution 16 th July 2009	Direct Action to secure compliance with S 215 notice A report on wider issue of future of building (in private session). Resolved to allow two months for progress to be achieved or it would consider its options for action if no works / progress by this time.	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.	In part - some work has remained incomplete. Previously reported that this is one aspect of larger problem of disrepair and disuse, which has resulted in serving a Repairs Notice (with potential to lead to Compulsory Purchase). Following meeting between Members, building owners, and English Heritage, the response of the owners, may be to apply for Listed Building Consent to demolish. This is being monitored in accordance with further resolution on 16 th July 09
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		As above

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				damage at front is being considered.		
3	182 Wolverhampton Road (former Curl and Dye)	Further Committee resolution 27/6/06 17 th February 2009	Confirmation of authority for taking Direct Action to comply with section 215 notice, and reclaim cost from owner.	A possible alternative of a new S.215 notice (to require demolition) has been discussed with Legal Services.	Other sections have been considering potential for action. Cabinet approved, in 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.	Failure to comply with the original S 215 notice remains. Information has been provided to Legal Services to help trace the owner. Direct Action did not take place owing to budgetary restrictions. One site was chosen from a total of 3 cases. There has been increased contact from the owner, and some vegetation clearance has taken place but if satisfactory action is not forthcoming the preparation work for a Compulsory Purchase Order will continue.
4	17 Newport Street, Walsall	26 October 2004	Listed Building Enf Notice - Installation of UPVC windows to	Under review with Conservation Officer, taking into account further changes to		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			first floor. Listed Building and Advert Regs Prosecutions in respect of painting and adverts.	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.	Further action remains a possibility if negotiations cannot be progressed	
6	74 and 75 Stafford Street, Willenhall (Dainty's)	4 January 2005 Further resolution 10/10/06 – takes new direction Further resolution 13 th August 2009 (private session report)	Section 215 Notice New section 215 notice – to require demolition (including 76 if appropriate) Committee supported further investigative work on use of Section 79 of Building Act to require repair or demolition, and Local Government (Miscellaneous	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) Previously referred to need for a further report in a complex case. This was considered on 13 th August 09

	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.) A further report may be presented.			
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.	Previously reported that Resolved. Direct Action has taken place using a small windfall budget. However Members may wish to be updated through this table on progress regarding the recovery of costs from the 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.	Yes apart from reduction of gates – Previously reported that Prosecution took place and fined £4,000 Planning permission then

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						granted to retain lower parts of some pillars and erect railings, but was not implemented, although some reduction of wall took place. Further reductions/alterations have subsequently taken place, and planning permission has now been granted to retain largely as now built, with reduced height and railings replacing much of brickwork. Reduction of gates is still being monitored.
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. Previously reported that possibility of the land being owned by Council is being investigated. This confirmed and Civil proceedings now intended.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
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 submitted a substantial schedule of proposed improvement works for officer comment. Officers are liaising with owners over which aspects require approval under Building Regulations before commencement	Significant works to improve the building now ongoing. Planning applications currently being considered for COU of two ground floor units
13	81 Forrester Street, Walsall	25 th April 2006	Enforcement notices:- Installation of fume extraction flue Erection of extension to original first floor flat providing day room/ storage	Formal action was deferred for further planning applications but these Refused. Issued 12 th May 2008. Please see below	Enforcement Appeal dismissed . Compliance due 1 st March 2009	No Officers have begun prosecution process.
13A		31 st May 2007	Erection of additional first floor flat without compliance with approved plans	Checks in consultation with Building Control and Public Protection owing to linked issues with the flue and flat		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
13B		9th December 2008	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	Joint Enforcement Notice affecting the two flats was issued on 22 nd December 2008.	Enforcement Notice Appeal received. Local Inquiry was scheduled for 2 nd September 2009, but following correspondence the appellants withdrew the aspect of Appeal claiming that the day room/storage extension had become lawful by passage of time. Local Inquiry therefore cancelled and Appeal now proceeding by Written Representations.	
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 was closed. More recently the other sign boards removed.		Resolved
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 done. Notice issued 30/11/06. Notice re-issued 5/4/2007	Compliance due 28/5/2007	Resolved in part Prosecution took place in Magistrates Court, with both defendants fined £750. 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

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
		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			remained. Owing to budgetary restrictions only one of the sites could be subject of Direct Action. (please see entry above regarding 43 Wenlock Gardens) The rubbish has been mainly removed by the owner but progress being monitored.
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 undertaken and options reviewed.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
		31 st March 2009.	As above – renewal of Committee authority	Urgent Works Notice served 8 th June and 28 th August 2009. (a second notice needed in response to a further building defect occurring)	Compliance with first notice due 6 th July 2009 Time scale for second notice to be confirmed.	No Direct action is being arranged in respect of the first Notice, and it is intended that works will commence in week beginning 7 th September 2009 if owner has not agreed commencement
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. In addition owners have tabled an amended scheme for discussion
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. Previously reported that Prosecution commenced. The defendant initially failed to attend Court and a Warrant was issued. Trial took place in Magistrates Court on 13 th July 2009. Defendant found guilty and fined £8,000 with £1554 costs

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						Defendant has appealed to Crown Court against this conviction – date awaited but preliminary hearing due on 4 th September 09. A report appears on this agenda recommending an Injunction is sought.
20	88 Manor Road, Streetly	17 th July 2007	Enforcement Notice - detached garden building	Notice issued 25-9-07	Compliance was due 30 th December 2007 Planning application Appeal received – dismissed October 2008. Owner indicated would comply	No prosecution process to commence
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 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 which is under review with Pollution Control.		
23	261 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Change of use to HMO	Requisitions for Information served. Modifications to the rear garden have now been undertaken to return the former rear garden to this property ensuring the		Pending

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				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.	No – monitoring compliance
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.		Yes pending confirmation
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.		Yes pending confirmation
28	Saddlers Garage, 115 Wednesbury	7 th August 2007	Enforcement Notices - steel framework for	Enforcement Notices Served January 2008	To-date the steel structure, and (more recently) one of the storage containers	In part A planning application to retain the remaining

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Road, Walsall		building, and two storage containers.		have been removed, but one storage container remains.	storage container may be made (with some visual improvement)
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 did not take place, but now expected.	No – but monitoring for recent progress.
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
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 in terms of expediency for further action.
33	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.	No Prosecution process to commence
34	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. Further site visit needed owing to access problems.	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
35	Land adjacent 18 Rose Hill, Willenhall	28 October 2008	Enforcement Notice- Change of Use to vehicle wash	A second planning application was received (this for temporary use), but this was not processed owing to information problems. Prior to issuing Notice Enquiries as to details of several owners/occupiers are being made.		
36	2 Longwood Lane, Walsall	28 October 2008	Enforcement Notice -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. Some remedial work carried out but officers to request improvements.	Yes
37	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, especially owing to some improvement.	Awaiting serving of PCN	
38	Shire Oak PH Chester Road Brownhills	9 December 2008	Enforcement Notice -Change of Use to vehicle wash	Enforcement Notice issued 29 January 2009	Compliance was due by 3/5/09, but an Appeal received. This being processed jointly with recent appeal against refusal of planning	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
					permission, and under Written Representations procedure. Decision awaited.	
39	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.		
40	Land at Brewers Farm, Brewers Drive, Pelsall	Resolution 9 th Dec 08 when Committee refused application	Enforcement Notice - Parking of HGV lorry on agricultural land	The breach was not being carried on at the time of an RFI for information, but is being monitored. An appeal against refusal of planning permission recently received.		
41	64 Friezland Lane, Brownhills	27 January 2009	Enforcement Notice - Part change of use at a house to parking and storage of vehicles.	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	Enforcement Notice - Change of Use to vehicle wash	Enquiries on ownership have been made and a draft notice is being reviewed.		
43	25 High Street Walsall Wood	27 January 2009	Enforcement Notice - Non compliance with condition requires details of fume extraction flue, this resulting in flue and use as takeaway both	Following the Committee decision, two alternative schemes have been submitted in an effort to resolve the non - compliance and avoid need for enforcement notice. Significant		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			being unauthorised.	progress has been made but some additional information has been requested.		
44	Manor Court Residential Home, Manor Road Precinct, Walsall (now Angel Court)	27 January 2009	Enforcement Notice -Installation of storage container	Following initial difficulties in confirming ownership details, Notice was issued on 3 rd August 2009.	Compliance due by 13/11/09 unless an appeal received	
45	Rear of 170 and 170A, Lichfield Road, Brownhills	10 th March 2009	Enforcement Notice - Change of use of curtilage to takeaway and flat, to curtilage serving vehicle repair garage, and associated minor works.	Legal Services have made enquiries regarding ownerships and occupiers, and a draft notice is being reviewed.		
46	Unit 3, Woodlands Centre, Bloxwich Road North, Willenhall	31 st March 2009	Enforcement Notice -Non compliance with condition requiring details of fume extraction flue, this resulting in flue and use as takeaway both being unauthorised	Proposals for a flue and fume treatment facilities have now been formally approved, and officers awaiting confirmation of date for implementation. If this takes place satisfactorily the Enforcement Notices will not be necessary.		Pending
47	100 and 101 Union Street, Willenhall	31 st March 2009	Section 215 notice (and follow-up actions if needed), in respect of derelict, unsightly	Ownership enquiries being made prior to issuing Notice		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			condition of buildings.			
	Struggling Monkey Public House, Northgate, Aldridge.	18 th June 2009	Enforcement Notice -Use of part of pub car park for drive-in vehicle wash and valet	Issued 3 rd August 2009	Compliance due 13/10/09 if no appeal received.	
	81A Lichfield Road, Shelfield	18 th June 2009	Enf Notice - Use of workshop and yard for drive-in vehicle wash and valet	Legal Services are checking owners/occupiers details and drafting notice.		
	The Boat Public House, Bentley Road South, Darlaston	18 th June 2009	Enf Notice - Use of part of pub car park for drive-in vehicle wash and valet	Prior to issuing notice liaising with Transportation over highways objection.		
	Highway verge outside Three Crowns public house, Sutton Road, Walsall	18 th June 2009	Prosecution action - Display of large mobile advertisement	The advertisement was removed as required but the resolution remains for event of any re-occurrence.		Yes
	30 -31 Wiley Avenue, Darlaston	13 th August 2009	Enf Notice – erection of 'garage' building at shop and house.	Legal Services are checking owners/occupiers details and drafting notice.		

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.

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
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).	No further complaints of construction work outside permitted hours have been received.
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	No Proceeding under Committee resolution on 27 th January 09– please see in Appendix A section of Table above.

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
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 Condition restricting size of vehicles washed.	Breach of Condition Notice to require scheme to be submitted for approval Breach of Condition Notice to prevent larger vehicles being washed and valeted	Issued 3 October 2008 Issued 9 th April 2009	Compliance required by 31 October 2008 Compliance required by 7 th May 2009	No However required boundary treatment is related to noise control requirements, which are under review. Additional information has been requested from the operator relating to noise control Further monitoring is needed
54	Site of demolished Dolphin Pub, Goscote Lane, Walsall	Unsightly 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	Full compliance by 3 rd September is unlikely - latest information from owners is that clearance of the site will begin in week commencing 31 st August. Planning application being considered elsewhere on this agenda.

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
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	No further complaints of construction work outside permitted hours have been received.