



PLANNING COMMITTEE

6th January 2011

Report of Head of Planning and Building Control

Land at site of former 17-21 Lower Rushall Street, Walsall

- 1.1 To inform Members regarding breaches of control at this site and to request authority to take planning enforcement action.

2.0 **RECOMMENDATIONS**

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

Details of the Enforcement Notice

The Breach of Planning Control:

Change of use to a private car park for use by the general public.

Steps required to remedy the breach:

Cease using the site as a car park.

Remove all materials and equipment associated with those uses from the site.

Remove all signs advertising the use of the site and directional signs located within the near vicinity.

Period for compliance

1 month:

The reasons for taking enforcement action:

One of the accesses to this car park is off Lower Rushall Street to the detriment of the safety and free flow of traffic

The use promotes commuting by car, by providing parking spaces for long stay vehicle users

The use is therefore in conflict with local and national policies to minimise commuting by car in particular Walsall UDP policies WA9 T7, and national policies in PPG13

- 2.4 That authority is given to prosecute under section 224 of the Town and Country Planning Act 1990 in respect of all unauthorised advertisements on and around the site, because of their visual impact on the town centre.
- 2.5 That authority is delegated to the Head of Planning and Building Control, in consultation with the Assistant Director –Legal and Constitutional Services, to issue Discontinuance Notices under the Town and Country Planning (Control of Advertisements) Regulations, in respect of the other advertisements on the site.
- 2.6 That, in the interests of ensuring accurate and up to date notices are served including all other authorised actions, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out above.
- 3.0 **FINANCIAL IMPLICATIONS**
None arising directly from this report.
- 4.0 **POLICY IMPLICATIONS**
The report recommends enforcement action in order to secure compliance with planning policies.
- 5.0 **LEGAL IMPLICATIONS**
Non-compliance with an Enforcement Notice is an offence and if this occurred it would be open to the Council to instigate legal proceedings.
- 6.0 **EQUAL OPPORTUNITY IMPLICATIONS**
None arising directly from this report.
- 7.0 **ENVIRONMENTAL IMPACT**
The report seeks enforcement action to remedy adverse impacts?
- 8.0 **WARD(S) AFFECTED**
St. Matthews
- 9.0 **CONSULTEES**
Transportation
- 10.0 **CONTACT OFFICERS**
Bob Scrivens, Tim Pennifold – Tel; 01922 652411.
- 11.0 **BACKGROUND PAPERS**
None
- D. Elsworthy
Head of Planning and Building Control

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12.0 BACKGROUND AND REPORT DETAIL

Introduction

- 12.1 The report concerns the use of some vacant land. Use of the land as a car park began in early December
- 12.2 There is housing adjacent to the site on one side on the Lower Rushall Street frontage and a take away and public house on the other. There is also a pedestrian crossing very near to the entrance to the car park.
- 12.3 On Intown, there is a range of fringe town centre activities.
- 12.4 The car park is accessed from both streets. Directional signs currently affixed to the fences round the site suggest cars can turn into a one way street to access the car park via Intown Row.

Relevant Planning History

- 12.5 The site is a remnant of the Eylands factory complex. Part of the wider site was developed for housing to create Eyland Grove some years ago.
- 12.6 A planning application was refused in 1997 for a temporary commuter car park (BC47764P). Access was to be from Lower Rushall Street. The refusal reasons were primarily highway safety issues.

The uses of the site – the case for enforcement action.

- 12.7 Planning policy seeks to minimise the use of the car for commuting, and make town centre car parks mainly available for shoppers. In the absence of a planning permission with suitable conditions, there is no control over this aspect of the use. The use is therefore contrary to planning policies (as the site is open to anyone prepared to pay the relevant fee).
- 12.8 Access from Lower Rushall Street is close to a light controlled pedestrian crossing. Turning in and out onto Lower Rushall Street, which is heavily trafficked, is inherently dangerous. (The possibility exists that controls though, for example, a planning application might be achievable to make such an access acceptable, but this is an unknown quantity, e.g. moving the pedestrian crossing may be necessary, or other elaborate measures.)
- 12.11 The site is identified by many blue directional advertisements. The directional signs are conspicuous in their number, and excessive in number making them unsightly particularly in directly adjacent to the footpath on Lower Rushall Street.

HEAD OF PLANNING AND BUILDING CONTROL

