



Walsall Council

Item No.

DEVELOPMENT CONTROL COMMITTEE **31 May 2007**

HEAD OF PLANNING AND BUILDING CONTROL

LAND AT FLETCHERS LANE, WILLENHALL

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take enforcement action in respect of a vehicular wash operation at the above land.

2.0 RECOMMENDATIONS

- 2.1 To authorise that the issue of an enforcement notice and requisition for information notice be delegated to the Assistant Director - Legal and Constitutional Services and Head of Planning and Building Control and prosecution action in the event of non-compliance either with the Enforcement Notice or Requisition for Information Notices as set below:

Breaches of planning control.

A vehicle wash operation

The reason for taking enforcement action.

- 2.2 The use of the land for vehicle wash purposes (including HGV's) is not an appropriate use of the land for the following reasons:-
- a) The unauthorised use causes nuisance to nearby residents by virtue of noise and disturbance which detrimentally affects their amenities.
 - b) Vehicles which use Fletchers Lane also give rise to noise and disturbance which has a detrimental impact on the residents who reside on Fletchers Lane which is primarily a residential street. The use of the operation by HGV's exacerbates this problem.
 - c) Vehicular access and egress to the site to and from Shepwell Green uses the entry-only access to the adjoining hot food outlet and gives rise to conflict with vehicles accessing the outlet and also gives rise to the

potential for queuing back out of the site onto Shepwell Green which gives rise to traffic congestion and compromises road safety.

The use of the site is therefore contrary to the Council's adopted Unitary Development Plan Policies GP2,, 3.6 and,3.7.

The Requirements of the Notice.

To permanently cease to use the land for the purposes of vehicle wash and ancillary operations.

To permanently remove all equipment and materials associated with the use from the site.

To permanently remove all vehicles from the site which are connected to this use.

The Period for Compliance.

2 months.

- 2.3 That authority is delegated to the Head of Planning and Building Control and the Assistant Director - Legal and Constitutional Services_ to amend and add to or delete from the wording set out above 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.
- 2.4 Committee is also recommended to authorise that the decision as to the institution of legal proceedings in the event of non-compliance with the enforcement notice, or the non-return of RFI's to be delegated to the Assistant Director - Legal and Constitutional Services.
- 2.5 That authority is delegated to Assistant Director - Legal and Constitutional Services and the Head of Planning and Building Control for the instigation of legal proceedings in respect of non-compliance with a Planning Contravention Notice.
- 3.0 **FINANCIAL IMPLICATIONS**
For the Council none arising directly from this report.
- 4.0 **POLICY IMPLICATIONS**
None arising directly from this report.
- 5.0 **LEGAL IMPLICATIONS**
Non-compliance with an Enforcement Notice is an offence.

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

Willenhall South

9.0 CONSULTEES

None

10.0 CONTACT OFFICER

Tonia Upton – Planning Enforcement Team

Tel; 01922 652411.

11.0 BACKGROUND PAPERS

Planning enforcement file

HEAD OF PLANNING AND BUILDING CONTROL

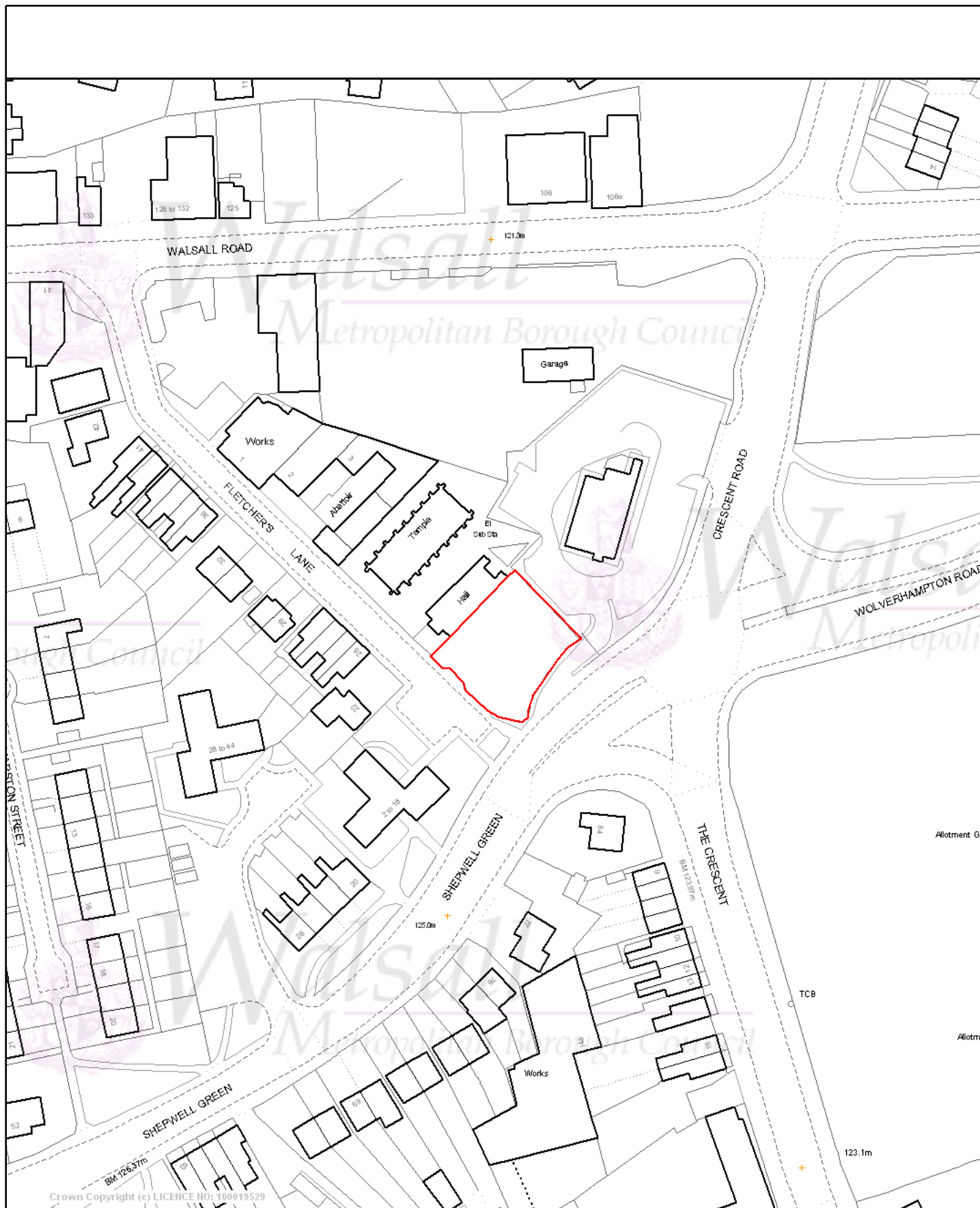
DEVELOPMENT CONTROL COMMITTEE
31 May 2007

Land at Fletchers Lane, Willenhall

12.0 BACKGROUND AND REPORT DETAIL

- 12.1 The use of this site as a vehicle wash operation commenced in January 2005. Planning Enforcement inspected the site which is owned by the Shri Bhagavad Hindu Temple and noted a jet wash on the site and advised that planning permission would be required for the use. In response the operators advised that they used the land for charity purposes only and were raising money for Temple improvements.
- 12.2 The site is accessed from Shepwell Green via the slip road to MacDonald's (entrance only) and egresses either onto Fletchers Lane or onto Shepwell Green (against the flow of the entrance-only route).
- 12.3 Legal Services served a Requisition for Information on the operators in September 2005. The notice was complied with and the use of the land was described as being a car wash for fund raising and car park. The use of the land as a car wash operation then appeared to cease.
- 12.4 In summer 2006 the use re-commenced and In addition a new hardstanding was laid. New inspections were undertaken and again the operators were advised to cease or apply for retrospective planning permission.
- 12.5 The use continued (although was quiet in December and January) and by February 2007 it was noted that HGV's were being brought onto the site for cleaning. The regularity of the HGV's using the facility has exacerbated the problems. Furthermore, the site is now used 7 days a week.
- 12.6 Several complaints have been received about the use and the adverse impact that it has on residential amenity, particularly in what is now almost completely a residential street (since the closure of an abattoir in the street several years ago).
- 12.7 An application to retain the use has not been submitted and the use is open to enforcement action. In this case it is considered that enforcement action is expedient as the use causes noise and disturbance to nearby residents and also has an adverse impact on the highway, primarily because vehicles access and egress from Shepwell Green thereby using the McDonald's access only slip road. Any vehicles which use Fletchers Lane also give rise to noise and disturbance. It can be appropriate to consider under-enforcement (securing the removal of the element of a use which offends, leaving the rest). That is not appropriate in the present case, because, for example, requiring the closure of the access from Shepwell Green, to control the highway safety issue, would result in increased use of Fletchers Lane leading to more problems. Total removal of the use is the only appropriate remedy.

HEAD OF PLANNING AND BUILDING CONTROL



Walsall Council

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Crown Copyright reserved. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
LICENCE NO: 100019529

Scale 1/1250 Date 14/5/2007

Centre = 397324 E 298576 N

