



Development Control Committee
18th June 2009

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

The Boat Public House, Bentley Road South, Darlaston

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take planning enforcement action in respect of the use of part of the car park of a derelict public house for washing and valeting of vehicles

2.0 RECOMMENDATIONS

- 2.1 That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), 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 Breaches of Planning Control:-

Change of use of part of public house car park to use for vehicle washing and valeting.

Steps required to remedy the breaches:-

Cease to use the land for the washing or valeting of vehicles.

Remove from the land all vehicles, materials and equipment which are used in connection with the vehicle washing and valeting.

Period for compliance:-

1 month

Reasons for taking Enforcement Action:-

The use of the access to the site and the location of the car washing operations is likely to result in vehicles queuing on and obstructing Bentley Road South when waiting to enter the site. This is to the detriment of the free flow and safety of traffic using Bentley Road South and contrary to policies GP2, 3.6 and 3.7, 7.36, T7 and T13 of the Unitary Development Plan which aim to promote and secure road safety.

The car wash use will prejudice any future use of the whole site and is therefore contrary to Policy GP1 of the Unitary Development Plan.

3.0 **FINANCIAL IMPLICATIONS**

None arising from the report.

4.0 **POLICY IMPLICATIONS**

The report recommends enforcement action in order to seek compliance with planning policies.

5.0 **LEGAL IMPLICATIONS**

None arising from the report.

6.0 **EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

7.0 **ENVIRONMENTAL IMPACT**

The report seeks enforcement action to remedy adverse environmental impacts.

8.0 **WARD(S) AFFECTED**

Bentley and Darlaston North

9.0 **CONSULTEES**

The related planning application 09/0102/FL was subject to normal publicity. The Transportation officer comments were that the limited area being made available to the vehicle wash is likely to cause vehicles to queue on the highway, and extending the area may also be harmful because it could involve use of another access closer to the humped bridge over the canal. British Waterways noted potential for pollution of canal with waste water but did not point to any confirmed problem. British Waterways and Severn Trent Water both raised no objection subject to details of drainage being controlled.

10.0 **CONTACT OFFICER**

Philip Wears
Planning Enforcement Team: 01922 652411

11.0 **BACKGROUND PAPERS**

Planning application 09/0102/FL
Enforcement file not published.

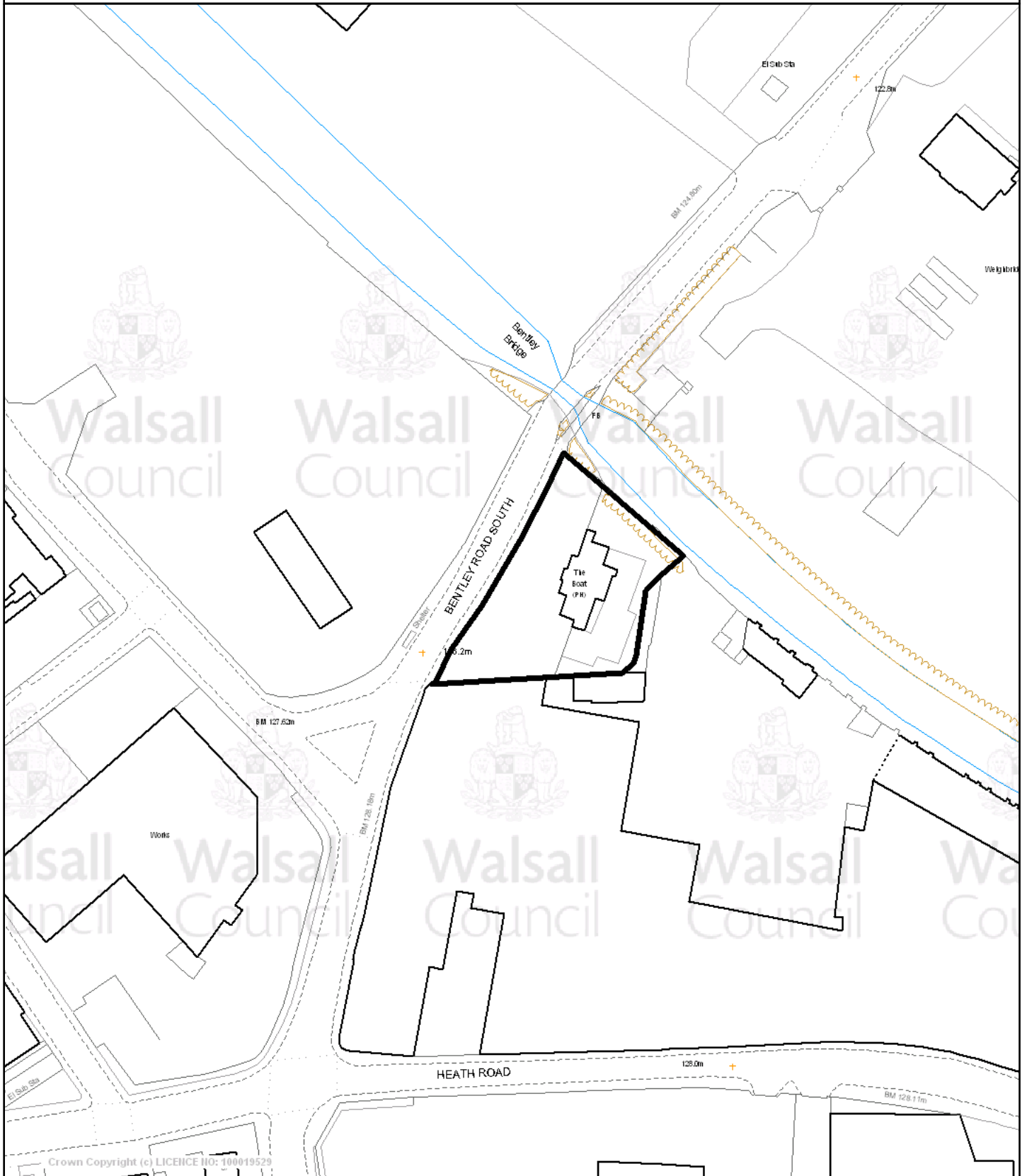
D. Elsworthy, Head of Planning and Building Control

Development Control Committee
18th June 2009

12 BACKGROUND AND REPORT DETAIL

- 12.1 The change of use has taken place on part of the car park of a large public house which has been seriously damaged by fire and is now derelict. The pub is located in an industrial area close to a humped road bridge over the Walsall Canal.
- 12.2 Planning application 09/0102/FL for the continuation of the use was refused in May 2009 for the reasons stated in 2.3 above. The use has not ceased and officers request that authority to take enforcement action is now given.

The Boat Public House, bentley Road South, Darlaston



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 10/6/2009

Centre = 397965 E 297729 N

