



Walsall Metropolitan Borough Council

Development Control Committee
DATE - 21st February 2006

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

MD Motor Services Ltd –Wednesfield Road, Willenhall.
Ref: E05/0006

1.0 PURPOSE OF REPORT

To inform Members regarding a shipping container in Calves Croft, and to request authority to take planning enforcement action.

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 legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services.
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Head of Planning and Transportation and the Assistant Director - Legal and Constitutional Services to amend and 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:-

Operational development comprising the installation of a shipping container within Calves Croft, at the rear of M.D Motor Services

Steps required to remedy the breaches:-

Remove the shipping container from Calves Croft

Reinstate the resulting opening in the wall flanking Calves Croft, with brickwork which matches the remainder of the wall in terms of colour, texture and size of bricks.

Period for compliance:-

1 month

Reasons for taking Enforcement Action:-

By reason of its location, utilitarian design, and unsightly appearance, the shipping container is an unduly obtrusive and incongruous feature within the alleyway known as Calves Croft, and is detrimental to visual amenity in the area. Furthermore, with its flat roof providing a vantage point for miscreants, it also erodes the level of community safety in the area. The container is therefore contrary to policies ENV32, ENV35, GP2 and GP7 in the adopted Walsall 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

Non-compliance with the enforcement notice would be a prosecutable offence.

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

Willenhall South

9.0 CONSULTEES

Planning enforcement officers have liaised with officers in Regeneration and Highways.

10.0 CONTACT OFFICER

James Fox / Philip Wears
Planning Enforcement Team: 01922 652411

11. BACKGROUND PAPERS

Planning Applications 05/2145/FL/W6
Enforcement file not published.

M. Yardley
Head of Planning and Transportation

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12 BACKGROUND AND REPORT DETAIL

- 12.1 MD Motor Services is a motor repair garage on Wednesfield Road, Willenhall. The shipping container is located to the rear of the premises within Calves Croft, which is a broad alleyway. Prompted by community safety concerns, the Council has proposed to close Calves Croft. A plan showing the location of the garage and shipping container is attached to this report.
- 12.2 The premise occupied by MD Motor Services includes a brick building which directly abuts Calves Croft. The shipping container is set directly against the rear wall of the building, and this has been modified to allow internal access between these two areas of the premises. The shipping container forms an extension to the premises, albeit outside the curtilage of the buildings, and when inspected it provided a room for storage and limited workshop facilities. The container measures about 6.1m long by 2.5m wide by 2.5m high.
- 12.3 Officers consider that the shipping container is an obtrusive and incongruous feature within Calves Croft. It is also unsightly by reason of its very utilitarian design and the large amount of rust on its exterior.
- 12.4 Complaints have been received that the roof of the container provides a vantage point over properties in Thompson Close. Officers consider that the container erodes the level of community safety in the area.
- 12.5 In the vicinity of the shipping container, Calves Croft is approximately 6.5 metres wide. The container does not therefore hinder pedestrian right of way. It may cause some restriction to a private right of way for vehicles but officers consider that this would not be a planning objection.
- 12.6 Following a discussion between MD Motor Services and planning enforcement officers, the company made planning application 05/2145/FL/W6 for the installation of a metal container of similar dimensions within their curtilage. This was granted a temporary permission on 21st December 2005 for a two year period. The company have been advised that the shipping container should not remain in Calves Croft.

MD Motor Services, Wednesfield Road, Willenhall

