

PLANNING COMMITTEE – 7th JUNE 2018: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

Sites with Notices served

Case Number	Officer	Address	Date of Committee	Type of Action and date of issue	Current position
E11/0615	EG	74, 75, 76, Stafford Street, Willenhall (Dainty's)	21/10/2010	Section 215 Notices Issued on 4 th July 2012	Section 215 notice required the repair of numbers 74 and 75. The notice took effect on 6 th August. The first compliance period expired on 6 th September; the second compliance period expired on 6th December 2012. Requirements of the first two parts of the notice were not met. Prosecution was progressed with each Defendant being fined. Current planning application under consideration. Site visited in December 2017 and owners notified of need to undertake works otherwise a new Section 215 notice will be issued.
E11/0274	EG	12-14 Lower Lichfield Street, Willenhall	2/5/2013	S215 Notice issued 28 th June 2012.	Unsuitably properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned. Warning letter with regards action sent January 2018 and site to be monitored in February 2018.

E17/0354	SD	7 Stonehurst Road, Great Barr	2 nd November 2017 5th June 2018	Enforcement Notice served 17 th November 2017	Enforcement Notice, takes effect on 29th December 2017 and requires the use as two separate flats ceases and works be undertaken to reinstate the property to a single dwelling house. Compliance with the notice is due 29th March 2018. SD visited site on 16th March and confirmed full compliance with notice – CASE CLOSED
E17/0359	EG	207 Harden Road, Bloxwich	30 th November 2017 5th June 2018	Enforcement Notice served 8 th January 2018	Enforcement Notice takes effect on 5th February 2018. Requires use of site as a hand car wash storage to cease and removal of container Compliance with the notice is due 6th March 2018. The site has been visited and the container removed and commercial use cease in full compliance with the Notice – CASE CLOSED
E17/0140	EG	The Orange tree, 20 Wolverhampton Road	N/A	Section 215 Notice served 30 th September 2018	Notice requires repair or demolition with compliance by 30th December 2017. Warning letter sent 8th January 2018 with regards to prosecution for non-compliance with notice. Owner stated that demolition contractors have been appointed site to be monitored again end of February 2018.

E12/0470	EG	24 Larkspur Way	16/01/14 5th June 2018	Enforcement Notice served 8 th July 2014.	Enforcement Notice required cease of use as residential garden and removal of residential paraphernalia and fencing. Officer inspection confirms requirements of Enforcement Notice not complied with – With Legal Services for prosecution proceedings to be prepared. EG as new case officer to revisit site and seek to secure compliance with notice.
E12/0134	EG	1 Halford Crescent	May 2014	Enforcement Notice served 24 th October 2014	Enforcement Notice regarding the change of use from residential to car repairs, storage and valeting, plus additional fencing and hard surfacing. Compliance period ends 24th December 2014. PACE interview conducted on 25th Feb 15 to establish further grounds for prosecution. Prosecution proceedings being prepared by officers. Continued monitoring confirms compliance with the requirements of enforcement notice. It was considered the original harm to the neighbouring properties had subsided to a degree whereby it would not currently be in the public interest or meet the standards of the Councils prosecution policies to pursue the matter further. Officers have recently been advised of a number of vehicles returning to the property and this is currently being investigated. The

			5th June 2018		requirements of the notice remain on the land in perpetuity so if the breach returns officers will re-evaluate the current position. EG as new case officer to revisit site and seek to secure compliance with notice. Site has been regularly monitored and there is no evidence of car repairs witnessed by case officer. Case closed 16 May 2018 Enforcement Notice will remain in force in perpetuity.
E17/0392	SD	18 Moat Road, Walsall	26/4/18	Enforcement action authorised by 26/4/18 planning committee	Owner to cease use of the unauthorised takeaway and remove all associated equipment and retune the building back. The notice is being prepared ready for service
E17/0441	RS	Land to the south of 171 Erdington Road	5 June 2018	Enforcement action authorised by 26/4/18 planning committee	Enforcement Notice served. Now awaiting notice to become valid on 11th June 2018 or for appeal to be submitted.

Historical Cases under review following Committee Resolutions

Case Number	Case Officer(s)	Address	Date of committee authorisation for Enforcement Action	Type of action and date of issue	Current position
E14/0338	EG	17 Newport Street, Walsall	26/10/2004	Listed Building Enforcement Notice and Prosecution	Continued non-compliance with Listed Building Enforcement Notices for installation of second floor windows and painting exterior of building. Also other external alterations including first floor windows continue to be an offence. Case has been reviewed. Consolidated report being prepared with intention to report to committee in the near future. An invalid planning application has been submitted in an attempt to regularise the listed building breaches. Currently awaiting an update from the Building Conservation Officer. A site visit was undertaken on 10 th May 2016 and further discussions have taken place. Planning application 16/0120 was valid 24/6/16 with officers requesting amendments. To date this still remains outstanding.

E08/0246	EG	Land at Canalside Close, Walsall	9/1/2007	Enforcement Notice – 5/11/2007	Planning application 16/0120 is under consideration and enforcement action in abeyance at this time as not expedient. Erection of boundary wall, building and gates. Appeal partially upheld on 15/8/08. Planning permission granted subject to conditions for a change of use to motor vehicle salvage and breakers yard including alterations to the boundary wall by September 2012 subject to time limit actions. Actions not complied with. Discussions about new tenant and advice sought from officers in regard to a new planning application to address the issues. Site visit undertaken on 13th April 2016. Site was locked up and secured with nobody on site. Sign on wall outside states that the facility will be opening soon. Contact is to be made with the current owners to ascertain their intentions. A further monitoring visit is proposed to assess the situation. EG- As new case officer to assess site and recommend actions. Site visited and at this time considered not expedient to seek reduction in wall height. Case to remain open and be reviewed if use of site changes.
			5 th June 2018		

E13/0042	EG	Land rear of Tempus Drive, Walsall	2/5/2013	Enforcement Notice	Change of use to deposition of waste material. Enforcement Notice issued. Appeal lodged but subsequently withdrawn. Enforcement notice compliance period expired April 2014. New EIA Screening Opinion issued 11/12/14 confirming Environmental Statement not required. Planning permission 15/0333/FL was granted on 8th January 2016 for earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the north (the Onyx site), including on-site remediation of material as necessary, to provide a level platform for future development. The permission requires commencement of the works within 12 months of the grant of permission to remedy the issue of unauthorised waste on site. Works have progressed on site and are likely to have triggered commencement under permission 15/0333/FL. Commencement of permission confirmed as 14th October 2016 and works are required to be completed by 14th October 2017. A further planning application under 16/1883 was approved on 2nd May 2017 to vary conditions under 15/0333/FL regarding importation of materials, drainage, flooding and mining risk. The conditions are currently in the process of being discharged.
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E12/0519 & E12/0468	EG / SC	3 Walsall Road	September 2013	Enforcement notice served on 23 rd June 2015	Site being monitored for compliance with Planning application 16/1883. Unauthorised change of use, signage, fencing and building works. Authorisation to prosecute was approved by September planning committee. Planning applications for the retention of the works have now been refused. Enforcement notice served on 23rd June 2015 for compliance on the 24th September 2015. Requirements of the notice have not been met. Prosecution with legal services. Legal services have asked for further land ownership details which is currently being investigated, plus officers are having to visit the site and measure all of the new signage at the site. Interviews have taken place with the owner and the file is now with legal for a prosecution. New site visits have taken place and new advertisements have been erected stating that the shop is under new ownership. Despite this, work continues on this case Liaising with new tenants who are process of purchasing the site and they have stated intention to comply with requirements of the notice. Site to be monitored at end of February 2018.
			February 2018		
			5 June 2018		

E13/0103	EG	Ravenscourt Shopping Precinct	March 2014	Section 215 Notice	Site visited 23 May 2018, action to be undertaken as no change at site. Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared. Update 9-3-15 – Owners of the site have been in contact with the LPA to discuss future the enforcement action and the future of the site. Officers have been negotiating with developers who intend to submit a planning application early 2017. The owner has confirmed they have appointed a highways consultants and are in the process of finalising a planning consultant. In addition they wish to work closely with the Town Centre Manager to ensure the security of the site and minimise ASB issues. Update 18-10-17 – Planning Application 17/1131 for part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Consultation period expires 15-11-17
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E14/0280	EG	Middlemore Lane West – Former GKN	September 2014	Enforcement Notice	As there is a current application in for consideration at this stage it is not expedient to pursue formal action. Site visited, action to remain in abeyance pending outcome of application. Owners have removed the unauthorised embankment and are in discussions with officers for the submission of a planning application to landscape the front of the site. Meeting to be proposed with planning case officer to ascertain the current situation. EG as new case officer to monitor site and advice on action to be undertaken.
E14/0233	EG	Land between River Tame and Railway, Darlaston Road, Walsall	09/07/15 May 2018	Enforcement Notice	Enforcement Notice served on 30/09/15 which took effect on 02/11/15. Requires removal of all materials, packaging and waste from the land and cessation of the use of the land for the storage of commercial building materials. Initial visit noted the majority of the materials removed. EG to assess whether the remainder of the material is expedient to pursue a prosecution. Materials have been removed and original use restored. CASE CLOSED

E15/0275	EG	Former Jack Allen Holdings, Middlemore Road	6 /8/15	Enforcement Notice	The operator has now vacated the site and the importation of soil and timber has ceased. The owners have secured possession of the site and agreed measures with the Environment Agency and the Councils Pollution Officers to clear the site. Owner was required by the Environment Agency to remove all wastes by November 2015. The site is almost cleared of all stockpiles and use for importation of waste has ceased. It is recommended that monitoring continues until the site is fully cleared. EG- to Monitor site and make recommendations as necessary. No longer a waste management site CASE CLOSED 18/4/18
E15/0260	EG	Hawthorns, Former Baytree House, Erdington Road, Aldridge	3/9/15	Enforcement Notice	The operators of the site have begun proceedings with officers of the Council to look at improving the provision of care available to residents including registration with the Care Quality Commission (CQC) to operate as a care home and ensure compliance with planning application 12/1400/FL. The measures put forward are being considered by officers. Officers are

E15/0138	EG/SC	51-53 Wolverhampton Street			negotiation with the applicants on the terms of the revised s106 and will be preparing a report to update Members on the situation. EG- to monitor case and make recommendations as necessary.
				Enforcement action authorised by 31/3/16 planning committee	Change of Use from Factory/Offices to HMO. A planning application has been received and further details are required. Enforcement notice sent 05/04/17 which takes effect on the 05/05/17 and has a two month compliance period 07/05/17. The notice has bounced back as the ownership details on land registry are out of date. The agent has provided the correct ownership details. The application is likely to be valid prior to the preparation of a new notice. 24th October Update - Application has now been refused and the Enforcement Notice is being drafted. The Planning decision is being appealed. Whilst planning appeal is in progress, it is not expedient to serve an Enforcement Notice. Planning appeal allowed on 6 April 2018 – As planning permission now given via appeal, this CASE CLOSED.
			February 2018		
			5 June 2018		

E15/0081	SD	16 Butts Road	31/03/16 February 2018 5 June 2018	Enforcement action authorised by 31/3/16 planning committee	Subsequent planning application 16/0388 refused by 31st August 2017 Planning Committee. Appeal received and enforcement action currently held in abeyance. Planning appeal allowed on 6 April 2018 – As planning permission now given via appeal, this CASE CLOSED.
E14/0323	JT	39 Shire Ridge, Walsall Wood	01/09/16	Enforcement action authorised by 01/09/16 planning committee	The fence and wall to the side have been reduced in height in accordance with the approved planning application. The owners have been advised that an application will be required for the change in levels of the rear garden. Officers in negotiation regarding this matter.
E14/0057	EG	The Eagle PH, Cresswell Crescent	01/12/16	Prosecution following non-compliance with S215 Notice	Failure to comply with S215 notice to tidy up the derelict site. Prosecution being considered. Planning application 17/0026 received on 06/01/17 for redevelopment for a new apartment scheme and committee resolution to grant permission subject to a S106 Agreement.

			February 2018		EG as new officer to evaluate site and consider if further formal action required.
			5 June 2018		Site visit 15/4/18. Owners given 28 days to rectify the appearance of the building and remove the further flytipped rubbish and finalise compliance with the Section 215 Notice. Officer to monitor the situation after 28 days.

