



Development Control Committee
18th June 2009

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Struggling Monkey Public House, Northgate, Aldridge.

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action in respect of the use of part of a public house car park for vehicle washing and valeting.

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 curtilage of public house 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 on the land in connection with then use for vehicle washing and valeting.

Period for compliance:-

1 month

Reasons for taking Enforcement Action:-

The use for washing and valeting of vehicles is harmful to the level of amenity experienced by adjacent residents by reason of noise, and drift of water spray from pressure washers

The use for washing and valeting of vehicles is detrimental to the level of amenity in the area, by reason of noise, and the visual impact of the processes, materials and equipment all being deployed in the open.

The use is contrary to policies 2.2, 3.6, 3.7, 3.116, GP2 and ENV32 of the 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**

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**

Aldridge North and Walsall Wood

9.0 **CONSULTEES**

Related planning application 09/0268/FL was subject to normal publicity.

Transportation officers commented that there was unlikely to be an impact on the highway.

Pollution Control and Environmental Health officers made adverse comment, in particular concerning overspray, and noise from equipment and processes used, and also radios and operatives,

Severn Trent Water raised no objection, subject to a condition to require details of drainage to be approved

10.0 **CONTACT OFFICER**

Philip Wears

Planning Enforcement Team: 01922 652411

11.0 **BACKGROUND PAPERS**

Planning application 09/0268/FL

Enforcement file not published

D. Elsworthy, Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 The Struggling Monkey is a public house which continues to trade . This part of Northgate has residential development, open space, and the public house on its east side, and industrial development on its west side. The rear boundary of the public house abuts the rear gardens of houses in Hereford Close.
- 12.2 The vehicle washing and valeting activity is concentrated at one end of the large car park. Following correspondence from planning enforcement, a retrospective planning application was received in March to continue the use. This remained incomplete for some weeks, was eventually registered but then withdrawn .
- 12.3 Officers consider that the use is harmful and unsuitable for this location, and that enforcement action should be taken as detailed above.

The Struggling Monkey Public House, Northgate, Aldridge

