



Walsall Council

Planning Committee

21st March 2019

REPORT OF HEAD OF PLANNING, ENGINEERING & TRANSPORTATION

Development Management Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Planning Committee of the latest performance and outcomes during the 3rd quarter of 2018/19 (1st October to 31st December) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q3.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3.
- iii) An update of Planning Applications 'called-in' by Councillors in Q3. Please note, this information was presented to committee in the previous performance paper but has been represented to ensure consistency with the performance and appeals data.
- iv) A progress report of enforcement proceedings.

Details of previous performance in Q1 and Q2 2018/19 can be found in the report to Planning Committee of 3rd January 2019.

2. RECOMMENDATIONS

That the Committee notes the report

3. FINANCIAL IMPLICATIONS

None arising from this report

4. POLICY IMPLICATIONS

Within Council policy. All planning applications and enforcement proceedings relate to local and national planning policy and guidance.

5. LEGAL IMPLICATIONS

The briefing of members as to the outcome of individual appeals made by the Planning Inspectorate will enable members to keep abreast of planning issues as may be raised within individual cases. Appeal decisions are material considerations and should be considered in the determination of subsequent applications where relevant.

6. EQUAL OPPORTUNITY IMPLICATIONS

None arising from the report. The Development Management service is accredited by an Equality Impact Assessment.

7. ENVIRONMENTAL IMPACT

The impact of decisions made by the Planning Inspectorate on the environment is included in decision letters and all planning applications are required to consider environmental issues where material to the proposed development.

8. WARD(S) AFFECTED

All.

9. CONSULTEES

Officers in Legal Services have been consulted in the preparation of this report.

10. CONTACT OFFICER

Shawn Fleet: Extension 0453

11. BACKGROUND PAPERS

All published.

Steve Pretty
Head of Planning, Engineering and Transportation

PLANNING COMMITTEE**Development Management Performance Update Report****i) Speed of planning applications determined in Q3 (between 1st October to 31st December 2018)***(2017/18 equivalent figures in brackets)*

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Performance for 2018- 19 to date
a) Major applications Within 13 weeks or agreed EoT (Gov't target = 60%)	100%	88%	100%	--	94%
Walsall Performance 2017/18	(85%)	(80%)	(92%)	(100%)	(89%)
National Performance 2017/18	90%	92%	91%	92%	91%
b) Minor applications Within 8 weeks or agreed EoT (Gov't target = 70%)	91%	93%	93%	--	93%
Walsall Performance 2017/18	(77%)	(58%)	(88%)	(93%)	(79%)
National Performance 2017/18	88%	86%	88%	88%	87%
c) Other applications Within 8 weeks or agreed EoT (Gov't target = 70%)	96%	98%	94%	--	96%
Walsall Performance 2017/18	(71%)	(47%)	(87%)	(88%)	(73%)
National Performance 2017/18	89%	89%	88%	90%	89%

12.1 The latest performance figures mark a continued improvement in 2018/19 and exceed both last year's local and national figures for quarter 3.

12.2 In response to the slight slippage of the performance in the majors category in Q2, it is positive to see these figures return to a full 100% performance with all 7 major applications determined either within the normal 13 week period or a timescale agreed with the applicants.

- 12.3 Ongoing improvements to the handling of applications and especially the hard work of the case officers, support staff and consultees has also assisted in bringing forward further improvements to performance in the minors and others categories. This is especially welcomed and continues to move the Council further away from potential special measures.
- 12.4 It should be noted that in the Q2 report it was anticipated that engagement would continue with the Government's Planning Advice Service with a focus on how the planning service can best be delivered with an emphasis on optimising the time officers have to deal with cases. This has been put back slightly as the Planning Service has engaged with the wider Council service review being undertaken by PricewaterhouseCoopers.
- 12.5 Further engagement will now be undertaken with MHCLG in the spring and into the summer enhance not just performance but also the quality of the planning service offered to applicants, agents and the public. Particular attention will be given to how any improvements can help deliver on the Council's Proud programme in respect of improving how people engage with the service.

ii) Decisions made by the Planning Inspectorate in Q4 (between 1st January and 31st March 2018)

App No.	Address	Proposal	Appeal Decision	Council Decision	Comments
18/0209	47, Chester Road, Streetly, B74 2HH	Fell oak tree in front garden	Appeal Allowed	Tree: Refuse Consent	The Inspector felt that as the stem of the tree was within 8.0m of the dwelling and was likely to grow further, the impact on residential amenity outweighed the need to protect the tree given the presence of others in the area. Concerns about impact on the properties drains and drive though were not considered to be sufficient reasons on their own to support the request to fell.
18/0403	303, Stroud Avenue, Willenhall, WV12 4DA	Single storey rear extension and internal alterations.	Appeal Allowed	Refuse Permission	The Inspector noted there was already a conservatory in the garden and felt that as the rear garden of the appeal property already appears relatively congested with built development that the proposal would not result in any additional harm

					and in their opinion, the proposal would present a better designed and more cohesive and integrated form of development at the rear of the property. In addition, the Inspector considered that the resulting garden area, whilst smaller in size than that sought in the SPD, would be more acceptable in form.
18/0502	31 , Hall Lane, Pelsall, WS3 4JQ	Proposed New 3 Bedroom House With Attached Garage	Appeal Dismissed	Refuse Permission	<p>Despite the request of the appellant, the Inspector decided that a Coal Mining Risk Assessment should be considered in advance of any approval and could not be conditioned. The Inspector also felt that as a result of its siting and size, the dwelling would disrupt the existing pattern of extensive rear gardens on Hall Lane and erode the positive contribution the site makes to the openness of the area and the two-storey dwelling would be substantially higher than the adjacent dormer bungalow.</p> <p>Regarding trees on the site, the Inspector had regard to the imposition of a condition requiring an Arboriculture Impact Assessment. However, without sufficient evidence that the dwelling would not unacceptably harm existing trees or that adequate mitigation measures are feasible, such a condition they felt would not be reasonable.</p>

18/0486	19, Wood End Road, Walsall, WS5 3BE	Two storey side and rear extension, plus single storey rear extension and front single storey extension.	Appeal Dismissed	Refuse Permission	The Inspector felt that although the first floor would be set back slightly from the front wall of the existing dwelling, its positioning up to the boundary with number 17 would mean that there would be little gap, if any, retained at first floor level between the two properties. This would create a terracing effect, which would be at odds with one of the main characteristics of Wood End Road and which would be unacceptably harmful to the appearance of the streetscene.
18/0571	20, Gillity Avenue, Walsall, WS5 3PJ	Two storey side, rear and front extensions and porch	Appeal Dismissed	Refuse Permission	The Inspector considered that the combination of two gabled projections would appear over dominant and at odds with the existing horizontal appearance of the property, which is one of its defining characteristics. Furthermore, the proposal would result in the dwelling appearing at odds and out of context with the dwellings on either side, which have largely retained their original appearance and character. The Inspector also noted that the proposed side extension would be an overbearing and oppressive structure when viewed from number 18, because of its height, positioning on the boundary and the extent of its projection in conflict with the 45 degree code.

18/0747	62, Moncrieffe Street, Walsall, WS1 2LB	Single storey rear extension with pitched roof, 5.9m long, 3.5m to eaves and 2.5m the maximum height	Appeal Dismissed	Prior Approval REFUSED	The Inspector concluded that as a result of its significant projection and its height in relation to No 60, which sits at a slightly lower level than the appeal property, the proposed extension would have an oppressive and overbearing presence, creating a significant feeling of enclosure, and further restricting the already-limited outlook from this neighbouring property to an unacceptable degree
18/0943	28, Foley Road East, Streetly, B74 3JP	New three car detached garage	Appeal Dismissed	Refuse Permission	The Inspector stated that the proposed development would disrupt the established pattern of existing development and detract from the character and appearance of the local area. They also recognised that the appellant had identified and provided photographs of several examples of similar schemes, which they took into account. However, none of these cases form part of the same street scene as no 28 and it is in that context that the proposal would be seen.
18/0357	19, Wood Lane, Willenhall, WV12 5NE	Single storey front and rear extensions, two storey front and side extensions and loft conversion.	Appeal Dismissed	Refuse Permission	The Inspector had regard to the extant planning permission for an extension at the appeal property and the appellant's contention that the proposed scheme is similar. However, they felt that as the approved scheme retains the hipped roof design and the forward

					projecting gable element is only at ground floor level and therefore respects the character and appearance of the host dwelling, the proposed scheme would be markedly different, introducing a half hip and a two-storey forward projecting element, and represent a poor standard of design that would be harmful to the character and appearance of the host property and the area. The Inspector therefore found that the proposal would significantly harm the character and appearance of the host property and the area,
16/0138	Land Rear Of 142-144 Whetstone Lane, Aldridge, Walsall, WS9 0EZ	Erection of 3 detached 4 bed, two storey houses.	Appeal Dismissed	Refuse Permission	The Inspector considered that as the long driveway and parking areas would accommodate a large proportion of the site, drastically diminishing the soft landscaped garden area. As a result it would appear as an excessively urban and incongruous built form. Moreover, due to its length and width, the retained garden area for the existing properties would be significantly smaller and out of character with other neighbouring properties fronting Whetstone Lane. They also concluded that there would be increased pressure from the future occupants of the dwellings to severely prune or even remove the protected trees around the site and such works would likely have a

					significantly harmful effect on the character and appearance of the area. On these points they concluded that the proposed development would significantly harm the character and appearance of the area. They also found that the that the proposal would have a significantly harmful effect on pedestrian safety due to the total length of dropped kerb leaving pedestrians wishing to traverse the crossing no safe place to wait in the event of vehicles entering/exiting the properties at the same time.,
17/1319	The Rear Of, 2 Walsall Road, Willenhall, WV13 2EH	Change of use from B1 office to D1 nursery for 24 children.	Appeal Dismissed	Refuse Permission	Whilst concluding that the proposal would serve a day-to- day need in the locality, in the absence of a separate pedestrian route into the site, vehicle movements would be likely to result in conflict with pedestrians, including parents with push chairs and young children walking along the access or upon the site.
17/1336	6, Kingscroft Close, Streetly, B74 2HJ	Fell two Birch Trees	Appeal Dismissed	Tree: Refuse Consent	Although the appellant argued that the trees are nearing the end of their lives and likely to fall stating that the trees are "rigid at the bottom and flexing at the top which makes it likely that a fall will occur." the Inspector dismissed the appeal noting that all trees have evolved to flex and bend with the wind and that this is a natural phenomenon and no

					trees are entirely rigid. They continued to note that we cannot fell every protected tree close to property because it might fail and that that people, when moving to a pleasant and very attractive area with many protected trees, must accept that the trees are an integral part of that environment; otherwise the result will be a gradual erosion of the streetscape quality, as trees that people later object to, are lost. In the absence of any evidence to show the trees were in poor health, the appeal was dismissed.
Target = 30%			2 qualifying appeals, not decided in accordance with Councils decision = 18%		Total number of qualifying appeals = 11 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 This figure represents an improvement over the previous figures of 44%, 40% and 22% in the preceding quarters.

12.7 The two allowed appeals are a disappointment especially compared to similar decisions from the Inspectorate in the same quarter. The Stroud Avenue decision is particularly notable as the Inspector appears to base their judgement on the line of thinking that as the amenity provision is already poor, exacerbating this situation is seen as acceptable. This line of thinking also seems to underpin the Chester road TPO decision where the Inspector has taken the view that as there are other trees in the locality, it is acceptable to fell a protected Oak tree which when compared to the last decision at Kingscroft, Streetly, seems an anomaly.

12.8 Nevertheless, the Authority continues to made substantial strides to improve planning performance in terms of the quality of decision.

12.9 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the Borough, officers will be engaging with PAS as noted above to ensure decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Councils ability to defend refusal decisions most effectively at appeal.

iii) Called in Applications

12.10 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows that 7 different applications have been called in during the three meetings in Q3 from October to December.

12.11 The Call-in Procedure is set out in paragraph (12) of Part 3: Responsibility For Functions of the Constitution.

(12) Call-in procedure

(a) Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee;

(b) Prior to a Councillor calling in an application he/she must inspect the submitted plans and discuss the application with the Development Control Team Leader or his/her deputy or Head Of Service/Service Manager.

(c) The call-in will be activated by the completion of an appropriate form which must give a planning reason why it should be determined by the Committee;

(d) The form must be received by the Planning Department within 10 working days from the receipt of the weekly list by Councillors (one day will be allowed for delivery following date of dispatch)

(e) The Committee report will identify the Councillor who called in the application along with the reason given.

12.12 For details of applications previously called in please refer to the previous performance reports.

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Call In Method
4 th October 2018				
Councillor Burley	Bentley And Darlaston North	17/1377	Former Lane Arms PH, 169 Wolverhampton Road West, Bentley	Pro-Forma
Councillor Hussain	St Matthews	17/0938	1, Hope Street, Walsall, WS1 3RG	Pro-Forma
Councillor Follows	Bloxwich West	17/0979	The Sneyd, 67, Vernon Way, Bloxwich, Walsall, WS3 2LU	Pro-Forma

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Cllr Sears	Aldridge North And Walsall Wood	18/0597	88, Lichfield Road, Sandhills, Walsall, WS9 9PF	Pro-Forma
Councillor Rasab	Paddock	18/0699	145, Walhouse Road, Walsall, WS1 2BE	Pro-Forma
1 st November 2018				
Councillor Rasab	Paddock	18/0699	145, Walhouse Road, Walsall, WS1 2BE	Pro-Forma
Cllr Kudhail	Streetly	18/1051	House In The Wood, Streetly Wood, Streetly, B74 3DQ	Pro-Forma
29 November 2018				
Councillor Follows	Bloxwich West	17/0979	The Sneyd, 67, Vernon Way, Bloxwich, Walsall, WS3 2LU	Pro-Forma
Councillor Wilson	Aldridge Central And South	16/1888	Land Rear of 127, Longwood Road, Aldridge	Pro-Forma
Cllr Kudhail	Streetly	18/1051	House In The Wood, Streetly Wood, Streetly, B74 3DQ	Pro-Forma

iv) Progress on Enforcement Proceedings

PLANNING COMMITTEE –21st March 2019: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

Sites with Notices served

Case Number	Officer	Address	Date	Type of Action and date of issue	Current position
E11/0615	EG	74, 75, 76, Stafford Street, Willenhall (Dainty's)	21/10/2010 25 th Sept 18 19th Dec 2018	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 6 th 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. Action held in abeyance whilst planning application is resolved. Planning consent granted at last planning committee, matter in abeyance to allow negotiations with land owner to continue and seek implementation of consent.
E11/0274	EG	12-14 Lower Lichfield Street, Willenhall	2/5/2013 25 th Sept 18 19th Dec 2018	S215 Notice issued 28 th June 2012.	Unsuitable 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. Site not improved consideration for service of new S215 notice, as site has further deteriorated, new notice is delegated to ward members.

E17/0135	EG	Three Crowns Public House	<p>2nd April 2015</p> <p>3rd August 2017</p> <p>5th June 2018</p> <p>25th Sept 18</p> <p>19th Dec 2018</p> <p>11th March 2019</p>	<p>Enforcement notice served 2nd October 2017</p>	<p>Enforcement Notice regarding unauthorised car wash use and associated paraphernalia, siting of a residential caravan, the untidy nature of the site, the engineering works and depositing of spoil on the adjacent SINC. Compliance period ends on 29th January 2018. Appeal has been lodged with PINS.</p> <p>Appeal dismissed for planning decision to refuse a further temporary planning consent for the hand car wash facility and associated residential caravan.</p> <p>Awaiting Enforcement appeal start date, there is a backlog of cases at the Inspectorate.</p> <p>Appeal confirmed as valid by PINS. Start date of 11th May 2018.</p> <p>Appeal ongoing appellant failed to attend appeal site visit, awaiting a new date to be set by PINS.</p> <p>Appeal site visit booked for 7th January 2019.</p> <p>Appeal dismissed notice upheld slight amendment to remove elements relating to tidying the site on 26th February 2019. Works to be completed within 90 days.</p>
E15/0366	EG	100 Whitehorse Road, Brownhills	<p>01/09/16</p> <p>5th June 2018</p> <p>25th Sept 18</p>	<p>Enforcement Notice served 29th August 2017</p>	<p>Bike shed adjacent highway –Enforcement notice served on 29/06/17. Comes into effect 03/08/17. Notice has been appealed and documents with PINS for consideration.</p> <p>Appeal Site Visit in July 2018.</p> <p>Appeal dismissed and notice now stands. Owners written to and informed structure needs to be removed by 28th September 2018.</p>

			19 th Dec 2018 11 th March 19		Owners contacted and requested extension of time period to comply due to family bereavement, agreed for completion by 31 st December 2018, site to be monitored in January 2019. Monitoring visit undertaken and notice not complied with papers being prepared for legal action to seek compliance.
E17/0140	EG	The Orange tree, 20 Wolverhampton Road	N/A 17 th August 18 25 th Sept 18 19 th Dec 2018 11 th March 2019	Section 215 Notice served 30 th September 2018	Notice requires repair or demolition with compliance by 30 th December 2017. Warning letter sent 8 th 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. Matter with Legal services and notice as not been complied with. Prosecution court case adjourned until 21 st Feb 2019 to allow for demolition to be undertaken as indicated by owner on week commencing 14 th January 2019. The former public house has been demolished, and site cleared in accordance with notice served – CASE CLOSED.
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.

			25 th Sept 18		Notice has not been complied with owners are seeking to submit a planning application or certificate of lawful use application. It must be noted that the serving of the enforcement notice stopped the clock for accruing passage of time which the occupier of 24 may wish to demonstrate via the certificate of lawfulness.
			19 th Dec 2018		In October 2018 the application for the Certificate of Lawful use was refused, as they were unable to prove the use had occurred for 10 years prior to the service of the notice, we are now seeking to secure compliance with notice.
			11 th March 2019		Action agreed with owner to seek to resolve breach in accordance with details set out in notice, legal action in abeyance to allow for works to continue
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. Notice effective on 11 th June 2018.
			25 th Sept 18		We have received indication by PINS that appeal has been lodged and awaiting validation.
			19 th Dec 2018		No update from PINS
E17/0463	RS	Land south of Cartbridge Lane	25 th Sept 18	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 26 th July 2018 and notice became effective on 24 th August 2018 and due to be complied with by 24 th October 2018.
			19 th Dec 2018		Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.

E17/0192	EG	10 Alexandra Road	12 th April 2018 25 th Sept 18 19th Dec 2018	Enforcement action authorised by planning committee 30/11/2017	Enforcement Notice served 12 th April 2018 was effective on 13 th May 2018 and due for compliance on 13 th August 2018. Compliance has not occurred mattered to be referred to legal. No further update
E18/0076	SD	14 Durham Road	25 th Sept 18 19 th Dec 2018 11th March 2019	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 7 th August 2018 and notice to be effective on 7 th September 2018 and due to be complied with by 7 th December 2018. We have received indication by PINS that appeal has been lodged and awaiting validation. No further update Appeal start date set as 26th February 2019, paperwork is now being sent to PINS in accordance with timetable.
E17/0428	SD	7 Eastbourne Street	19th Dec 2018	Enforcement action authorised by planning committee 29/11/18	Enforcement Notice served 19th December 2018 and notice to be effective 22nd January 2019 and due to be complied with by 22nd April 2019.
E18/0113	RS	78-80 Noose Lane	19th Dec 2018	Enforcement action authorised by planning committee 29/11/18	Enforcement Notice served 7th December 2018 and notice to be effective 11th January 2019 and due to be complied with by 11th April 2019.
E18/0095	SD	Harveys Autos 126 Stafford Street	19th Dec 2018	Enforcement action authorised by planning committee 29/11/18	Notice undergoing legal review

E18/0169	SD	18 Walstead Road	11th March 2019	Enforcement action authorised by planning committee 29/11/18	A new application was submitted before notice was served and matter on abeyance awaiting outcome of planning application. Owner continuing to alter the building and notice has been amended as per delegated powers to accurately reflect latest planning breaches.
E16/0107	EG	The Old Bush, Walsall Road, Pelsall	11th March 2019	Enforcement action authorised by planning committee 29/11/18	<p>Section 215 Notice Served 13.9.17 and effective 13.10.17 for the works to be completed by 13th Jan 2018. The notice was appealed and appeal withdrawn 22nd March 2018, so compliance date delayed until 22nd June 2018.</p> <p>Site visit undertaken 8th February 2019 and works have been undertaken to fully comply with the requirements of the notice – CASE CLOSED</p>

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	<p>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 10th 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.</p> <p>Planning application 16/0120 is under consideration and enforcement action in abeyance at this time.</p>
E08/0246	EG	Land at Canalside Close, Walsall	9/1/2007	Enforcement Notice – 5/11/2007	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

			5 th June 2018		<p>with. Discussions with new tenant and advice sought from officers regarding 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.</p> <p>EG- As new case officer to assess site and recommend actions.</p> <p>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.</p>
E13/0042	EG	Land rear of Tempus Drive, Walsall	2/5/2013	Enforcement Notice	<p>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.</p>

			February 2018		<p>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.</p> <p>Site being monitored for compliance with Planning application 16/1883.</p>
E12/0519 & E12/0468	EG / SC	3 Walsall Road	<p>September 2013</p> <p>February 2018</p> <p>25th Sept 2018</p>	<p>Enforcement notice served on 23rd June 2015</p>	<p>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.</p> <p>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</p> <p>Liaising with new tenants who are in the 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.</p> <p>New owners have not sought to undertake works to comply with the notice matter to be referred to legal.</p>

			19 th Dec 2018		New planning permission 18/1630 submitted to alter the unauthorised extensions seek to regularise breaches. Enforcement Action in abeyance pending outcome of application.
E13/0103	EG	Ravenscourt Shopping Precinct	<p>March 2014</p> <p>November 2017</p> <p>May 2018</p> <p>19th Dec 2018</p>	Section 215 Notice	<p>Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.</p> <p>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.</p> <p>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</p> <p>As there is a current application in for consideration at this stage it is not expedient to pursue formal action.</p> <p>Site visited, action to remain in abeyance pending outcome of application.</p> <p>At last planning committee members resolved to support the planning application to redevelop the site subject to updated ecology report. Matter in is abeyance pending resolution of application.</p>

E14/0280	EG	Middlemore Lane West – Former GKN	September 2014	Enforcement Notice	<p>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.</p> <p>Meeting to be proposed with planning case officer to ascertain the current situation.</p> <p>EG as new case officer to monitor site and advice on action to be undertaken.</p>
E15/0260	EG	Hawthorns, Former Baytree House, Erdington Road, Aldridge	3/9/15	Enforcement Notice	<p>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 negotiation with the applicants on the terms of the revised s106 and will be preparing a report to update Members on the situation.</p> <p>EG- to monitor case and make recommendations as necessary.</p>
E14/0323	JT	39 Shire Ridge, Walsall Wood	01/09/16	Enforcement action authorised by 01/09/16 planning committee	<p>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.</p> <p>Officers in negotiation regarding this matter.</p>

E14/0057	EG	The Eagle PH, Cresswell Crescent	01/12/16 February 2018 5 June 2018 25 th Sept 18 19th Dec 2018	Prosecution following non-compliance with S215 Notice	<p>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.</p> <p>EG as new officer to evaluate site and consider if further formal action required.</p> <p>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.</p> <p>No works undertaken following correspondence, matter to be referred to legal.</p> <p>No further update</p>
E13/0063	EG	Land adjacent to 26 Bradley Lane	19th Dec 2018		<p>The carrying out of engineering works to alter land levels and create access onto the highway, laying down of hard-surfacing, the erection of boundary gates and fencing, the erection of two stabling blocks and the partial construction of a storage barn. Applicant contests that the access has lawful use rights and there is a current certificate of lawfulness to be determined. Appeal decision concluded requiring the serving of a revised notice. Application for Certificate of Lawful Use (16/1096) valid 22/11/16. Granted 7th June 2018 for the keeping of 7 horses.</p> <p>Following committee on 1st November case officer has meet owners and a new application for the retention and relocation of the stables is due to be submitted in the new year to address the outstanding breaches. Action in abeyance pending outcome of any application.</p>

