



DEVELOPMENT CONTROL COMMITTEE

Date: 10th September 2009

Report of Head of Planning and Building Control.

Land adjacent to Neptune Industrial Estate, Bilston Lane, Willenhall.

Ref: E09/0293

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action following the refusal of two retrospective planning applications for a drive-in vehicle wash.

2.0 RECOMMENDATIONS

- 2.1 That authority is granted for the issuing of Enforcement Notices 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 Breach of Planning Control:-

- Use of land for vehicle washing and valeting .
- Installation of a shipping container for use as office and store.

Steps required to remedy the breaches:-

- Cease to use the land for the washing and valetting of vehicles.
- Remove from the land all equipment, materials, and vehicles which are used in connection with the washing and valetting of vehicles.
- Remove the shipping-container from the land. .

Period for compliance:-
2 months

Reasons for taking Enforcement Action:-

1. The use is intrusive in the local street scene, adversely affecting the character and appearance of the locality, failing to make a positive contribution to the local environment by reason of the failure to provide appropriate screening and landscaping of the development. As such the proposed development is contrary to policies GP2, ENV17, ENV32, and Designing Walsall SPD, of Walsall Unitary Development Plan and Planning Policy Guidance Notes 1

2. The development results in intensification at the exit points of the car wash and Talbot Truck and may result in a conflict between patrons of the car wash and HGV's exiting the parking area. This is exacerbated by the fact that drivers should be paying attention to Bilston Lane in order to exit both sites safely and may be distracted on exit from other vehicles exiting from either site. This would be a hazard to highway safety. As such the proposed development is contrary to policies GP2, 7.1, 7.2, T7 and T13 of Walsall Unitary Development Plan and Planning Policy Guidance Notes 1.

3. The development at an employment site and no justification for the proposed use has been given, as an exception to the defined uses of the policies JP5 and JP7, or as core employment uses as defined at 4.4. As such the proposed development is contrary to policies GP2, 4.4, JP1, JP5 and JP7 of 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

Willenhall South

9.0 CONSULTEES

Related planning applications 08/1960/FL and 09/0493/FL.were subject to normal publicity.

10.0 CONTACT OFFICER

Philip Wears or Tim Pennifold
Planning Enforcement Team: 01922 652411

11.0 **BACKGROUND PAPERS**

Planning Applications 08/1960/FL and 09/0493/FL

Enforcement file not published.

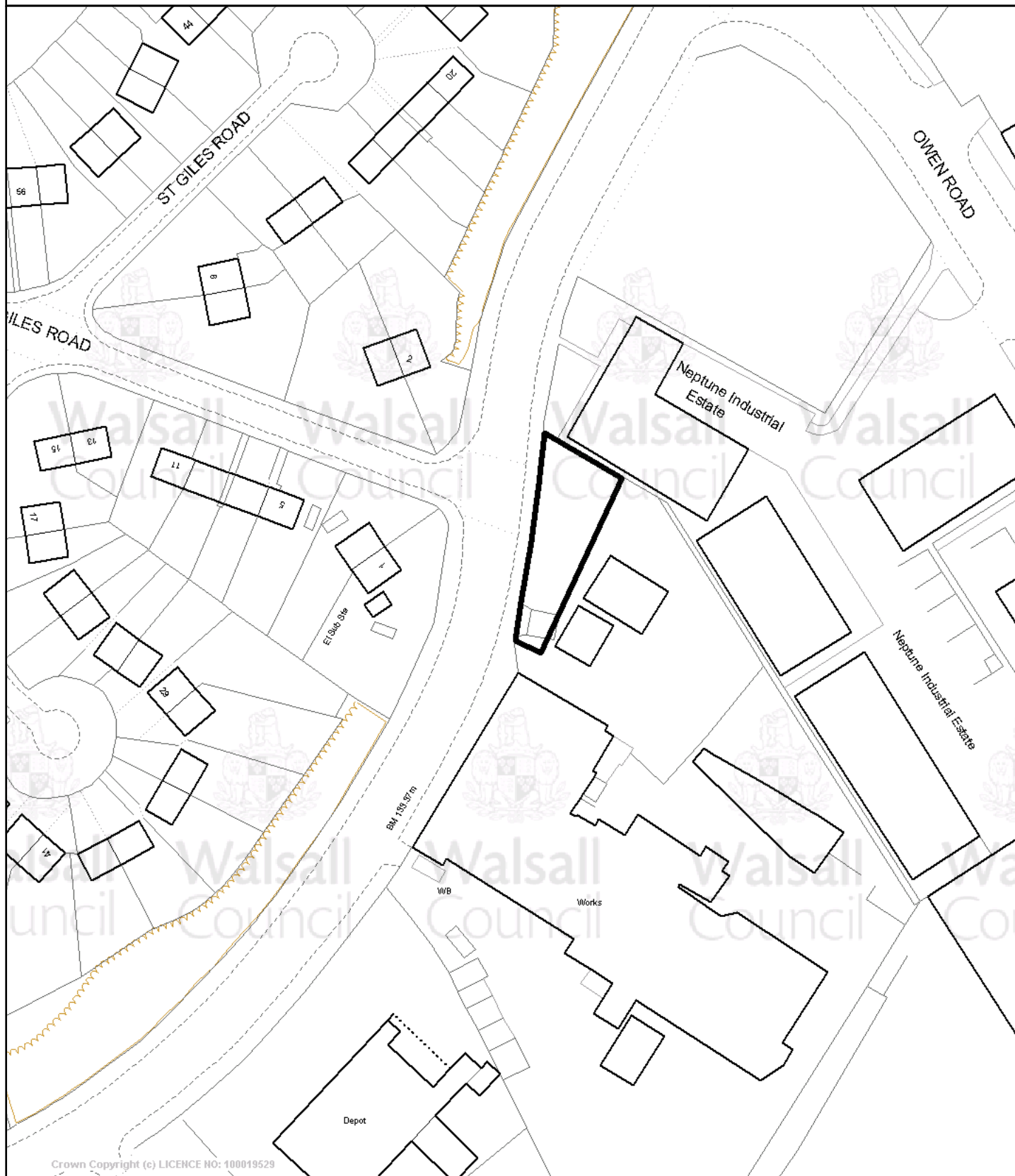
David Elsworthy
Head of Planning and Building Control

Development Control Committee
10th September 2009

12 BACKGROUND AND REPORT DETAIL

- 12.1 The site comprises a part of the Talbot Truck haulage yard which is on the Bilston Lane road frontage, with the haulage use continuing behind it. A plan showing the site is attached. A shipping container has been installed at the rear to provide an office and store, and there are separate 'in' and 'out' accesses for the vehicles. On the opposite side of the road is housing.
- 12.2 Following involvement of the Planning Enforcement Team a retrospective planning application was made.(reference number 08/1960/FL) This was refused in March 2009.
- 12.3 A second retrospective planning application (ref 09/0493/FL) was then made in an effort to overcome the reasons for refusal. No changes were made to the proposals for the appearance of the site, but it was established with Severn Trent Water that satisfactory drainage of vehicle washing water/detergent to the foul sewer exists. It was also proposed to provide a new access alongside the Talbot Truck access to provide for egress, but the Transportation objection to the first application continued to be made in respect of the second application.
- 12.4 A further concern was that the site is part of an employment area in the Walsall UDP, but the use is not within an 'employment' use class and the special justification required under policies has not been put forward.
- 12.5 The second application was refused in June 2009 for the reasons given in Section 2 above. No appeal has been made against either refusal of planning permission at the time of writing, although there are several months remaining to appeal the second one. Nevertheless officers recommend that enforcement action is authorised, in order to bring the use under control, and assist in having any enforcement appeal and planning application appeal dealt with together.

Land adj. Neptune Industrial Estate, Bilston Lane, Willenhall



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