



Walsall Council

Planning Committee

28th November 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 1st and 2nd quarters 2019/20 (1st April to 31st July and 1st August to 30th September) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q1 and Q2.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q1 and Q2.
- iii) An update of Planning Applications 'called-in' by Councillors in Q1 and Q2. 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 Q4 2018/19 can be found in the report to Planning Committee of 17th June 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 Q1 and Q2 (between 1st April to 30th June and 1st July to 30th September)***(2018/19 equivalent figures in brackets)*

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Performance for 2019- 20 to date
a) Major applications Within 13 weeks or agreed EoT (Gov't target = 60%)	100%	100%	-%	-%	100%
Walsall Performance 2018/19	(100%)	(88%)	(100%)	(95%)	(95%)
England Performance 2018/19	88%	88%	89%	88%	88%
b) Minor applications Within 8 weeks or agreed EoT (Gov't target = 70%)	92%	92%	-%	-%	92%
Walsall Performance 2018/19	(91%)	(93%)	(93%)	(93%)	(93%)
National Performance 2018/19	85%	85%	85%	84%	85%
c) Other applications Within 8 weeks or agreed EoT (Gov't target = 70%)	92%	92%	-%	-%	92%
Walsall Performance 2018/19	(96%)	(98%)	(94%)	(95%)	(96%)
National Performance 2018/19	90%	90%	90%	89%	90%

12.1 The latest performance figures represent a continuation of a strong series of results exceeding national performance standards in all area.

12.2 As noted in the June report, the challenge for 2019/20 will be to maintain these performance levels given the number of staffing changes that have recently been experienced within the team. Whilst there has been some transition impact as new officers take on cases, officers have sought to keep this impact to a minimum.

- 12.3 In addition to staffing changes, the service is now closely working with the Proud programme. The focus of this work is threefold, satisfaction with the service by customers, staff satisfaction and efficiency. It is expected that changes will begin to be rolled out toward Q3 and Q4 of 2019/20.

ii) Decisions made by the Planning Inspectorate in Q1 (between 1st April and 30th June 2019)

App No.	Address	Proposal	Appeal Decision	Officer Rec.	Comments
18/0828	161, Aston Road, Willenhall,	Demolition of existing bungalow, construction of Class C2 care home to accommodate 4 adults with physical and learning difficulties.	Appeal Allowed	Refuse Permission	<p>The main issues included the effect of the development on the character and appearance of the area; whether the site was a suitable location for the proposed use, effect of the development on the living conditions of neighbouring residential properties, with regard to noise and disturbance.</p> <p>In determining the appeal, the Inspector concluded the development would be acceptable and that the level of comings and goings to and from the site would not be significantly greater than that of a large single family home.</p> <p>An application for costs was also made but as the reasons for refusal set out in the decision notice were complete, precise, specific and relevant to the application, no award was made.</p>

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18/0460	15, Old Birchills, Walsall	Change of Use from A4 to A1 with external installation of plant and machinery to accommodate internal refrigeration	Appeal Allowed	Grant Permission Subject to Conditions	<p>Although permission had been granted for the proposed alterations, the applicant appealed against the conditions attached to the approval to allow expanded opening hours for deliveries and sales.</p> <p>Condition 8 was amended to allow the delivery of papers and magazines at any time whilst all other deliveries were restricted to the Councils proposed hours.</p> <p>The trading hours were extended by an hour in the morning from 7:00 to 6:00 and 22:00 to 23:00.</p> <p>The Inspector felt that the development would not have a harmful effect on the living conditions of occupiers of neighbouring properties.</p>
18/1423	22, Old Oak Close, Aldridge, Walsall	Two storey side extension	Appeal Allowed	Refuse Permission	<p>The main issues were the effect of the proposed development upon the character and appearance of the area and the effect upon the amenities of neighbouring occupiers in terms of privacy and outlook.</p> <p>The Inspector conclude that the proposed development would not have an adverse impact on the character and appearance of the area and they considered that the proposed</p>

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					development would not have an overbearing visual impact upon on the occupiers of no 20 Old Oak Close, nor on the occupiers of other properties. Neither would it affect significantly their privacy.
18/1580	1, Farbrook Way, Willenhall	Demolition of existing flat roof detached garage and erection of new pitched roof garage and toilet facility.	Appeal Allowed	Refuse Permission	The main issues were considered to be the effect of the proposed development upon the character and appearance of the area and the impact upon the occupiers of No 3 Farbrook Way in terms of outlook. The Inspector concluded that conclude that the proposed development would not have an adverse impact upon the character and appearance of the area and that the height of the proposed development, while greater than the flat roof of the existing garage, would not be so much greater as to create an overbearing impact.
17/0391	Land Former 14 And 16, Bosty Lane, Aldridge	Erection of a detached three bedroom dwelling and erection of detached rear garage.	Appeal Dismissed	Refuse Permission	The main issues were whether the proposal would be inappropriate development in the Green Belt; the effect of the development on the openness and the purposes of including land within the Green Belt; whether the appeal site would be a suitable location for housing, having particular regard to land stability.

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				<p>On the first point, Green Belt, the Inspector noted the exception in the NPPF that limited infilling in villages in the Green Belt could be accepted and acknowledged the references to Rushall as a village e.g. the existence of “The Village Chippy”. Despite this, they felt Rushall was a larger settlement than a village and therefore the NPPF exception did not apply.</p> <p>The Inspector also felt that the proposal failed to preserve the openness of the Green Belt and conflicted with the purposes of including land within it, in particular safeguarding the countryside from encroachment.</p> <p>The Inspector acknowledge the appellant’s contention that neighbouring properties have not been affected by the Daw End mine and that dwellings have been approved in the past without a stability report being submitted. However, the details before him of these properties were very limited and therefore he could not be certain that the same circumstances apply to the current proposal. Therefore, in the absence of any substantive evidence to</p>
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					demonstrate that the site is safe and stable enough to accommodate the proposed development, he considered the proposal represents an unacceptable risk to public safety.
18/0014	33a, Pelsall Lane, Rushall, Walsall	Demolition of the existing single storey and two storey buildings on site, change of use from vacant builder's merchants to MOT Centre and vehicle servicing including ancillary office, reception and staff room and erection of a 2.4m high palisade fence to the south of the site	Appeal Dismissed	Refuse Permission	<p>The main issues in this case were felt to be the effect of the development on local residents and the effect of the development on the free flow of traffic and highway/pedestrian safety inside and outside of the site.</p> <p>The Inspector found that the relationship of the MOT building with No 9 Ivatt Close would cause harm to the living conditions of the occupiers of that dwelling due to the overbearing and overshadowing effect of the proposal.</p> <p>However, on the matter of highway safety he concluded that the development would not cause harm to the free flow of traffic, or highway/pedestrian safety inside and outside the site</p>
18/1102	International House, 20 Hatherton Street, Walsall	Proposed multi changing digital display advertisement screen to side of building.	Appeal Dismissed	Refuse Advertisement Consent	<p>The main issue was the effect of the proposed advertisement on the amenity of the area.</p> <p>The Inspector felt the advert would appear as visually intrusive and unduly prominent due to its proposed height, size</p>

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					and illumination in an area where there is limited signage. Therefore, the proposal in this site specific location would result in material harm to the amenity of the area.
18/1197	1a, Chapel Street, Pelsall, Walsall	Fell 1 Lime Tree.	Appeal Dismissed	Tree: Refuse Consent	<p>The main issues were the effect of the proposed works on the character and appearance of the area and whether sufficient justification exists for the proposed works.</p> <p>The Inspector stated that lime trees, by virtue of their size and prominent position, contribute significantly to the pleasant character of the street, individually and as a group. Given the prominence of the tree within the appeal site and its positive contribution to the character and appearance of the area, its removal would have a detrimental impact.</p> <p>The Inspector considered issues of damage to a wall, leaf drop and branch drop but considered these not to be significant problems sufficient to justify the felling of the Lime tree.</p>
18/1257	20, Leigh Road, Walsall	Demolition of existing garage and construction of 1no new 2B4P dwelling house in the	Appeal Dismissed	Refuse Permission	The main issues were felt to be the living conditions of existing neighbouring properties and future occupiers of the proposed dwelling, the impact of the proposal upon the

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		existing rear garden of 20 Leigh Road, providing access from Worfield Close and 74 sqm of Garden (amended application following refusal of 17/0936)		<p>character of the area, the impact of the proposal upon existing trees and the impact of the proposal upon highway safety.</p> <p>The Inspector felt there would be clear views of the proposed first floor especially in light of the requirement to remove existing vegetation and given the distances involved, the result of this would be a dominate and incongruous feature to the rear of the amenity space, which would have a detrimental impact on the current amenities enjoyed by the residents of No. 1 Worfield Close.</p> <p>The also felt that the proposed frontage would not be in keeping with the character of the cul-de-sac and failed to improve the character of the area. This is exacerbated by the proposed frontage being only a few metres from the road resulting in a dominant elevation to Worfield Close compared to the set back of the other properties which contributes to the spacious character of the area. The harm identified is not reduced because the area is of no special or historic interest or in a Conservation Area. T</p>
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					<p>In the absence of details about the trees, the application was also found to be deficient.</p> <p>No evidence was presented to show that safe access can be achieved to and from the appeal site. Vehicles emerging from the access would have no visibility to approaching traffic</p>
18/1216	216, Thornhill Road, Streetly, Sutton Coldfield	Prior Approval for a single storey rear extension 5.9 metres deep, 4 metres tall, 3.7 metres to the eaves, 5.24 metres wide and a 75mm gap to the existing extension.	Appeal Dismissed	Prior Approval Refused	<p>The main issue is whether the development is permitted development.</p> <p>As the proposed development had already commenced before any of the criteria for the submission of a Prior Approval application had been satisfied, the proposal could not constitute permitted development</p>
18/1224	1, Whitley Drive, Streetly, Sutton Coldfield	T16 & T17 Silver Birch Trees - Fell.	Appeal Dismissed	Tree: Part Approve Part Refuse	<p>The main issues are the effect of the felling of the birch trees on the character and appearance of the area, and whether sufficient justification has been demonstrated for their removal.</p> <p>There was nothing before the Inspector to indicate that either tree was diseased or lacked structural integrity.</p> <p>With insufficient justification for the removal of the trees, and that the removal of both birch trees would have an adverse effect</p>

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					on the character and appearance of the area the appeal was dismissed.
18/1287	24, Woodlands Avenue, Walsall	Retrospective: Front boundary wall, fence and gates	Appeal Dismissed	Refuse Permission	<p>The main issue was the effect of the development on the character and appearance of the street scene.</p> <p>The Inspector felt that boundary treatment was an incongruous feature that was out of character with its surroundings which are characterised by largely open plan front gardens and generally low level front enclosures.</p>
18/1387	Rowlands Pharmacy, 10, Birmingham Road, Walsall	Removal of a chimney stack (Affects the Setting of the Public Right of Way Wal80).	Appeal Dismissed	Refuse Permission	<p>The main issue was the effect on the character and appearance of the surrounding area, with particular regard to the Church Hill Conservation Area</p> <p>This part of the conservation area is characterised by buildings with prominent chimney stacks, which contribute to its character and appearance The removal of the chimney stack has resulted in a negative effect on the significance of a designated heritage asset, when considered against the conservation area as a whole. Even if there was a short term public benefit in terms of removing the chimney stack as suggested by the appellant, the Inspector did not</p>

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					consider that there are any longer term public benefits that would outweigh the harm identified and to which the Inspector attached considerable weight.
18/0673	Aisha Mosque, 4, Rutter Street, Walsall	Extension to form Ladies Wing and Dining Area, alterations to Minarets, improvement to Memer, new Rear Store for garden equipment, addition of Entrance Canopies Addition of External Shelters, Overcladding of roof (flat metal), landscaping and car parking improvements (re-submission of 16/1537)	Part Allowed/Part Dismissed	Refuse Permission	<p>The main issues were the effect of the development on the living conditions of the occupants of neighbouring residential properties, with regard to outlook, light, privacy and noise and disturbance; and, the effect of the development on highway safety.</p> <p>Due to the size of the canopy proposed on the north west of the building, it could accommodate a significant number of people whose general conversing could create a level of noise and disturbance that would be detrimental to the living conditions of the neighbouring residents, particularly during the early mornings and late evenings.</p> <p>Whilst the canopy would result in significant harm by way noise and disturbance, it was a severable element that can be omitted from the scheme. Therefore, subject to the omission of the north west canopy, I find no conflict with saved policies and allowed the appeal subject to this</p>

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					<p>amendment.</p> <p>The Inspector noted a shortfall in on-site parking provision of 6 spaces. In the event that the on-site car parks are full to capacity, he was satisfied that the overspill could be comfortably accommodated on neighbouring roads without having any significantly harmful effect on highway safety</p>
Target = 30%			5 out of 14 qualifying appeals, not decided in accordance with Councils decision = 36%		Total number of qualifying appeals = 14 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

iii) **Decisions made by the Planning Inspectorate in Q2 (between 1st July and 30th October 2019)**

App No.	Address	Proposal	Appeal Decision	Officer Rec.	Comments
18/0962	Halliwell Funeral Services, 63, Norton Road, Pelsall, Walsall	Removal of condition 3 of permission 07/2688/FL/E 9 to allow parking, storage and movement of vehicles directly associated with the funeral directors at 63 Norton Road at all	Appeal Allowed	Refuse Permission	<p>The main issue is whether condition 3 which prevents the parking, storage or movement of vehicles associated with the business beyond the stated hours is reasonable and necessary.</p> <p>The Noise Survey submitted in this case considered the effect of noise impact on the rear and side facades of No's</p>

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		times.		<p>64 and 65. The model shows only a modest increase in average sound pressure levels. It also shows that sounds associated with manoeuvring cars and the closing of doors, would be significantly below peak night-time road traffic noise. Furthermore, the Council's Environmental Health officer raised no objection to the proposal due to the limited number of anticipated vehicle movements</p> <p>The Inspector noted that representations indicated that the proposal would result in noise disturbance and they noted the concerns expressed by local residents and Councillors. However, the Inspector concluded that the level of activity and nature of the business suggests to then that any disturbance would be infrequent, slight and negligible. He also noted that the business is a predominantly daytime activity.</p> <p>The Inspector also recognised concerns that the proposal would result in night-time security issues caused by the sounds of activity. However, he felt that the frequency and level of noise activity would be unlikely to cause disturbance, with</p>
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					<p>existing night-time maximum noise levels exceeding anticipated on-site noise levels.</p> <p>The Inspector concluded the evidence before them did not describe a level of activity or sound that would result in an unacceptably adverse impact on the living conditions of adjacent residential occupiers.</p> <p>A costs application was also made by the applicant. The application essentially relies on the fact that the Council failed to provide evidence to substantiate its case and has made assertions which were unsupported by objective analysis.</p> <p>There is no evidence that the Noise Survey conclusions were found to be suspicious, either during discussion or in the Council's evidence when defending the refusal. In fact, the minutes record that the Planning Committee sought reassurance that the Environmental Health Officer was satisfied with it. Consequently, the minutes reiterate that officers were content that the Noise Survey analysis was robust and considered.</p> <p>Therefore, in concluding that the proposal would result in detriment to the</p>
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					living conditions of the neighbour and local residents the position was taken without reasoned objective analysis. The Inspector therefore found that the Council failed to provide substantive evidence to demonstrate that the proposal would have a harmful effect on the living conditions of nearby residents.
18/1034	Car Servicing Area, BSC Building, 62, New Road, Willenhall	Retention of change of use from garage/works hop/MOT bay ancillary to car showroom to separate Class B1 Light Industrial use.	Appeal Dismissed	Refuse Permission	<p>The main issues are the effect of the development on; firstly, the living conditions of nearby residents; and secondly, the character and appearance of the area within which the appeal property is situated.</p> <p>Without adequate measures to mitigate possible sound disturbance or to set operational limits, the Inspector considered that the activities on site would be harmful to the living conditions of nearby residents.</p> <p>They also felt that without adequate mitigation measures there would be a detrimental effect on the character of the area and the proposed use would not be in accordance with saved policies.</p>

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18/1066	Land Between And Rear Of 52 And 55 Elmore Green Road, Bloxwich, Walsall	Erection of a detached dwelling	Appeal Dismissed	Refuse Permission	<p>The main issues were considered to be the principle of tandem development and the impact of the proposal upon the character of the area, the residential amenity of future occupiers and neighbouring properties, the impact of coal mining hazards present on site and the impact of the proposal upon highway safety.</p> <p>The Inspector felt the proposal would be a visually cramped form of development which would cause unacceptable harm to the character of the area. This, in turn, would fail to contribute to the quality of the built environment.</p> <p>They also felt that the proposal would impact upon the amenities of neighbouring properties as well as fail to secure an appropriate level of amenity for future occupiers of the proposal itself.</p> <p>A residential mining report had been submitted which highlights evidence or potential of past and future underground coal mining, but it did not contain a risk assessment report and therefore any risks to the proposal posed by past activity could not,</p>
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					<p>therefore, be assessed.</p> <p>The Inspector also felt it of particular importance that vehicles are able to safely turn around within the site as vehicles reversing on or off the site into Elmore Green Road would represent a risk to highway safety on what they noted to be a busy road. The Inspector did not find that there is sufficient manoeuvring space in order to ensure this could be carried out without vehicle conflict based upon the plans before me.</p>
18/1157	2, Century Drive, Willenhall	Erection of garden wall with brick piers and railings (max 2.2m high) to front boundary.	Appeal Dismissed	Refuse Permission	<p>The main issue is the effect of the development on the character and appearance of the area.</p> <p>Whilst the wall included bricks which would match the existing dwelling, this did little to blend it into the street scene. The Inspector felt that cumulatively, the length, height and corner location of the wall structure resulted in an unacceptably prominent and incongruous boundary treatment which harms the appearance of both Bilston Road and the gateway to Century Drive. The modest reduction in height of the piers offered by the appellant would not significantly alter the appearance of the development and it</p>

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					would remain a stark feature out of keeping with the area
15/1241	11, Excelsior Grove, Pelsall, Walsall	Retention of new fencing at a new position on property boundary that replaced a garden wall.	Appeal Dismissed	Refuse Permission	<p>The main issue was considered to be the effect of the development on the character and appearance of the surrounding area.</p> <p>Given the scale and position of the fence, the Inspector felt this has resulted in a dominant and discordant boundary structure in harmful contrast to the more open, landscaped frontages in the street such that it will have a detrimental influence on the area.</p> <p>Consequently, the fence was considered to have caused material harm to the character and appearance of the surrounding area</p>
17/1482	43A, Lower Lichfield Street, Willenhall	Erection of 7 no. 1 bedroom units and 8 no. 2 bedroom units.	Appeal Dismissed	Refuse Permission	<p>The main issues were considered to be the effect of the development on; firstly, the character and appearance of the area within which the appeal property is situated; and secondly, the living conditions of future occupiers.</p> <p>The Inspector considered that the development of the residential units in such close proximity to the busy street would be poor planning. He also consider that the development would not</p>

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					<p>contribute satisfactorily to a comprehensive layout for redevelopment and would fail to take account of the context and surroundings.</p> <p>He also considered that the design would fail to ensure privacy for ground floor windows. The development would lack a suitable outside amenity space in a predominantly commercial area. Without comprehensive development or measures to safeguard the security and privacy of occupants, the proposal would have an unacceptable adverse impact on living conditions</p>
Target = 30%			1 out of 6 qualifying appeals, not decided in accordance with Councils decision = 17%		Total number of qualifying appeals = 7 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 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.

iv) Called in Applications

12.7 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 3 different applications have been called in during the three meetings in Q1 for April to June and 6 for Q2 from July to September.

12.8 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.

12.9 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
18 April 2019				
Councillor Gultasib	Pleck	18/1068	Shops 3 And 4, 498-500 Pleck Road, Walsall, WS2 9HE	Pro-Forma
Councillor Andrew	Pheasey Park Farm	19/0064	380, Sutton Road, Walsall, WS5 3BA	Pro-Forma
17 June 2019				
Councillor Jeavons	Birchills Leamore	18/1282	Land Corner Of Arkwright Road/Edison Road, Walsall	Pro-Forma

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Call In Method
11 July 2019				
Councillor Burley	Bentley And Darlaston North	18/0529	The Substation, Park Lane, Darlaston, Wednesbury, WS10 9SE	Pro-Forma

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Councillor Douglas-Maul	Paddock	19/0468	Living Area Above, 317, Chester Road, Aldridge, Walsall, WS9 0PH	Pro-Forma
Councillor Hussain	Paddock	19/0133	190, Sutton Road, Walsall, WS5 3AH	Pro-Forma
8 August				
Councillor Kaur	Aldridge Central And South	19/0519	11, Leighswood Avenue, Aldridge, Walsall, WS9 8AT	Pro-Forma
Councillor Douglas-Maul	Paddock	19/0468	Living Area Above, 317, Chester Road, Aldridge, Walsall, WS9 0PH	Pro-Forma
Councillor Hussain	Paddock	19/0133	190, Sutton Road, Walsall, WS5 3AH	Pro-Forma
5 th September				
None				

v) Progress on Enforcement Proceedings

12.10 This section of the report to follow.

PLANNING COMMITTEE –28th NOVEMBER 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	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.
			25 th Sept 18		Action held in abeyance whilst planning application is resolved.
			19 th Dec 2018		Planning consent granted at last planning committee, matter in abeyance to allow negotiations with land owner to continue and seek implementation of consent.
			4 th June 2019		Site revisited, building appearance deteriorating, sent warning letter of need to tidy building otherwise a new S215 Notice will be served. Site to be monitored after a month.
			14 th November 2019		No further update

E11/0274	EG	12-14 Lower Lichfield Street, Willenhall	<p>2/5/2013</p> <p>25th Sept 18</p> <p>19th Dec 2018</p> <p>14th November 2019</p>	<p>S215 Notice issued 28th June 2012.</p>	<p>Unightly properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned.</p> <p>Warning letter with regards action sent January 2018 and site to be monitored.</p> <p>Site not improved consideration for service of new S215 notice, as site has further deteriorated, new notice is delegated to ward members.</p> <p>Action in abeyance as a planning application for redevelopment of the site is under consideration.</p>
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>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 SIN. 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>19th Dec 2018</p> <p>11th March 2019</p> <p>3rd June 2019</p> <p>14th November 2019</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> <p>Compliance site visit undertaken and partial compliance has occurred car wash ceased and items removed apart from storage container and caravan use ceased and removed. Owners written to a requested further works to secure full compliance with requirements of the notice.</p> <p>Further works have been undertaken to address the notice requirements, still awaiting confirmation from owner with regards to ecological issues.</p>
E15/0366	EG	100 Whitehorse Road, Brownhills	<p>01/09/16</p> <p>5th June 2018</p> <p>25th Sept 18</p> <p>19th Dec 2018</p> <p>11th March 19</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. 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> <p>Owners contacted and requested extension of time period to comply due to family bereavement, agreed for completion by 31st December 2018, site to be monitored in January 2019.</p> <p>Monitoring visit undertaken and notice not complied with papers being prepared for legal action to seek compliance.</p>

			3 rd June 19		Prosecution papers under preparation
			14th November 2019		No further update
E12/0470	EG	24 Larkspur Way	16/01/14	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.
			5 th June 2018		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.
			14th November 2019		No further update

E17/0441	RS	Land to the south of 171 Erdington Road	<p>5 June 2018</p> <p>25th Sept 18</p> <p>19th Dec 2018</p> <p>3rd June 2019</p> <p>14th November 2019</p>	Enforcement action authorised by 26/4/18 planning committee	<p>Enforcement Notice served. Notice effective on 11th June 2018.</p> <p>We have received indication by PINS that appeal has been lodged and awaiting validation.</p> <p>No update from PINS</p> <p>Written representations appeal, statements have been exchanged and Inspectors site visit on 11th June 19. Decision is awaited.</p> <p>PINS on 19th September 2019 varied the enforcement notice to remove livery then dismissed the appeal and upheld the amended notice and requires within 2 months cease the use for siting of caravans and remove caravans etc. Cease use for horse grazing and remove fencing structures and equipment. Within 3 months remove farm machinery and leave site clean and tidy. Site to be monitored for compliance.</p>
E17/0463	RS	Land south of Cartbridge Lane	<p>25th Sept 18</p> <p>19th Dec 2018</p> <p>3rd June 2019</p>	Enforcement action authorised by planning committee 12/7/18	<p>Enforcement Notice served 26th July 2018 and notice became effective on 24th August 2018 and due to be complied with by 24th October 2018.</p> <p>Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.</p> <p>Owners have submitted a certificate of lawfulness application (relating to the keeping of horses on the land). Additional information requested</p>

E17/0192	EG	10 Alexandra Road	<p>12th April 2018</p> <p>25th Sept 18</p> <p>19th Dec 2018</p> <p>3rd June 2019</p> <p>14th November 2019</p>	<p>Enforcement action authorised by planning committee 30/11/2017</p>	<p>Enforcement Notice served 12th April 2018 was effective on 13th May 2018 and due for compliance on 13th August 2018.</p> <p>Compliance has not occurred matter to be referred to legal.</p> <p>No further update</p> <p>Monitoring visit undertaken and notice not complied with papers being prepared for legal action to seek compliance.</p> <p>Action in abeyance as a new application submitted.</p>
E18/0076	SD	14 Durham Road	<p>25th Sept 18</p> <p>19th Dec 2018</p> <p>11th March 2019</p> <p>3rd June 2019</p> <p>14th November 19</p>	<p>Enforcement action authorised by planning committee 12/7/18</p>	<p>Enforcement Notice served 7th August 2018 and notice to be effective on 7th September 2018 and due to be complied with by 7th December 2018.</p> <p>We have received indication by PINS that appeal has been lodged and awaiting validation.</p> <p>No further update</p> <p>Appeal start date set as 26th February 2019, paperwork is now being sent to PINS in accordance with timetable.</p> <p>Appeal site visit due on 2nd July 2019. Decision expected after that date.</p> <p>Appeal determined on 27th August 2019 appeal dismissed and notice upheld. Within 3 months need to reduce rear extensions, demolish part of extension, reduce side extension, remove raised terrace and</p>

					remove waste from works from the site. Site to be monitored for completion.
E17/0428	SD	7 Eastbourne Street	19 th Dec 2018 3 rd June 2019 14th November 2019	Enforcement action authorised by planning committee 29/11/18	<p>Enforcement Notice served 19th December 2018 and notice to be effective 22nd January 2019 and due to be complied with by 22nd April 2019.</p> <p>Compliance site visit undertaken on 30th April 2019, and only 1 of the 10 points of work on notice undertaken. A prosecution warning letter sent giving the owners until 28th May 2019 to fully comply with the requirements of the notice. Owners have failed to undertake works in response to warning letter. Will proceed to prosecution to remedy breach</p> <p>Action to be taken to secure compliance with notice</p>
E18/0113	RS	78-80 Noose Lane	19 th Dec 2018 3 rd June 2019 14th November 2019	Enforcement action authorised by planning committee 29/11/18	<p>Enforcement Notice served 7th December 2018 and notice to be effective 11th January 2019 and due to be complied with by 11th April 2019.</p> <p>Compliance site visit was undertaken on 2nd May 2019, and all steps of the notice are outstanding a prosecution warning letter sent and site to be monitored to check for compliance with notice.</p> <p>Action to be taken to secure compliance with notice</p>
E18/0095	SD	Harveys Autos 126 Stafford Street	19 th Dec 2018 3 rd June 2019	Enforcement action authorised by planning committee 29/11/18	<p>Notice not served.</p> <p>Site being monitored as cars for sale have been removed, porta cabin and signage in situ will seek to removal through informal action otherwise modify notice to reflect change in breach.</p>

			14th November 2019		Cars and portacabin removed – CASE CLOSED
E18/0169	SD	18 Walstead Road	11 th March 2019 3 rd June 2019 19th August 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. Notice served 22 nd March 2019 and became effective on 24 th April 2019. Compliance with the notice to be undertaken by 24 th July 2019. Action to be taken to secure compliance with notice
E18/0248	EG	Stables Rear of 211-212 Norton Road, Pelsall	4 th June 2019 14th November 2019	Enforcement action authorised by planning committee 18/4/19	Enforcement Notice served on 3 rd May 2019 and notice is to be effective on 5 th June 2019. Compliance date is 5 th December 2019. Appeal lodged 3 rd June 2019, awaiting validation by PINS. Requested to be a Public Inquiry. No update matter still with PINS to set Inquiry date
E14/0515	SD	Cloudwood Arabian Stud, Aldridge Road	3 rd June 2019 14th November 2019	Enforcement action authorised by planning committee on 18/4/19	Enforcement Notice served for operational development on 28 th May 2019, notice will be effective on 27 th June 2019. Compliance to be undertaken by 27 th July 2019. Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28th June 2019, effective on 30th July 2019 and compliance due 20th August 2019. Appeal has been lodged.

E14/0515	SD	Cloudwood Arabian Stud, Aldridge Road	3 rd June 2019 14th November 2019	Enforcement action authorised by planning committee on 18/4/19	Enforcement Notice served for material change of use and operational development on 28 th May 2019, notice will be effective on 27 th June 2019. Compliance to be undertaken by 27 th Sept 2019. Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28th June 2019, effective on 30th July 2019 and compliance due 20th October 2019. Appeal has been lodged.
E15/0207	RS	11 Excelsior Grove	14th November 2019	Enforcement action authorised by planning committee 18/4/19	Material change of use and operational development served on 6th June 2019, to be effective on 9th July 2019 and compliance due by 9th October 2019. Monitoring visit notes that works have not been undertaken, now seeking compliance with notice.

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. A</p>

			February 2018		<p>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.
			4 th June 2019		Amended plans requested on the planning approval to address concerns with scheme. Action in abeyance pending outcome of this application.
E13/0103	EG	Ravenscourt Shopping Precinct	March 2014	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>
			November 2017		
			May 2018		

			19 th Dec 2018		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.
			4 th June 2019		Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application.
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	<p>01/12/16</p> <p>February 2018</p> <p>5 June 2018</p> <p>25th Sept 18</p> <p>19th Dec 2018</p>	<p>Prosecution following non-compliance with S215 Notice</p>	<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	19 th 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> <p>Held in abeyance pending outcome of planning application 19/0476 to relocate and complete construction of barn.</p>
			3 rd June 2019		