



Development Control Committee
18th June 2009

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

81A Lichfield Road , Shelfield

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action in respect of the use of premises for washing and valeting vehicles .

2.0 RECOMMENDATIONS

- 2.1 That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3.
- 2.2 To authorise that the decision as to the institution of Prosecution proceedings, in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of control; be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control .
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the Notice, or the boundaries of the site.:

Details of the Enforcement Notice

The Breaches of Planning Control:-

Change of use of garage, workshop and yard to use for vehicle washing and valeting.

Steps required to remedy the breaches:-

Cease to use the premises for the washing or valeting of vehicles.

Remove from the premises all vehicles, materials and equipment which are used in connection with the use for vehicle washing and valeting.

Period for compliance:-

2 months

Reasons for taking Enforcement Action:-

The hand car wash and valeting use, including the use of pressure washers, vacuum cleaners, vehicles waiting, manoeuvring and associated general activities, results in noise and disturbance that unacceptably reduces the level of amenity available to the surrounding residential occupiers, in particular the occupiers of No 7 Little Orchard Close and No 81 Lichfield Road. The use is therefore contrary to policies GP2, 2.2, 3.6, 3.7, ENV10 and ENV32 of Walsall's adopted Unitary Development Plan (2005).

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**

Rushall - Shelfield

9.0 **CONSULTEES**

Planning application 08/1771/FL was subject to normal publicity.

There was no Highways objection subject to staff parking being marked out and no water reaching highway.

Environmental Health raised objection on grounds of noise nuisance

Severn Trent Water noted that there was no consent for discharge and

recommended an interceptor be fitted, but raised no other pollution issue.

10.0 **CONTACT OFFICER**

Philip Wears

Planning Enforcement Team: 01922 652411

11.0 **BACKGROUND PAPERS**

Planning application 08/1771/FL

Enforcement file not published

D. Elsworthy, Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 The site comprises a garage workshop building with a yard. It is located rear of a house at 81 Lichfield Road and has an access between numbers 79 and 81. At the rear the yard and building abut the side boundary to a new detached house at 7 Little Orchard Close. There are other dwellings close by to the west and south.
- 12.2 The use for vehicle washing and valeting commenced at the end of 2008. Officers consider that although the use involves vehicles at a former garage workshop, the new use requires planning permission because it does not fit into a Use Class. (sui generis use).
- 12.3 Planning application 08/1771/FL for the continuation of this use was refused in February 2009 for the reason stated above in 2.3. Officers consider that the use should therefore now cease.

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