



10th March 2009

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Development Control Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Development Control Committee of the latest performance and outcomes regarding development control matters and in particular to: -

- i) The 3rd quarter performance figures for applications determined between 1st October and 31st December 2008.
- ii) The decisions made by the Planning Inspectorate on appeals lodged with the Secretary of State between 1st October and 31st December 2008.
- iii) A progress report of enforcement proceedings.

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.

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 Control and enforcement 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.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

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

10. **CONTACT OFFICER**

David Elsworthy - Extension: 2409

11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

DEVELOPMENT CONTROL COMMITTEE –

10th March 2009

Development Control 3rd Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st October and 31st December 2008 (2007/08 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2008- 09 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	64.2% (60%)	68.42% (76.19%)	50% (72%)	 (80.95%)	62.29% (72.34% in 2007/8)
b) Minor applications Within 8 weeks (Gov't target = 82%) (Local Target = 83%)	82.3% (93.88%)	78.50% (83.33%)	75.71% (82%)	 (86.13%)	79.01% (87.86%in 2007/8)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	92.3% (95.90%)	91.85% (93.52%)	92.51% (92%)	 (93.26%)	92.32% (94.54% in 2007/8)

12.1 Members will note that performance for major applications was disappointing in the third quarter with only 50% of all applications determined within 13 weeks. However the cumulative total for the year continues to exceed the government set target. The reason for this is that officers have determined a number of older applications that have come to a conclusion following the completion of S106 agreements that have taken time to complete together with applications that have been previously deferred pending referral to Government Office and the resolution of ecological and other issues requiring negotiation and amendment. It is considered that this outcome therefore has much to do with the timing of these applications being resolved in this quarter and it is anticipated that performance will be back to levels experienced in previous quarters for the last quarter of this financial year.

12.2 Performance in the 'Minor' category has also dipped slightly but still exceeds government targets. This is down to a higher proportion of older applications being determined as the numbers of more recently submitted applications have declined. Performance in the 'Other' categories is continuing to meet the locally set stretch target levels.

12.3 The continued high level of performance and further customer service development will rely heavily on the retention and recruitment of staff and the continued use of the new development control governance arrangements. It will also be influenced by the proportion of new to older applications being determined which at present due to the down turn in applications received (down 36% in 2008 compared to 2007) is showing a distortion in performance compared to recent years. However, this will correct itself once the older applications that are able to be determined have been dealt with.

ii) Decisions made by the planning Inspectorate between 1st October and 31st December 2008

12.4 The following decisions have been made by the Planning Inspectorate between 1st October and 31st December 2008. Previous decisions referenced 1 to 26 were reported in my previous report to this committee on 28th October 2008

App No.	Address	Proposal	Decision	Officer Rec	Comments
27. 07/2444/FL/H3	131 Moxley Road, Darlaston	Two Storey Extension	Dismissed	Refuse	Detrimental to amenities of 133 by loss of light and outlook supporting the SPD requirements
28 07/2244/FL/E10	Site of Hatherton Liberal Club	19 apartments	Dismissed	Refuse	Out of character and distinctiveness of the area by virtue of height and massing. Supports parking and amenity of occupiers
29 07/2233/FL/H4	88 Manor Road Streetly	Retention of outbuilding to rear	Dismissed	Refuse	Detrimental to amenity of neighbours and character of the area by virtue of its height, scale and massing
30 07/1272/FL/E12	Black Horse PH Bloxwich Road	Projecting rear awning to front and roped post fencing	Allowed	Refuse	Building would accommodate these features without undue harm to its character or the area. It would enhance the local centre
31 08/0220/OL	2 Wells Avenue and 4 Herberts Park Road	10 two Bedroom Apartments	Dismissed	Refuse	Would cause significant harm to the street scene dominating the area by being forward of the building line and its scale and height

32 08/0421/FL	182-186 Thornhill Road	Demolition of 182-186 and erection of 7 five bedroom detached houses	Dismissed	Refuse	Detrimental to the character and appearance of the street scene and would dominate 188 by being set forward and due to the height and scale. Plus it would be overbearing to 21 Ryknild Drive and failure to have a full bat survey
33 07/2684/FL/H5	Plots 94 and 171 Poets Wood, Aldridge Road (6 and 37 Maple Field Road)	Change of use from managed landscape area to private garden	Part Allowed and Part Dismissed	Approve	Allowed with respect to 37 Maple Road and dismissed relating to 6 as it would be detrimental to the character of the area due to its prominence; height and it forming an attractive entrance to the estate.
34 08/0605/FL	147 Bridal Lane, Streetly	Canopy roof over bay window	Dismissed	Refuse	Detrimental to the appearance and balance of the semi detached dwellings and street scene.
35 08/0666/FL	20 Elmore Green Road, Bloxwich	Change of use to hot food take away	Dismissed	Refuse	Detrimental to amenity of 21 Elmore Green Road; character of the onservation area and highway safety due to additional inconsiderate parking.
36 08/0562/FL	377-379 Birmingham Road		Withdrawn		
37 08/0438/FL	66 Leigh Road	First floor extension above and to rear of garage	Allowed	Refuse	Terracing already exists and the proposal would not be so harmful in unbalancing the semi-detached houses or detrimental to the area.
38 07/2523/FLE11	42-72 Foster Street, Bloxwich	2 bed detached bungalow	Dismissed	Refuse	Detrimental to character and appearance of the area in back land location out of with context of area and not complying with

					the SPD requirements regarding entrance, surveillance and association with the public domain.
Target = 30%			11 appeals not decided in accordance with Councils decision = 32%	10 appeals not decided with officer recommendation = 29%	Total number of appeals = 35 Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included.

- 12.6 The above outcomes show that 32% of appeals were not determined in accordance with the councils' decisions between 1st April 2008 and 31st December 2008 (29% not determined in accordance with the officer's recommendation). Whilst this is slightly above the self set target of 30% it represents a satisfactory performance when considered against the national average of 34% (2007/8).
- 12.7 The ability of the council to defend a high percentage of its decisions is particularly important as a qualitative performance measure as a local planning authority should be able to defend its planning decisions. This used to feature as a Best Value performance Indicator until this financial year when it has been dropped by the Government and has not featured as one of the new National Indicators (NIS). However given the importance attached to this measure in the past and given that we have several years experience of collating this information it has been continued as a local performance measure.

iv) Progress on Enforcement Proceedings

- 12.8 Members will see that steady progress is being made on many cases with compliance achieved since last update report. Inevitably some delay is being experienced on several matters due to legal and other complexities. Members will also note that there are other matters being dealt with by the planning enforcement team under delegation in addition to these matters and the most notable of these are included in part B of the table.

Progress of formal enforcement actions - (cases from 1 April 2004)

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
1	Mellish Road Church –	Further Committee resolution 25/4/06	Direct Action to secure compliance with S 215 notice	Direct Action could not be taken as the owners resumed work themselves.	Owners progress in complying with the S 215 notice has been under continual review with them, in the context of a Repairs Notice /CPO process. As reported 11 th December 2007, compliance is relatively high in terms of numbers of items, but some problems.	No – work remains incomplete Prosecution remains a possibility. For this aspect and also the Urgent Works aspect below, given the continued failure of the owners to bring forward a coherent and sustainable proposal for the site, officers are assessing all options available to the authority to resolve this matter. At the same time, efforts are being made to secure a meeting with the owners.
2	Mellish Road Church,	9 th January 2007	Urgent Works Notice - under Listed Buildings legislation	Some temporary roofing work done towards rear. Limited additional work was then pursued informally. Recent fire damage at front is being considered.		As above.
3	182 Wolverhampton Road (former Curl and Dye)	Further Committee resolution 27/6/06		A possible alternative of a new S.215 notice (to require demolition) has been discussed with Legal Services.	Other sections have been considering potential for action. Cabinet approved, in principle, the making of a	Failure to comply with the original S 215 notice remains. Information has been provided to Legal Services to help trace the

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
		17 th February 2009	Confirmation of authority for taking Direct Action (with 2 other sites), and reclaiming cost from owner if necessary by attaching a Charge against the property		CPO on 22 October 2008. To support the CPO process an outline planning application for residential use is currently being prepared. Once it has been determined a further report will be presented to Cabinet outlining the detailed proposals for the CPO.	owner. A small windfall budget has been identified through the Void Property Group and Borough Tasking. This money is to be used to carry out Direct Action. Quotations are being obtained from Contractors with a view to remedial works before end of March 2009. This will improve the situation pending progress with the CPO process
4	17 Newport Street, Walsall	26 October 2004	Listed Building Enf Notice - Installation of UPVC windows to first floor. Listed Building and Advert Regs Prosecutions in respect of painting and adverts.	Under review with Conservation Officer, taking into account further changes to building.		
5	Rear 40 -54 Cartbridge Lane, Rushall	Originally, 7 th December 2004	Enforcement Notice -Erection of timber cabin with concrete base	Enforcement Notices on the principal change of use, and the timber cabin, were served on 14 March 2008.	Appeals have been made. Members will recall that an Appeal has also been received in respect of refusal of	Resolved The Inspectors decision has been received and the Appeal has been Allowed, with temporary permission

		Later resolution 26th June 2007 - with refusal of planning application)	(On Gypsy site with temporary permission following Appeal) Enforcement Notice - Use of land for stationing Gypsy caravans.		planning permission. Public Local Inquiry was held in November 2008 and January 2009.	granted for 4 years. The case is now resolved and can be re-opened as necessary in 2013.
6	16 -19 Church Street, Darlaston	7 December 2004	Enforcement Notice – Change of use to a car wash.	Notice Served 18/10/06 .	Appeal dismissed 4/8/07. Compliance due 8/10/07.	Resolved. Prosecution took place in Magistrates Court. Fined £10,000. Non compliance continued and with further Court proceedings an Injunction was placed on the directors on 7 th January 2009 at the County Court. The car wash subsequently ceased operation.
7	8 West Bromwich Road, Walsall	4 January 2005	Prosecution regarding illuminated adverts	RFI regarding ownership/occupier not returned. New proprietor for business.- has been contacted and problem fully discussed as part of a renewed attempt to negotiate a solution.		Remains a possibility if negotiations cannot be progressed
8	74 and 75 Stafford Street, Willenhall	4 January 2005	Section 215 Notice	Served 7/9/05	Compliance due in stages; 7/11/05 and 7/12/05	No (Minimal works carried out) Following a meeting with the

		Further resolution 10/10/06 – takes new direction	New section 215 notice – to require demolition (including 76 if appropriate)	Costings are being compared with those for renovation and compliance with first 215 notice.		owner, on-site preparations for major repairs took place, with compliance to be part of this much larger scheme. However work did not proceed. Reviewed with Legal Services who are to begin prosecution process.
9	43 Wenlock Gardens	8 th March 2005 Further Committee Resolution 18/7/06 – 17 th February 2009	Section 215 Notice House and garden, badly boarded-up and maintained Direct Action to secure compliance with s 215 Notice Confirmation of authority for taking Direct Action (with 2 other sites), and reclaiming cost from owner if necessary by attaching a Charge on the property	Notice served 1 st March 2006. Costings and contract process being pursued and re-charge procedure being discussed with Legal Services.	Compliance due 13 th May 2006 However difficulties arising with direct action.	Prosecution process has been commenced. However, a small windfall budget has been identified through the Void Property Group and Borough Tasking. This money is to be used to carry out Direct Action. Quotations are being obtained from Contractors with a view to remedial works before end of March 2009.
10	Green Lane, Walsall, at Rayboulds Bridge	19 th April 2005	Prosecutions - Poster hoarding at junction	Discussions in hand between Planning and poster company on alternative sites.		Pending
11	454 Sutton Road Walsall	19th July 2005	Enf Notice Erection of boundary wall and gates	Served October 05.	Appeal dismissed and enforcement notice upheld on 27/7/06. Full costs application allowed. Compliance	No – but progressing Prosecution has taken place in Magistrates Court. Fined £4,000. A planning application to retain lower

					period of 2 months.	parts of some pillars and erect railings has subsequently been approved. Implementation has been delayed by major works to the house but some reduction of wall took place. Further reductions in wall with similarity to the planning permission have recently taken place. Currently being assessed.
12	228 Tyndale Crescent, Pheasey	13 th December 2005	Enf notice -Dormer roof extension	Enf notice served 28 th April .	Appeal lodged but dismissed 5/2/07. Compliance period extended to 12 months Due 5/2/2008	No. Modification to the extension has taken place, simultaneous with application for a Certificate of Lawfulness for the resulting roof extension. Appeal received and Local Public Inquiry arranged for 3 rd March 2009.
13	East side of Green Lane, north embankment of canal , Walsall	25th April 2006	Prosecution in respect of displaying a double-sided poster hoarding	Planning appeal dismissed. Two prosecutions involved (two companies, one marketing the advertising space, one owning hoarding structure).		No Prosecution process commenced. One company has complied but the display continues. The case submitted by the second company is being considered with Legal Services, and possibility of the land being owned by Council is being investigated.

14	Boundary Court, 35 -49 Boundary Road, Streetly.	25 th April 2006	Section 215 Notice – building and lock-up garages in disrepair	The Notice was drafted but not served. A report seeking in principle Cabinet authority for a CPO was approved by Cabinet in December 2007. A site development brief has been formulated and published by Estates and Development Team, to attract proposals from potential development partners, with the best proposals to be decided by Cabinet.	Correspondence prior to CPO has produced some progress. The agreement of owners to a Schedule of Works with a view to the re-use of the building.	
15	81 Forrester Street, Walsall	25 th April 2006	Enforcement notices:-	Formal action was deferred for further planning applications but these Refused.		
			Installation of fume extraction flue	Issued 12 th May 2008.	Enforcement Appeal dismissed . Compliance due 1 st March 2009	
			Erection of extension to original first floor flat providing day room/ storage	Please see below		
15A		31 st May 2007	Erection of additional first floor flat without compliance with approved plans	Checks in consultation with Building Control and Public Protection owing to linked issues with the flue and flat		
15B		9th	Further report to	Joint Enforcement Notice	Enforcement Appeal	

			from owner if necessary by attaching a Charge on the property			carry out Direct Action to remove the rubbish and old building materials . Quotations are being obtained from Contractors with a view to remedial works before end of March 2009.
18	177 Weston Street, Walsall.	8 th August 2006	S 215 Notice 'Amenity' Notice.	Difficulty in tracing the owner. Notice served 10/05/07	Compliance due 12/07/07	No. Prosecution case was initially heard in Court on 29 th July 2008 however was adjourned until 19 th August 2008. The defendant did not appear on the 19 th August and the case was again heard on 7th October when defendant was found guilty and fined £1,000 plus costs. Works have now commenced on site which will be monitored.
19	Barr Beacon Service Station, Beacon Road, Pheasey	30 th August 2006 9 th December 2008	Enf Notice - use for vehicle washing and valetting Further report – authority granted to take Injunctive Proceedings	Notice issued 22/03/07	Use was to cease by 25/06/07, but Appeal received. Appeal was dismissed, and compliance due 16 th January 2008	Resolved Prosecution case against the occupiers for non compliance was heard in Court on 28 th October 2008. Defendant did not appear and Warrant granted for arrest, but Police did not locate. Following further report a final warning of Injunctive Proceeding was sent. The use became intermittent and then ceased. The owners sate they intend to implement planning

						permission for offices and shops
20	Bell Inn , Market Place Willenhall	10 th October 2006	Urgent Works Notice requiring works to a Listed Building	Some work has now been carried out without Notice being served. However further inspections to be undertaken and options reviewed.		Resolved in part

21	Land at Canalside Close, Walsall	9 th January 2007	Enforcement Notice – Erection of boundary wall, building and gates (for coach storage)	Enforcement Notice Served December 2007. Compliance due 5 April 2007.	The enforcement notice was appealed and the Inspectors decision received on 15 August 2008. The appeal was partially upheld, with the Notice having variations to its requirements: - The boundary wall to be reduced to 3 metres rather than 2 metres. The compliance period extended from 4 to 5 months – 15 January 2009.	No Intended to commence prosecution process.
22	164 Lowlands Ave, Streetly	13th March 2007	Enforcement Notice erection of garden shed and fence adjacent highway .	Notice served 11-9-07	Compliance due 11 th December 2007	Resolved. Shed removed. Fence now set back as required. Compliance
23	Vehicle Wash at Fletchers Lane, Willenhall	31 st May 2007	Enforcement Notice -use as a vehicle wash	Notice issued 17th September 2007.	Compliance due 22nd December 2007	No. Legal consideration has been necessary, but now matters have been resolved a Prosecution action has been instigated. The

						defendant failed to attend Court on 10 th February and Legal Services are liaising with the Police.
24	88 Manor Road, Streetly	17 th July 2007	Enforcement Notice - detached garden building	Notice issued 25-9-07	Compliance was due 30 th December 2007 Retrospective planning application refused, and planning application Appeal received – Officers were awaiting outcome of that appeal before resuming enforcement action. Planning application appeal dismissed 24 th October 2008. Owner indicated would comply	No Intended to commence prosecution process,
25	41 Westbourne Road, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to 6 flats	A retrospective planning application received 25 July 2008 and refused. Enforcement Notice was issued in August and again in September 2008	Compliance was due 21/4/09, but an Enforcement Appeal received. Hearing arranged for 17 th March 2009	
26	43,44 New Street, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to 14 flats	Requisitions for Information served. Noise related issues emanating from industrial units to the rear were the main reasons for dismissal of a ministerial appeal for a single dwelling house. An acoustic consultant has therefore submitted a survey under review with Pollution Control.		

27	261 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Change of use to HMO	Requisitions for Information served. Modifications to the rear garden have now been undertaken to return the former rear garden to this property ensuring the garden is now available for tenants. Following inspection the matter may now be resolved.		Pending
28	12 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber buildings for residential use	A retrospective planning application was received on 25 July 2008 for retention of timber chalets and a fence which was refused. Enforcement Notices were served on 9/10/08.	Appeals made to Planning Inspectorate against refusal of planning application and Enforcement Notice. Hearing arranged for 7 th May 2009	
29	24 Slaney Road, Pleck, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to HMO	The owner and agent of this property have disputed a breach of planning control. Further investigation is required.		
30	33 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber garden buildings	Requisitions for Information have been served. The owner has advised that the timber sheds have been removed. This requires further investigation.		
31	112 Temple Road, Willenhall	17 th July 2007 & updated 29 th May 2008	Erection of a timber garden building	Requisitions for Information have been served. The owner advised that the timber building has been removed. This requires further		

				investigation.		
32	Saddlers Garage, 115 Wednesbury Road, Walsall	7 th August 2007	Enforcement Notices - steel framework for building, and two storage containers.	Enforcement Notices Served January 2008	The steel structure has been removed, but the storage containers have not.	Legal Services are to send a final warning before prosecution in respect of the storage containers.
33	110. Bridle Lane, Streetly	18th September 2007	Enforcement Notice – erection of detached garage.	A further planning application to retain the garage with modifications was received, but was refused and is currently at Appeal. Enforcement Notice issued 29/08/08. .	Compliance date suspended by receipt of Enforcement Appeal, which to be considered jointly with the planning application appeal Appeals dismissed . Compliance due by 13 th May 2009	
34	Kinky Boots Cabaret Bar, 3 Walsall Road, Darlaston	20 th November 2007	Advertisement Prosecution	Legal Services Instructed and process commenced. A planning contravention notice did not yield the necessary information, but final warning of prosecution sent by Legal Services.		Resolved. No response from owner to communication, but the three advertisement boards covering the round-headed windows have been removed. Some replacement signage is being displayed on the inside of the window glass, which is likely to be lawful, but this will be monitored'
35	133 Dickinson Drive, Walsall	11th December 2007	Enforcement Notices - installation of storage container and use of land as storage yard.	Notice served 21 st July 08.	Compliance due 21 st October 08	No Prosecution process commenced
36	Halliwells Funerals, Norton Road, Pelsall	11 December 2007	Enforcement Notice - Change of use of residential curtilage to commercial use	Enforcement Notice requiring the use to cease and reinstatement of a rear boundary was served on 6 August 2008	The Enforcement Notice has been appealed and this linked to appeal against refusal of	Pending

					planning permission. Appeal Hearing took place on 20 February 2009 and decision awaited.	
37	Former filling station, Queslett Road North, Pheasey	11th December 2007	Enforcement Notice Change of use to vehicle wash	Enforcement notice requiring the use to cease and removal of the portable buildings and fence was served on 13 TH AUGUST 2008	The notice came into effect on 16 th September. No appeal has been made and the notice should be complied with by 16 th November 2008.	Resolved The use ceased as required
38	4 Heron Close	15 July 2008	Enforcement Notice Erection of front boundary wall and gates	Enforcement Notice issued 23 rd September 08.	Compliance due 30 th January 2009.	In part only. The pillars and gates remain but the railings on top of wall removed. This is being assessed.
39	8 Prince Street	15 July 2008	Erection of building	Enforcement Notice served on 1 October 2008.to require use for parking vehicles to cease	Compliance due 15 th December 2008	Resolved It appears the notice is being complied with.
40	207 Wednesbury Road	15 July 2008	Erection of a first floor rear extension	Enforcement Notice issued 25 th November 2008.	Compliance due 1 st March 2009	Pending visit
41	3a Beeches Road	7 October 2008	Installation of a cooking fume extraction flue (see also hours of opening issue below)	Enforcement Notice issued 6 th January 2009.	Compliance due 10 th April 2009	Pending
42	Land adjacent 18 Rose Hill, Willenhall	28 October 2008	Change of Use to vehicle wash	A second planning application has been received for continuation of the use for a temporary period.		

				Provided the application is made valid it will be necessary to await the outcome of this.		
43	2 Longwood Lane, Walsall	28 October 2008	Erection of new sloping roof and post with wire.	<u>Enforcement Notice issued 3rd Feb 2009.</u>	Compliance due by 3 rd May 2009	
44	80 Noose Lane, Willenhall	28 October 2008	Part change of use at a house to storage and repair of cars , and parking of breakdown recovery truck and van	Intended to clarify uses by issuing a Planning Contravention Notice before drafting enforcement notice, especially owing to some improvement.		
45	Shire Oak PH Chester Road Brownhills	9 December 2008	Change of Use to vehicle wash	Enforcement Notice issued 29 January 2009	Compliance due by 3 rd May 2009	
46	10,11,12 Pinfold Street , Darlaston	9 th December 2009	Erection of rear extension to create 14 flats	Enforcement Notice has been drafted and under review		
47	64 Friezland Lane, Brownhills	27 January 2009	Part change of use at a house to parking and storage of vehicles, including commercial	Instructions and information are being provided to Legal Services		
48	Lane at Spout Lane r/o Royal Oak PH , Caldmere , Walsall.	27 January 2009	Change of Use to vehicle wash	Instructions and information are being provided to Legal Services		
49	25 High Street Walsall Wood	27 January 2009	Non compliance with condition requiring details of fume extraction flue , this resulting in use as takeaway	Following the Committee decision, two alternative schemes have been submitted in an effort to resolve the non compliance with		

			being unauthorised.	condition. These are being assessed before taking further enforcement action Some additional information has been requested.		
50	Manor Court Residential Home, Manor Road Precinct, Walsall	27 January 2009	Installation of storage container	Prior to issuing Enforcement Notice, Legal Services have served an RFI for information on owners and occupying company. Responses awaited		
51	Land at Brewers Farm, Brewers Drive, Pelsall	Enf Resolution 9 th Dec 08 when Committee refused application	Parking of HGV lorry on agricultural land	Prior to issuing Enforcement Notice, Legal Services have served an RFI for information on owners and occupying company. Response awaited		

Appendix B Enforcement Cases acted upon under delegation						
	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
52	11 Aldridge Road, Walsall	Breach of Condition - Formation of opening for side-facing window.	BCN	Notice issued 22/9/05	Compliance 30 days	No - Report for Committee authority may be made, regarding changed circumstances.
53	19 High Street, Walsall Wood – (formerly G D	- Erection of building without compliance with	Enforcement Notice (Delegated	Issued 31/1/07	Compliance was due 2/05/07, but Appeal received.	No A planning application received to retain the building with lesser

	Memorials)	planning permission 02/1855	urgent action)		Substantial alterations to the building during appeal process. Notice upheld and requires either demolition or alteration to comply with 2002 planning permission. Compliance due 19 th January 2008	alteration than that required for compliance with 2002 permission, but this now refused. Owner wishes to re-apply for alterations much closer to 2002 permission and prosecution suspended for a period, pending the outcome.
54	3A Beeches Road, Leamore	Non - compliance with hours condition on a Takeaway.	Breach of Condition Notice	Issued 21/7/07	21 st August 2007 An appeal against refusal of planning permission to vary the hours was dismissed 29/7/08 Owner informed takeaway to close at 10.30pm. (also see above - new action against fume extraction flue).	..
55	25 High Street, Walsall Wood	Non – compliance with condition at a Take-away requiring approval of fume extraction facilities.	Breach of Condition Notice	Issued 19/10/07	19th November 2007	Resolved in part. Some details of fume extraction proposals submitted and officers sought additions to this, but leaseholder changed. Correspondence with new leaseholder produced further submission of details which unsatisfactory . Now proceeding under Committee resolution on 27 th January 09– please see above.
56	101 Woden Road West , Darlaston	Breach of landscaping condition at warehouse	Breach of Condition Notice to require	Issued 11 th March 2008	Compliance required in two phases - trees by 23 rd April 2008 ,	First phase - tree planting - carried out. Monitoring for other planting

		building	approved landscaping scheme to be carried out.		other plants by 12 th December 2008	
57	1A High Street Moxley	Breach of Boundary Treatment Condition at permitted car wash	Breach of Condition Notice to require scheme to be submitted for approval	Issued 3 October 2008	Compliance required by 31 October 2008	No However required boundary treatment is related to noise control requirements, which are under review
58	Site of demolished Dolphin Pub, Goscote Lane, Walsall	Unsightly demolition rubble etc	Section 215 Notice to require improved appearance	Notice issued 13 th January 2009 Requires removal of broken fencing, demolition rubble, overgrown vegetation etc	Compliance due 18 th April 2009- However an appeal has been made to Magistrates	