



**Development Control Committee**

**DATE - 9 December 2008**

**REPORT OF HEAD OF PLANNING AND BUILDING CONTROL - REGENERATION**

**SHIRE OAK PUBLIC HOUSE CAR PARK**  
**261 LICHFIELD ROAD WALSALL WOOD**

**1.0 PURPOSE OF REPORT**

To request authority to take planning enforcement action following the refusal of a retrospective planning application under delegation.

**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), and requisitions for information notices as set out in 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services.
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services.
- 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:-

Change of use of part of the public house car park to vehicle wash and valeting operation

Steps required to remedy the breaches:-

Cease to use the land as a vehicle wash and valet operation.  
Permanently removal all equipment and vehicles associated with the use as a vehicle wash and valet operation.

Period for compliance:- 2 months.

Reasons for taking Enforcement Action:-

The use of the land as a vehicle wash operation results in noise and disturbance which detrimentally affects the amenities of nearby residential occupiers.

The use has a poor visual appearance which damages the quality of the local environment by virtue of its temporary nature and lack of on-site screening and demarcation between the public house car park and the vehicle wash operation, at a prominent location.

In addition this lack of proper demarcation gives rise to conflict between the users of the public house and the car wash operation.

In addition the number of customers using the site detrimentally impacts upon the highway.

For these reasons, the development is contrary to the Walsall Unitary Development Plan in particularly policies GP2, ENV32, 2.2, 3.6, and 3.7.

**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**

Non compliance with an Enforcement Notice is an offence for which Council could instigate legal proceedings.

**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**

Aldridge North and Walsall Wood

**9.0 CONSULTEES**

None

**10.0 CONTACT OFFICER**

Tonia Upton

Planning Enforcement Team: 01922 652411

**11.0 BACKGROUND PAPERS**

Enforcement file

D. Elsworthy Head of Planning and Building Control - Regeneration

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**12 BACKGROUND AND REPORT DETAIL**

- 12.1 This reports follows the refusal of a retrospective planning application for a vehicle wash and valet operation on part of the Shire Oak Public House car park. The Council has received complaints about the use. The vehicle wash operates 7 days a week.
- 12.2 The use of part of the public house car park is considered to lead to conflict between the users of the public house and the vehicle wash both in terms of vehicular parking and manoeuvring and spray which may affect cars parked by patrons of the public house. The site lies on the corner of Chester Road and Lichfield Road and given this prominent location and proximity to residential properties the use has an unacceptable impact upon visual amenity. This is exacerbated by its temporary nature whereby cleaning products, plastic chairs and equipment are all stored in the open in public view. An electric cable leading from the public house crosses the site to provide power. All of this gives the operation a very poor appearance and impacts detrimentally on nearby residents in terms of their visual amenity. There is also concern about noise arising from the operation and in particular the machinery used which again detrimentally affects nearby residents.
- 12.4 In addition, Transportation have concerns about traffic generation and how this may impact upon the highway, particularly given the location of the site at the junction of Chester Road and Lichfield Road. Complaints have been received about vehicles queuing back onto the highway during busier weekend periods.
- 12.5 In addition, there are problems associated with the waste water run off which discharges across the footpath. Severn Trent have raised concern about this matter as the operators do not have the proper consent to discharge water arising from the operation. It is understood they are investigating this matter.
- 12.6 In the circumstances, given that planning permission has been refused and the use continue to cause problems for which complaints have been received, it is considered that enforcement action is expedient as set out.

# The Shire Oak P.H. 261 Lichfield Road, Walsall Wood

