



## **DEVELOPMENT CONTROL COMMITTEE**

**Date: 28<sup>th</sup> October 2008**

### **Report of Head of Planning and Building Control.**

**Land adjacent to 18 Rose Hill, Willenhall.**

**Ref: E08/0092**

#### **1.0 PURPOSE OF REPORT**

To request authority to take planning enforcement action

#### **2.0 RECOMMENDATIONS**

- 2.1 That authority is granted for the issuing of Enforcement Notices under the Town and Country Planning Act 1990 (As Amended), to require remedial actions to be undertaken as shown below in 2.3.
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice, 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:-

- Use of land for vehicle washing and valeting.
- Installation of mobile building and shipping containers for use as office and store respectively
- Erection of open-sided canopy structure
- Construction of concrete hardstanding

Steps required to remedy the breaches:-

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

Remove the mobile building and shipping-containers from the land. Dismantle the open-sided canopy and remove its components from the land.

Period for compliance:-  
2 months

Reasons for taking Enforcement Action:-

1. The site is within a Core Employment Area in which land will be safeguarded for industrial and distribution uses. Vehicle washing and valeting does not fall within these categories and no exceptional circumstances to justify the location of the use within such an area have been demonstrated. The continuation of the use is therefore contrary to policies 4.4 and JP5 of Walsall's Unitary Development Plan.

2. The development is detrimental to the amenities of adjacent residential occupiers whose properties front Rosehill; due to its proximity, loss of privacy for these occupiers; noise from vehicles, customers and operation of jet washing equipment; the size of the vehicles being washed and valetted, and the unsightly appearance of the canopy and shipping containers. In addition the potential for overspray from jet washing operations is detrimental to the amenities of adjacent properties generally. The continuation of the use is therefore contrary to policies GP2, 3.6, ENV10, and JP8 of Walsall's Unitary Development Plan.

### **3.0 FINANCIAL IMPLICATIONS**

None arising from the report.

### **4.0 POLICY IMPLICATIONS**

The report recommends enforcement action in order to seek compliance with planning policies.

### **5.0 LEGAL IMPLICATIONS**

None arising from the report.

### **6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

### **7.0 ENVIRONMENTAL IMPACT**

The report seeks enforcement action to remedy adverse environmental impacts.

### **8.0 WARD(S) AFFECTED**

Willenhall South

### **9.0 CONSULTEES**

Related planning application 07/2660/FL was subject to normal publicity.

### **10.0 CONTACT OFFICER**

Philip Wears

Planning Enforcement Team: 01922 652411

### **11.0 BACKGROUND PAPERS**

Planning Applications 07/2660/FL

Enforcement file not published.

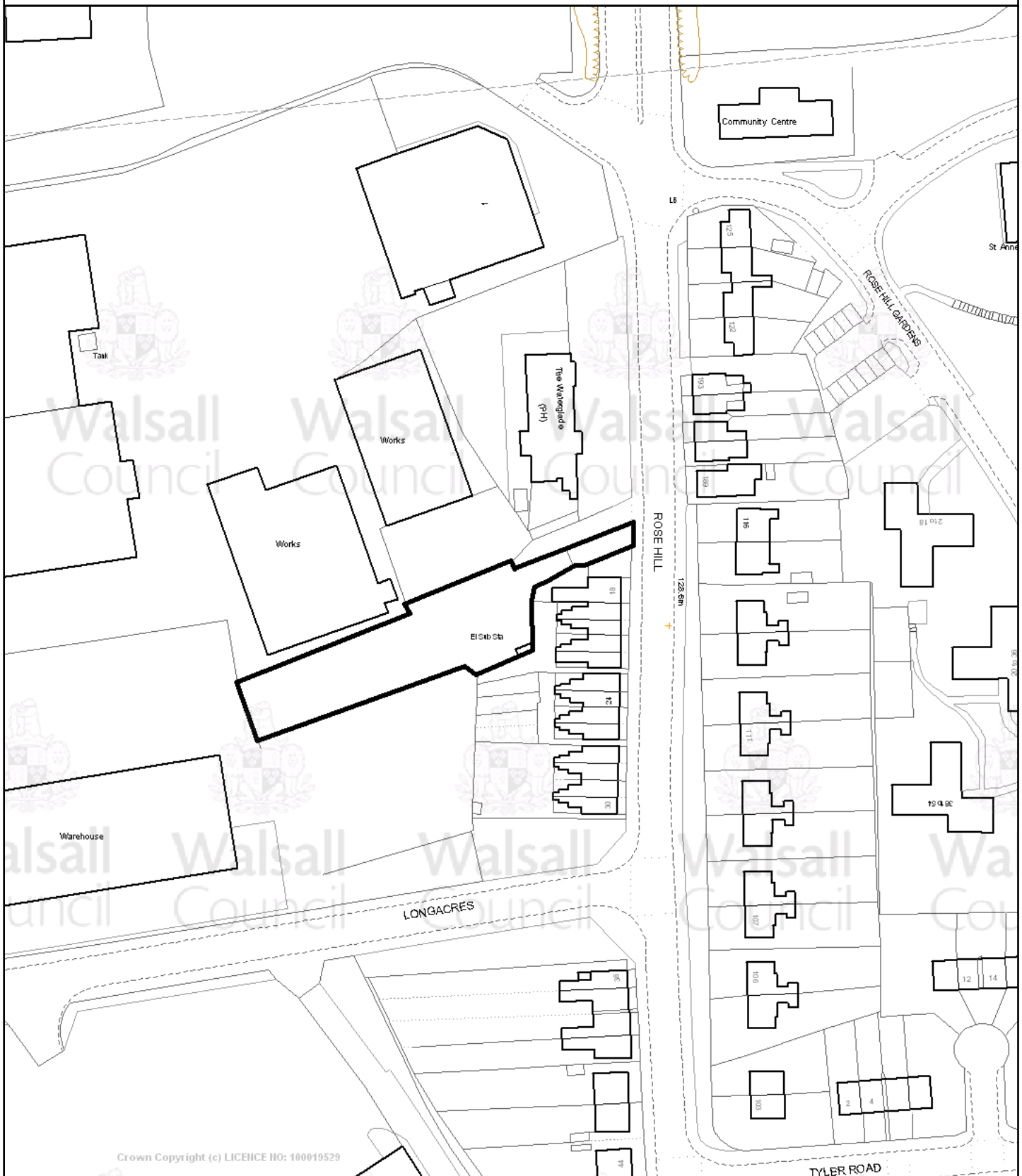
David Elsworthy  
Head of Planning and Building Control

**Development Control Committee**  
**28<sup>th</sup> October 2008**

## **12 BACKGROUND AND REPORT DETAIL**

- 12.1 The site comprises a yard in an industrial area. However there are dwelling-houses immediately to the south of the access and their small rear gardens abut the site. It is thought to have been vacant or little used for some years.
- 12.2 A retrospective planning application for 'change of use to car wash and siting of a mobile office' was made. Planning permission was needed for the use, one reason being that although the site has been industrial at some time, this type of vehicle wash is regarded as having a blend of characteristics ('sui generis') which place it outside an industrial Use Class. The application (ref 07/2660/FL) was refused for reasons essentially as in paragraph 2.3, though these have been updated to refer to the canopy and shipping containers which were not part of the application. No appeal has been made against the refusal.
- 12.3 The yard is part of a 'Core Employment Area' which is reserved for industrial and distribution uses under policy JP5 in the Walsall UDP, but the use is not one of these uses and its continuation would undermine the policy. The use is also considered harmful to the level of amenity experienced by adjacent residents. The vehicle wash involves the use of hand held jet-washing equipment in the open, and the resulting noise level is substantial. Trucks, vans and caravans are washed as well as cars. The application also indicated that vehicles would be valetted, and this involves using vacuum cleaners in the open. Over-spray from jet washing is likely to affect the adjacent dwelling houses. The use also involves bringing customers and activity to an open area with very little separation from the houses.
- 12.4 The planning application did not envisage the vehicle wash using the whole site area, and at the time of agenda preparation it has been confirmed that another user is now occupying the rear half of the yard. A separate report will follow if appropriate. Although this user may now have control of the shipping containers, and this is to be confirmed, the user is not considered to have reduced the impacts of the vehicle wash.
- 12.5 The open sided canopy erected in front of the mobile office was not part of the application. It comprises a roof structure supported by four substantial posts, about 4 metres high. The canopy provides a sheltered working area, adapting the site for the use, but officers consider it unsightly and worthy of enforcement action.
- 12.6 Residents commenting on the planning application referred to drainage problems for surface water. A concrete hardstanding exists but it is not known whether this provides for satisfactory drainage. The recommendation is to delegate the decision on this element and whether it is expedient to enforce, to officers, following further investigation.

**Land adjacent to 18 Rose Hill, Willenhall.**



**Walsall Council**

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