



Development Control Committee
DATE - 15 July 2008

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

43 Brace Street, Walsall – Installation of an Automated Teller Machine

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 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 and 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 Breach of Planning Control:-

The installation of an Automated Teller Machine.

Steps required to remedy the breaches:-

Permanently remove the automated teller machine, brick up the opening formed, and make good all damage to the building.

Period for compliance:-

1 month.

Reasons for taking Enforcement Action:-

The ATM is detrimental to the personal safety of those who use the facility and replenish it, by virtue of it being located in an area of existing high crime rates. The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, GP7, ENV32, ENV35 and S15.

The location of the site encourages parking by the corner of Brace Street on Caldmore Road which already has limited visibility and double yellow lines, as such any parking on these highways will be detrimental to highway safety and the safe movement of traffic and such the development is contrary to Walsall's Unitary Development Plan, in particular policies T7 and T13.

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

St Matthews

9.0 CONSULTEEES

Related planning application 07/2217/FL/W10 was subject to normal publicity.

10.0 CONTACT OFFICER

Tonia Upton

Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Planning Applications 07/2217/FL/W10

Enforcement file

D. Elsworthy
Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 This matter relates to a retrospective planning application for an automated teller machine for which planning permission was refused under delegated powers on 23 November 2007. The site is a shop on the corner of Brace Street and Caldmore Road. The reasons for refusal primarily related to highway safety and crime. The use of the machine would compromise the safe movement of traffic and the Police advise that this area suffers above average levels of violent crime.
- 12.2 An appeal was made against the planning decision and the appeal was dismissed on May 2008, the reasons for the refusal were supported by the inspector.
- 12.3 Given that the automated teller machine has been installed enforcement action is recommended as set out in order to ensure that it is removed. In this case removal of the automated teller machine is the only reasonable way that this matter can be resolved and the requirements of the enforcement notice will reflect that.

43 Brace Street, Walsall WS1 3PS

