



3<sup>rd</sup> January 2019

## REPORT OF HEAD OF PLANNING, ENGINEERING & TRANSPORTATION

### **Development Management Performance Update Report**

#### **1. PURPOSE OF REPORT**

To advise Members of the Planning Committee of the latest performance and outcomes during the 2nd quarter of 2018/19 (1<sup>st</sup> July 2018 to 30<sup>th</sup> September) regarding development management matters and in particular to: -

- i) The performance figures for applications determined in Q2.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q2.
- iii) An update of Planning Applications 'called-in' by Councillors in Q2. Please note, this information was presented to committee in the previous performance paper but has been represented to ensure consistency with the performance and appeals data.
- iv) A progress report of enforcement proceedings.

Details of previous performance in Q1 2018/19 can be found in the report to Planning Committee of 6<sup>th</sup> September 2018.

#### **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 and guidance.

#### **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 Management 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 and all planning applications are required to consider environmental issues where material to the proposed development.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

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

10. **CONTACT OFFICER**

Shawn Fleet: Extension 0453

11. **BACKGROUND PAPERS**

All published.

**Steve Pretty**  
**Head of Planning, Engineering and Transportation**

## **PLANNING COMMITTEE**

### **Development Management Performance Update Report**

**i) Speed of planning applications determined in Q2 (between 1<sup>st</sup> July 2018 to 30<sup>th</sup> September 2018)**

*(2017/18 equivalent figures in brackets)*

<b>Application type</b>	<b>1<sup>st</sup> Quarter</b>	<b>2<sup>nd</sup> Quarter</b>	<b>3<sup>rd</sup> Quarter</b>	<b>4<sup>th</sup> Quarter</b>	<b>Performance for 2018- 19 to date</b>
a) Major applications Within 13 weeks or agreed EoT (Gov't target = 60%)	100%	88%	--	--	94%
Walsall Performance 2017/18	(85%)	(80%)	(92%)	(100%)	(89%)
National Performance 2017/18	90%	92%	91%	92%	91%
b) Minor applications Within 8 weeks or agreed EoT (Gov't target = 70%)	91%	93%	--	--	92%
Walsall Performance 2017/18	(77%)	(58%)	(88%)	(93%)	(79%)
National Performance 2017/18	88%	86%	88%	88%	87%
c) Other applications Within 8 weeks or agreed EoT (Gov't target = 70%)	96%	98%	--	--	97%
Walsall Performance 2017/18	(71%)	(47%)	(87%)	(88%)	(73%)
National Performance 2017/18	89%	89%	88%	90%	89%

12.1 The latest performance figures mark a continued improvement in 2018/19 and exceed both last year's local and national figures for quarter 2.

12.2 Whilst there has been some slippage in the performance in the major's category, 16 applications in this group were determined in the 3 week period. This a high level of delivery of decisions and includes a number of legacy cases which proved difficult to resolve. Nevertheless the performance of the major applications remains strong and above target.

- 12.3 On going improvements to the handling of applications and especially the hard work of the case officers, support staff and consultees has also assisted in bringing forward further improvements to performance in the minors and others categories. This is especially welcomed and moves the Council further away from potential special measures.
- 12.4 Engagement continues with the Governments Planning Advice Service with a focus on how the planning service can best be delivered with an emphasis on optimising the time officers have to deal with cases.
- 12.5 Further engagement will be undertaken with MHCLG in the New Year to enhance not just performance but also the quality of the planning service offered to applicants, agents and the public. Particular attention will be given to how any improvements can help deliver on the Council's Proud programme in respect of improving how people engage with the service.

**ii) Decisions made by the Planning Inspectorate in Q4 (between 1<sup>st</sup> January and 31<sup>st</sup> March 2018)**

App No.	Address	Proposal	Appeal Decision	Council Decision	Comments
17/0771	Kings Head, Ingram Road, Bloxwich	Outline Planning Permission for the Principle of development for a bungalow with all matters reserved.	Appeal Allowed	Refuse Permission	The Inspector considered that the proposed dwelling would not have a detrimental impact on the character and appearance of the area and would not have a detrimental impact on neighbours. They also considered amenity space could be resolved at the reserved matters stage and
17/1579	50, Riverbank Road, Willenhall	Resubmitted application for a part single, part two storey side extension	Appeal Allowed	Refuse Permission	The Inspector considered that the extension would be subservient in nature and not cramped on the plot. Regarding the potential for it to be used as a separated dwelling, the inspector considered that this could be controlled by condition.
17/1658	19 , Market Place, Willenhall	The removal of the composite security panel and full surround, the reinstatement	Appeal Dismissed	Refuse Permission	The Inspector considered that the main issues were the effect of the proposal on the character and appearance of the host property and locality,

		of the glazing and the reciting of the ATM with a small bespoke surround to the right hand side of the shop front.			including the Willenhall Conservation Area. They noted that the conservation Area has been designated at risk, and gave weight to the harm that the appearance of the ATM would cause.
17/1659	19, Market Place, Willenhall	Installation of non illuminated fascia surround to ATM.	Appeal Dismissed	Refuse Advertisement Consent	The Inspector applied similar reasoning to this advertisement application associated with the above ATM.
17/1649	7, Eastbourne Street, Walsall	Part Retrospective: Two storey front extension, first floor rear extension, front rear and side dormer windows, loft conversion, front canopy, detached garage and demolish chimney (amendment to 17/0644).	Appeal Dismissed	Refuse Permission	The main issues were considered to impact on the character of the area and the building itself along with harm from impact on privacy. The Inspector felt that the proposed two storey front extension with dominant front gable extending almost to ridge height would result in the loss of most of the original features and in their place would be a prominent and incongruous façade that paid no regard to the original style or architectural detailing of the building. They also felt that the extension would have a detrimental impact on the living conditions of neighbours.
18/0399	37, Paddock Lane, Aldridge	Replace garden wall with vehicle access gates and dropped kerb to create parking space.	Appeal Dismissed	Refuse Permission	The Inspector was of the view that the construction of a new access, without the provision of visibility splays, would mean that pedestrians would not be clearly seen as vehicles emerged from the property. Consequently,

					there would be a risk to their safety.
17/1152	200-202, Thornhill Road, Streetly	Demolition of existing bungalow at 200 and erection of 4 detached houses.	Appeal Dismissed	Refuse Permission	The Inspector considered that the development would have a detrimental effect on the character and appearance of the surrounding area, including the protected trees. Replacement planting, as proposed, would do little to mitigate the visual impact of the loss of such mature landscaping. The development as proposed would also have a detrimental effect on the residential amenity of some of the neighbours.
17/1379	112A, Thornhill Road, Streetly	Part two, part single storey side and rear extensions.	Appeal Dismissed	Refuse Permission	The Inspector felt that the proposed development would have a detrimental impact on the long term health of the protected Cedar tree which would be likely to lead to the loss of or harm to the tree to the detriment of the character and appearance of the area.
17/1546	Land to rear of 24-28, Chester Road North, Brownhills	Construction of 3 no detached dwellings and associated access, parking and garaging.	Appeal Dismissed	Refuse Permission	The Inspector considered that the combination of a tandem and visually cramped development and the urbanisation of the rear garden environment of the existing properties, would cause unacceptable harm to the character and appearance of the surrounding area and would result in unacceptable harm to the living conditions of the occupiers of the neighbouring properties.

17/1598	14, Market Place, Willenhall	Installation of ATM.	Appeal Dismissed	Refuse Permission	The Inspector considered that that the proposal would be harmful to the character and appearance of the host property and its significance as a heritage asset in the Conservation Area.
17/1599	14, Market Place, Willenhall	Installation of non-illuminated ATM Fascia.	Appeal Dismissed	Refuse Advertisement Consent	The Inspector applied similar reasoning to this advertisement application associated with the above ATM.
15/1283	Wheel Inn, 96, Lindon Road, Brownhills	Demolition of existing building and erection of 17 one and two bedroom flats together with 20 car parking spaces.	Appeal Dismissed	Refuse Permission	The Inspector gave significant weight to the emerging SAD designation in policy HC4 to provide sites for show people. As this site had been allocated for this purpose, the Inspector felt there was a conflict with the policy and the appeal was dismissed.
18/0660	322, Harden Road, Bloxwich	Single storey rear extension: 4.9m deep; 2.9m high at eaves; 3.5 metres high at highest point.	Quashed	Prior Approval Refused	As the required documents had not been submitted to the Planning Inspectorate within the required 12 week period, the appeal was turned away and the Council's decision to refuse remained unchallenged.
<b>Target = 30%</b>			<b>2</b> qualifying appeals, not decided in accordance with Council's decision = <b>22%</b>		Total number of qualifying appeals = 9 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 Whilst this figure falls outside the Government's current performance target but is an improvement on the previous figure of 44% and the 40% in Q4 of 2017/18.

12.7 One notable feature of the applications in Thornhill Road and Chester Road is the difficulty for applicants to secure consent for development on small parcels of land behind other dwellings. These types of proposal appear to be seen as cramped and

a form of over development of a site to the detriment of the locality. These concerns are exacerbated when the impacts on local neighbours is also taken into account.

12.8 The Authority continues to made substantial strides to improve planning performance in terms of the quality of decision.

12.9 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the Borough, officers will be engaging with PAS to ensure decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Councils ability to defend refusal decisions most effectively at appeal.

### iii) Called in Applications

12.10 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows that 5 different applications have been called in during the three meetings in Q2 from July to September.

12.11 The Call-in Procedure is set out in paragraph (12) of Part 3: Responsibility For Functions of the Constitution.

#### (12) Call-in procedure

(a) Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee;

(b) Prior to a Councillor calling in an application he/she must inspect the submitted plans and discuss the application with the Development Control Team Leader or his/her deputy or Head Of Service/Service Manager.

(c) The call-in will be activated by the completion of an appropriate form which must give a planning reason why it should be determined by the Committee;

(d) The form must be received by the Planning Department within 10 working days from the receipt of the weekly list by Councillors (one day will be allowed for delivery following date of dispatch)

(e) The Committee report will identify the Councillor who called in the application along with the reason given.

12.12 For details of applications previously called in please refer to the previous performance reports.

Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Application Address	Call In Method
6 <sup>th</sup> September 2018				
Councillor Fellows	Bloxwich West	17/0979	The Sneyd, 67, Vernon Way, Bloxwich	Pro-Forma
Councillor Barker	Short Heath	18/0261	64 , Sandbeds Road, Willenhall	Pro-Forma



Councillor Russell	St Matthews	18/0193	8, Burton Farm Road, Walsall	Pro-Forma
9 <sup>th</sup> August				
Councillor Jukes	Birchills Leamore	18/0460	15, Old Birchills, Walsall	Pro-Forma
Councillor Wilson	Aldridge Central And South	18/0376	55, Longwood Road, Aldridge	Pro-Forma
9 <sup>th</sup> September				
No items called in				

#### **iv) Progress on Enforcement Proceedings**

12.13 This section of the report to follow.

## **PLANNING COMMITTEE – 3<sup>rd</sup> January 2019: PROGRESS OF FORMAL ENFORCEMENT ACTIONS**

### **Sites with Notices served**

<b>Case Number</b>	<b>Officer</b>	<b>Address</b>	<b>Date</b>	<b>Type of Action and date of issue</b>	<b>Current position</b>
E11/0615	EG	74, 75, 76, Stafford Street, Willenhall (Dainty's)	21/10/2010  25 <sup>th</sup> Sept 18  <b>19<sup>th</sup> Dec 2018</b>	Section 215 Notices Issued on 4 <sup>th</sup> July 2012	<p>Section 215 notice required the repair of numbers 74 and 75. The notice took effect on 6<sup>th</sup> August. The first compliance period expired on 6<sup>th</sup> September; the second compliance period expired on 6<sup>th</sup> December 2012. Requirements of the first two parts of the notice were not met. Prosecution was progressed with each Defendant being fined. Current planning application under consideration.</p> <p>Site visited in December 2017 and owners notified of need to undertake works otherwise a new Section 215 notice will be issued.</p> <p>Action held in abeyance whilst planning application is resolved.</p> <p><b>Planning consent granted at last planning committee, matter in abeyance to allow negotiations with land owner to continue and seek implementation of consent.</b></p>
E11/0274	EG	12-14 Lower Lichfield Street, Willenhall	2/5/2013  25 <sup>th</sup> Sept 18	S215 Notice issued 28 <sup>th</sup> June 2012.	<p>Unightly properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned.</p> <p>Warning letter with regards action sent January 2018 and site to be monitored.</p>

			<b>19<sup>th</sup> Dec 2018</b>		<b>Site not improved consideration for service of new S215 notice, as site has further deteriorated, new notice is delegated to ward members.</b>
E17/0135	EG	Three Crowns Public House	<p>2<sup>nd</sup> April 2015</p> <p>3<sup>rd</sup> August 2017</p> <p>5<sup>th</sup> June 2018</p> <p>25<sup>th</sup> Sept 18</p> <p><b>19<sup>th</sup> Dec 2018</b></p>	<p>Enforcement notice served 2<sup>nd</sup> October 2017</p>	<p>Enforcement Notice regarding unauthorised car wash use and associated paraphernalia, siting of a residential caravan, the untidy nature of the site, the engineering works and depositing of spoil on the adjacent SINCE. Compliance period ends on 29<sup>th</sup> January 2018. Appeal has been lodged with PINS.</p> <p>Appeal dismissed for planning decision to refuse a further temporary planning consent for the hand car wash facility and associated residential caravan.</p> <p>Awaiting Enforcement appeal start date, there is a backlog of cases at the Inspectorate.</p> <p>Appeal confirmed as valid by PINS. Start date of 11th May 2018.</p> <p>Appeal ongoing appellant failed to attend appeal site visit, awaiting a new date to be set by PINS.</p> <p><b>Appeal site visit booked for 7<sup>th</sup> January 2019.</b></p>
E15/0366	EG	100 Whitehorse Road, Brownhills	01/09/16	Enforcement Notice served 29 <sup>th</sup> August 2017	Bike shed adjacent highway –Enforcement notice served on 29/06/17. Comes into effect 03/08/17.

			<p>5th June 2018</p> <p>25<sup>th</sup> Sept 18</p> <p>19<sup>th</sup> Dec 2018</p>		<p>Notice has been appealed and documents with PINS for consideration.</p> <p>Appeal Site Visit in July 2018.</p> <p>Appeal dismissed and notice now stands. Owners written to and informed structure needs to be removed by 28<sup>th</sup> September 2018.</p> <p><b>Owners contacted and requested extension of time period to comply due to family bereavement, agreed for completion by 31<sup>st</sup> December 2018, site to be monitored in January 2019.</b></p>
E17/0140	EG	The Orange tree, 20 Wolverhampton Road	<p>N/A</p> <p>17<sup>th</sup> August 18</p> <p>25<sup>th</sup> Sept 18</p> <p>19<sup>th</sup> Dec 2018</p>	<p>Section 215 Notice served 30<sup>th</sup> September 2018</p>	<p>Notice requires repair or demolition with compliance by 30<sup>th</sup> December 2017.</p> <p>Warning letter sent 8<sup>th</sup> January 2018 with regards to prosecution for non-compliance with notice. Owner stated that demolition contractors have been appointed site to be monitored again end of February 2018.</p> <p>Matter with Legal services and notice has not been complied with.</p> <p><b>Prosecution court case adjourned until 21<sup>st</sup> Feb 2019 to allow for demolition to be undertaken as indicated by owner on week commencing 14<sup>th</sup> January 2019.</b></p>

E12/0470	EG	24 Larkspur Way	16/01/14	Enforcement Notice served 8 <sup>th</sup> July 2014.	Enforcement Notice required cease of use as residential garden and removal of residential paraphernalia and fencing. Officer inspection confirms requirements of Enforcement Notice not complied with – With Legal Services for prosecution proceedings to be prepared.
			5th June 2018		EG as new case officer to revisit site and seek to secure compliance with notice.
			25 <sup>th</sup> Sept 18		Notice has not been complied with owners are seeking to submit a planning application or certificate of lawful use application. It must be noted that the serving of the enforcement notice stopped the clock for accruing passage of time which the occupier of 24 may wish to demonstrate via the certificate of lawfulness.
			19 <sup>th</sup> Dec 2018		<b>In October 2018 the application for the Certificate of Lawful use was refused, as they were unable to prove the use had occurred for 10 years prior to the service of the notice, we are now seeking to secure compliance with notice.</b>
E17/0392	SD	18 Moat Road, Walsall	26/4/18	Enforcement action authorised by 26/4/18 planning committee	Owner to cease use of the unauthorised takeaway and remove all associated equipment and return the building back to storage associated with roofing business.
			17 <sup>th</sup> August 18		The notice is being prepared ready for service
			25 <sup>th</sup> Sept 18		

			19 <sup>th</sup> Dec 2018		<p>Notice served 7<sup>th</sup> June 2018 and be effective on 10<sup>th</sup> July 2018, however we have received indication PINS that appeal has been lodged and awaiting validation.</p> <p><b>Appeal was not made valid and tenant left the premises and landowner undertook all steps to comply with the requirements of the notice. Breach is now resolved CASE CLOSED.</b></p>
E17/0441	RS	Land to the south of 171 Erdington Road	<p>5 June 2018</p> <p>25<sup>th</sup> Sept 18</p> <p>19<sup>th</sup> Dec 2018</p>	Enforcement action authorised by 26/4/18 planning committee	<p>Enforcement Notice served. Notice effective on 11<sup>th</sup> June 2018.</p> <p>We have received indication by PINS that appeal has been lodged and awaiting validation.</p> <p><b>No update form PINS</b></p>
E17/0463	RS	Land south of Cartbridge Lane	<p>25<sup>th</sup> Sept 18</p> <p>19<sup>th</sup> Dec 2018</p>	Enforcement action authorised by planning committee 12/7/18	<p>Enforcement Notice served 26<sup>th</sup> July 2018 and notice became effective on 24<sup>th</sup> August 2018 and due to be complied with by 24<sup>th</sup> October 2018.</p> <p><b>Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.</b></p>
E17/0192	EG	10 Alexandra Road	<p>12<sup>th</sup> April 2018</p> <p>25<sup>th</sup> Sept 18</p>	<p>Enforcement action authorised by planning committee 30/11/2017</p>	Enforcement Notice served 12 <sup>th</sup> April 2018 was effective on 13 <sup>th</sup> May 2018 and due for compliance on 13 <sup>th</sup> August 2018.

			<b>19<sup>th</sup> Dec 2018</b>		Compliance has not occurred matter to be referred to legal.  <b>No further update</b>
E18/0076	SD	14 Durham Road	25 <sup>th</sup> Sept 18  <b>19<sup>th</sup> Dec 2018</b>	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 7 <sup>th</sup> August 2018 and notice to be effective on 7 <sup>th</sup> September 2018 and due to be complied with by 7 <sup>th</sup> December 2018.  We have received indication by PINS that appeal has been lodged and awaiting validation.  <b>No further update</b>
E17/0428	SD	7 Eastbourne Street	<b>19<sup>th</sup> Dec 2018</b>	Enforcement action authorised by planning committee 29/11/18	<b>Enforcement Notice served 19<sup>th</sup> December 2018 and notice to be effective 22<sup>nd</sup> January 2019 and due to be complied with by 22<sup>nd</sup> April 2019.</b>
E18/0113	RS	78-80 Noose Lane	<b>19<sup>th</sup> Dec 2018</b>	Enforcement action authorised by planning committee 29/11/18	<b>Enforcement Notice served 7<sup>th</sup> December 2018 and notice to be effective 11<sup>th</sup> January 2019 and due to be complied with by 11<sup>th</sup> April 2019.</b>
E18/0095	SD	Harveys Autos 126 Stafford Street	<b>19<sup>th</sup> Dec 2018</b>	Enforcement action authorised by planning committee 29/11/18	<b>Notice undergoing legal review</b>
	SD	18 Walstead Road	<b>19<sup>th</sup> Dec 2018</b>		





### Historical Cases under review following Committee Resolutions

Case Number	Case Officer(s)	Address	Date of committee authorisation for Enforcement Action	Type of action and date of issue	Current position
E14/0338	EG	17 Newport Street, Walsall	26/10/2004	Listed Building Enforcement Notice and Prosecution	<p>Continued non-compliance with Listed Building Enforcement Notices for installation of second floor windows and painting exterior of building. Also other external alterations including first floor windows continue to be an offence. Case has been reviewed. Consolidated report being prepared with intention to report to committee in the near future. An invalid planning application has been submitted in an attempt to regularise the listed building breaches. Currently awaiting an update from the Building Conservation Officer. A site visit was undertaken on 10<sup>th</sup> May 2016 and further discussions have taken place. Planning application 16/0120 was valid 24/6/16 with officers requesting amendments. To date this still remains outstanding.</p> <p><b>Planning application 16/0120 is under consideration and enforcement action in abeyance at this time.</b></p>

E08/0246	EG	Land at Canalside Close, Walsall	9/1/2007	Enforcement Notice – 5/11/2007	<p>Erection of boundary wall, building and gates. Appeal partially upheld on 15/8/08. Planning permission granted subject to conditions for a change of use to motor vehicle salvage and breakers yard including alterations to the boundary wall by September 2012 subject to time limit actions. Actions not complied with. Discussions with new tenant and advice sought from officers regarding a new planning application to address the issues. Site visit undertaken on 13<sup>th</sup> April 2016. Site was locked up and secured with nobody on site. Sign on wall outside states that the facility will be opening soon. Contact is to be made with the current owners to ascertain their intentions. A further monitoring visit is proposed to assess the situation.</p> <p>EG- As new case officer to assess site and recommend actions.</p> <p><b>Site visited and at this time considered not expedient to seek reduction in wall height. Case to remain open and be reviewed if use of site changes.</b></p>
			5 <sup>th</sup> June 2018		

E13/0042	EG	Land rear of Tempus Drive, Walsall	2/5/2013	Enforcement Notice	<p>Change of use to deposition of waste material. Enforcement Notice issued. Appeal lodged but subsequently withdrawn. Enforcement notice compliance period expired April 2014. New EIA Screening Opinion issued 11/12/14 confirming Environmental Statement not required. Planning permission 15/0333/FL was granted on 8<sup>th</sup> January 2016 for earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the north (the Onyx site), including on-site remediation of material as necessary, to provide a level platform for future development. The permission requires commencement of the works within 12 months of the grant of permission to remedy the issue of unauthorised waste on site. Works have progressed on site and are likely to have triggered commencement under permission 15/0333/FL. Commencement of permission confirmed as 14<sup>th</sup> October 2016 and works are required to be completed by 14<sup>th</sup> October 2017. A further planning application under 16/1883 was approved on 2<sup>nd</sup> May 2017 to vary conditions under 15/0333/FL regarding importation of materials, drainage, flooding and mining risk. The conditions are currently in the process of being discharged.</p> <p><b>Site being monitored for compliance with Planning application 16/1883.</b></p>
			February 2018		

E12/0519 & E12/0468	EG / SC	3 Walsall Road	September 2013	Enforcement notice served on 23 <sup>rd</sup> June 2015	<p>Unauthorised change of use, signage, fencing and building works. Authorisation to prosecute was approved by September planning committee. Planning applications for the retention of the works have now been refused. Enforcement notice served on 23<sup>rd</sup> June 2015 for compliance on the 24<sup>th</sup> September 2015. Requirements of the notice have not been met. Prosecution with legal services. Legal services have asked for further land ownership details which is currently being investigated, plus officers are having to visit the site and measure all of the new signage at the site.</p> <p>Interviews have taken place with the owner and the file is now with legal for a prosecution. New site visits have taken place and new advertisements have been erected stating that the shop is under new ownership. Despite this, work continues on this case</p> <p>Liaising with new tenants who are in the process of purchasing the site and they have stated intention to comply with requirements of the notice. Site to be monitored at end of February 2018.</p> <p>New owners have not sought to undertake works to comply with the notice matter to be referred to legal.</p> <p><b>New planning permission 18/1630 submitted to alter the unauthorised extensions seek to regularise breaches. Enforcement Action in abeyance pending outcome of application.</b></p>
			February 2018		
			25 <sup>th</sup> Sept 2018		
			19 <sup>th</sup> Dec 2018		



E14/0280	EG	Middlemore Lane West – Former GKN	September 2014	Enforcement Notice	<p>Owners have removed the unauthorised embankment and are in discussions with officers for the submission of a planning application to landscape the front of the site.</p> <p>Meeting to be proposed with planning case officer to ascertain the current situation.</p> <p><b>EG as new case officer to monitor site and advice on action to be undertaken.</b></p>
E15/0260	EG	Hawthorns, Former Baytree House, Erdington Road, Aldridge	3/9/15	Enforcement Notice	<p>The operators of the site have begun proceedings with officers of the Council to look at improving the provision of care available to residents including registration with the Care Quality Commission (CQC) to operate as a care home and ensure compliance with planning application 12/1400/FL. The measures put forward are being considered by officers. Officers are negotiation with the applicants on the terms of the revised s106 and will be preparing a report to update Members on the situation.</p> <p><b>EG- to monitor case and make recommendations as necessary.</b></p>
E14/0323	JT	39 Shire Ridge, Walsall Wood	01/09/16	Enforcement action authorised by 01/09/16 planning committee	<p>The fence and wall to the side have been reduced in height in accordance with the approved planning application. The owners have been advised that an</p>

					<p>application will be required for the change in levels of the rear garden.</p> <p><b>Officers in negotiation regarding this matter.</b></p>
E14/0057	EG	The Eagle PH, Cresswell Crescent	<p>01/12/16</p> <p>February 2018</p> <p>5 June 2018</p> <p>25<sup>th</sup> Sept 18</p> <p><b>19<sup>th</sup> Dec 2018</b></p>	<p>Prosecution following non-compliance with S215 Notice</p>	<p>Failure to comply with S215 notice to tidy up the derelict site. Prosecution being considered. Planning application 17/0026 received on 06/01/17 for redevelopment for a new apartment scheme and committee resolution to grant permission subject to a S106 Agreement.</p> <p>EG as new officer to evaluate site and consider if further formal action required.</p> <p>Site visit 15/4/18. Owners given 28 days to rectify the appearance of the building and remove the further flytipped rubbish and finalise compliance with the Section 215 Notice. Officer to monitor the situation after 28 days.</p> <p>No works undertaken following correspondence, matter to be referred to legal.</p> <p><b>No further update</b></p>
E13/0063	EG	Land adjacent to 26 Bradley Lane	<b>19<sup>th</sup> Dec 2018</b>		<p>The carrying out of engineering works to alter land levels and create access onto the highway, laying down of hard-surfacing, the erection of boundary gates and fencing, the erection of two stabling blocks and the</p>

					<p>partial construction of a storage barn. Applicant contests that the access has lawful use rights and there is a current certificate of lawfulness to be determined. Appeal decision concluded requiring the serving of a revised notice. Application for Certificate of Lawful Use (16/1096) valid 22/11/16. Granted 7<sup>th</sup> June 2018 for the keeping of 7 horses.</p> <p><b>Following committee on 1<sup>st</sup> November case officer has meet owners and a new application for the retention and relocation of the stables is due to be submitted in the new year to address the outstanding breaches. Action in abeyance pending outcome of any application.</b></p>
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