

PLANNING COMMITTEE – 4th OCTOBER 2018: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

Sites with Notices served

Case Number	Officer	Address	Date	Type of Action and date of issue	Current position
E11/0615	EG	74, 75, 76, Stafford Street, Willenhall (Dainty's)	21/10/2010 25th Sept 18	Section 215 Notices Issued on 4 th July 2012	Section 215 notice required the repair of numbers 74 and 75. The notice took effect on 6 th August. The first compliance period expired on 6 th September; the second compliance period expired on 6 th 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. Site visited in December 2017 and owners notified of need to undertake works otherwise a new Section 215 notice will be issued. Action held in abeyance whilst planning application is resolved.
E11/0274	EG	12-14 Lower Lichfield Street, Willenhall	2/5/2013 25th Sept 18	S215 Notice issued 28 th June 2012.	Unightly properties. Section 215 notice served, but not actioned. Prosecution was considered in 2016 but not actioned. Warning letter with regards action sent January 2018 and site to be monitored.

E17/0135	EG	Three Crowns Public House	<p>2nd April 2015</p> <p>3rd August 2017</p> <p>5th June 2018</p> <p>25th Sept 18</p>	<p>Enforcement notice served 2nd 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 29th 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>
E15/0366	EG	100 Whitehorse Road, Brownhills	<p>01/09/16</p> <p>5th June 2018</p> <p>25th Sept 18</p>	<p>Enforcement Notice served 29th August 2017</p>	<p>Bike shed adjacent highway –Enforcement notice served on 29/06/17. Comes into effect 03/08/17. 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 28th September 2018.</p>

E17/0140	EG	The Orange tree, 20 Wolverhampton Road	N/A 17 th August 18 25th Sept 18	Section 215 Notice served 30 th September 2018	Notice requires repair or demolition with compliance by 30 th December 2017. Warning letter sent 8 th 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. Matter with Legal services and notice has not been complied with.
E12/0470	EG	24 Larkspur Way	16/01/14 5th June 2018 25th Sept 18	Enforcement Notice served 8 th 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. EG as new case officer to revisit site and seek to secure compliance with notice. 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.

E17/0392	SD	18 Moat Road, Walsall	26/4/18 17 th August 18 25th Sept 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. The notice is being prepared ready for service Notice served 7th June 2018 and be effective on 10th July 2018, however we have received indication PINS that appeal has been lodged and awaiting validation.
E17/0441	RS	Land to the south of 171 Erdington Road	5 June 2018 25th Sept 18	Enforcement action authorised by 26/4/18 planning committee	Enforcement Notice served. Notice effective on 11 th June 2018. We have received indication by PINS that appeal has been lodged and awaiting validation.
E17/0463	RS	Land south of Cartbridge Lane	25th Sept 18	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 26th July 2018 and notice became effective on 24th August 2018 and due to be complied with by 24th October 2018.
E17/0192	EG	10 Alexandra Road	12 th April 2018 25th Sept 18	Enforcement action authorised by planning committee 30/11/2017	Enforcement Notice served 12th April 2018 was effective on 13th May 2018 and due for compliance on 13th August 2018. Compliance has not occurred mattered to be referred to legal.

E18/0076	SD	14 Durham Road	25th Sept 18	Enforcement action authorised by planning committee 12/7/18	<p>Enforcement Notice served 7th August 2018 and notice to be effective on 7th September 2018 and due to be complied with by 7th December 2018.</p> <p>We have received indication by PINS that appeal has been lodged and awaiting validation.</p>
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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 10th 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>Planning application 16/0120 is under consideration and enforcement action in abeyance at this time.</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 13th 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>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.</p>
			5 th 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 8th 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 14th October 2016 and works are required to be completed by 14th October 2017. A further planning application under 16/1883 was approved on 2nd 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>Site being monitored for compliance with Planning application 16/1883.</p>
			February 2018		

E12/0519 & E12/0468	EG / SC	3 Walsall Road	September 2013	Enforcement notice served on 23 rd 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 23rd June 2015 for compliance on the 24th 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>
			February 2018		
			25 th Sept 2018		

E13/0103	EG	Ravenscourt Shopping Precinct	<p>March 2014</p> <p>November 2017</p> <p>May 2018</p>	Section 215 Notice	<p>Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.</p> <p>Update 9-3-15 – Owners of the site have been in contact with the LPA to discuss future the enforcement action and the future of the site. Officers have been negotiating with developers who intend to submit a planning application early 2017. The owner has confirmed they have appointed a highways consultants and are in the process of finalising a planning consultant. In addition they wish to work closely with the Town Centre Manager to ensure the security of the site and minimise ASB issues.</p> <p>Update 18-10-17 – Planning Application 17/1131 for part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Consultation period expires 15-11-17</p> <p>As there is a current application in for consideration at this stage it is not expedient to pursue formal action.</p> <p>Site visited, action to remain in abeyance pending outcome of application.</p>
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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>EG as new case officer to monitor site and advice on action to be undertaken.</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>EG- to monitor case and make recommendations as necessary.</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 application will be required for the change in levels of the rear garden.</p> <p>Officers in negotiation regarding this matter.</p>
E14/0057	EG	The Eagle PH, Cresswell Crescent	<p>01/12/16</p> <p>February 2018</p> <p>5 June 2018</p> <p>25th Sept 18</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>