



DEVELOPMENT CONTROL COMMITTEE

27th January 2009

Report of Head of Planning and Building Control

Manor Court Residential Home, Manor Road Precinct, Walsall

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action against a storage container at a residential care home.

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), 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 Prosecution proceedings, in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice, and the decision as to the institution of Injunctive proceedings, in the event of a continuing breach of control, 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:-

Operational development comprising the installation of a storage container.

Steps required to remedy the breaches:-

Remove the storage container.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

By reason of its large size, prominent location, and utilitarian, industrial appearance, the storage container is harmful to the character and appearance of the premises, and the area in which it is situated. The retention of the storage container would therefore be contrary to Policies GP2 and ENV32 in the Walsall 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

Pleck

9.0 CONSULTEEES

None.

10.0 CONTACT OFFICER

James Fox / Philip Wears

Planning Enforcement Team: 01922 652527 / 01922 652411

11.0 BACKGROUND PAPERS

Enforcement file not published.

David Elsworthy
Head of Planning and Building Control

Development Control Committee
27th January 2009

12 BACKGROUND AND REPORT DETAIL

- 12.1 The storage container is constructed in light grey profiled metal, and measures approximately 12 metres long, 2.5 metres wide and 2.5 metres high. It is located to the side and rear of the residential home building, at the back of an open parking area. A plan showing the location of the site and the container is attached to this report.
- 12.2 Present information is that the container was first installed in early 2006. Subsequently the residential home stated that it was needed for a 6 month period to store furniture displaced during a refurbishment. However it is still in place. If the container was to remain until early 2010 without an enforcement notice being served, the time limits for enforcement action could make the container permanently lawful. A recent letter requested that it be removed within 28 days but the container remains and no communication has been received by officers.
- 12.3 The appearance of the container is poor, and its very utilitarian, industrial appearance is completely out of place in this residential area. The residential home otherwise presents a good appearance and contributes positively to the surroundings, but its overall contribution is seriously harmed by this large container. Furthermore the container is readily visible from Wolverhampton Road, a principal artery to and from the town centre, and as a result it erodes the image of the town and the success of town centre regeneration work.
- 12.4 Officers therefore recommend the service of an enforcement notice. In the event that the residential home has long term storage needs it could propose a permanent building in a planning application.

Manor Court Residential Home, Manor Road Precinct, Walsall

