

## **PLANNING COMMITTEE 23<sup>rd</sup> August 2012**

### **Progress of formal enforcement actions.**

#### **Appendix A   Enforcement Cases acted upon with Committee authority**

	<b>Address</b>	<b>Date of committee authorisation for Enforcement Action</b>	<b>Type of action and date of issue</b>	<b>Current position</b>
1	Mellish Road Church	Long running case - latest resolution 10/3/2011	Section 215 Notice – issued 18/4/2011	The demolition has taken place but one condition regarding validation as to hazardous materials remains outstanding. Officers are assessing with a view to issuing of a Breach of Condition Notice.
2	182 Wolverhampton Road (former Curl and Dye)	Long running case - latest resolution 2/02/2012	Direct action works in default of non-compliance with Section 215 Notice	Section 215 Notice issued requiring clearance of demolition rubble, rubbish and grassing of site. Notice was not complied with and direct action works undertaken in default February 2012. (See also item 48 in Part B below). Debt recovery is in hand. Officers considering further treatment to allow successful grassing.
3	17 Newport Street, Walsall	26/10/2004	Listed Building Enforcement Notice and Prosecution	Enforcement Notice for first floor UPVC windows. Prosecutions for second floor windows and painting. Further meeting between Conservation Officer and owner to take place regarding the breaches.
4	74, 75, 76, Stafford Street, Willenhall (Dainty's)	Long running case - latest resolution 21/10/2010 (private session report)	Section 79 or section 215 Notices	Section 215 notice was issued on 4 <sup>th</sup> July 2012 in respect of numbers 74 and 75, to require repair. The notice took effect on 6 <sup>th</sup> August and officers will be reporting to Committee after the end of each compliance period, the first of which expires on 6 <sup>th</sup> September.
5	Green Lane, Walsall, at Rayboulds Bridge	19/4/2005	Prosecution for unlawful adverts	Poster hoarding at junction. Pursuing comments from Property Services, including a request for advice from the poster company.
7	177 Weston Street, Walsall.	8/8/2006	Section 215 Notice - 10/5/2007	Section 215 Notice issued via delegated powers ( item 49 in Part B below). Planning Committee authorised direct action works in default

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		1/03/2012	Direct action works in default	of non-compliance, but the owner then carried out the larger part of the work. Officers are pursuing the remainder.
8	The Bell Inn, Market Place Willenhall	Latest resolution 29/4/2010	Section 215 Notice - not issued, owing to sale to new owners	Willenhall Townscape Heritage Initiative grant scheme commenced in May 2011. Some work carried out to building, and preparation of schedules of repair for grant aid application is taking place. Planning and listed building applications now received.
9	Land at Canalside Close, Walsall	9/1/2007	Enforcement Notice – 5/11/2007	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 in January 2012. Officers monitoring compliance of condition requiring alteration to wall and gate by September 2012.
10	24 Slaney Road, Pleck, Walsall	177/2007 & updated 29/5/2008	Enforcement Notice	Change of use of house to HMO. Officers to visit to reassess in light of recent changes in 'permitted development' legislation allowing up to 6 residents without planning permission.
11	Saddlers Garage, 115 Wednesbury Road, Walsall	7/8/2007	Enforcement Notice - 30/1/2008	Steel framework for building, and two storage containers. One storage container remains. Case being reviewed to assess prospects of prosecution.
12	133 Dickinson Drive, Walsall	11/12/2007	Enforcement Notice – 21/7/2008	Prosecution took place, and substantial degree of compliance. Some storage use was taking place in a container and officers are using right of entry powers again to check for compliance.
13	80 Noose Lane, Willenhall	28/10/2008	Enforcement Notice	Planning Contravention Notice issued 7/1/2011 to clarify fluctuating vehicle repair/sales/recovery but not responded to. Pursuing the land owner.
14	100 and 101 Union Street, Willenhall	31/3/2009	Section 215 Notices	Difficulties in identifying owners were found. Meeting with an owner confirmed two ownerships. A new owner for 101 Union St has been contacted and their agent is in discussion with 100 Union St about a

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				remedial scheme. Officers to require firm proposals
15	101 Woden Road West, Darlaston	4/3/2010	Prosecution	Breach of Condition Notice on landscaping. Some planting carried out but additional planting did not follow. Case to be provided to Legal for prosecution.
16	34 Emery Street, Walsall	2/12/2010	Enforcement Notice	Replacement UPVC first floor window in an Article 4 area. No further complaints since September 2009. The NPPF considers substantial harm to a heritage asset and its scale. Given the window proportions are similar to others in area; it is considered in this case there is no substantial harm to a heritage asset. Therefore it is not expedient to pursue enforcement action. <b>Resolved not to pursue further.</b>
17	44 Foxwood Avenue, Pheasey	17/2/2011	Enforcement Notice	Raised platform not built in accordance with approved plans. Further planning permission granted in June 2012, works recently commenced.
18	19 High Street, Walsall Wood – (formerly G D Memorials )	Further resolution 17/2/2011	Prosecution	Erection of building without compliance without planning permission. Non compliance with enforcement notice, second planning application refused. Appeal dismissed. Prosecution process at advance stage.
19	Land rear of 82-92 Salters Road, Brownhills	31/3/2011	Enforcement Notice – 26/1/2012	Unauthorised car wash - Planning application for the retention of the car wash refused 14/10/2011. Compliance with notice due 27/4/2012. Further planning application under consideration. Pollution control to undertake monitoring before the application is determined
20	84 Broadway North, Walsall	26/5/2011	Enforcement Notice - 15/8/ 2011	Part change of use of house to tutoring school children. Non compliance with notice. Prosecution at Magistrates Court, with one defendant fined £1,000 plus costs and the other given a conditional discharge plus costs. A second planning application to continue the use was refused. Breach continuing, and second prosecution took place on 6 <sup>th</sup> August. Both defendants fined £1000 each, plus costs.

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				Steps have been taken to comply, and monitoring is taking place..
21	124 Willenhall Street, Wednesbury	26/5/2011	Enforcement Notice – 6/7/2012	Installation of metal container, roller shutter door and railings – compliance due 8/11/12. Planning application for brick store and replacement access gate has since been submitted and is under consideration.
22	24 Slaters Lane, Pleck	23/6/2011	Enforcement Notice – 14/10/2011	Conservatory - Planning application for amended conservatory refused, but allowed on appeal. Appeal against enforcement notice allowed, conservatory to be amended as per the planning permission by 9/6/12. Officers seeking access to check for compliance.
23	Land at the junction of Waverley Avenue and Beacon Road, Pheasey	21/7/2011	Enforcement Notice – 8/8/2011	Telecommunication mast - Appeal dismissed quashing Enforcement Notice. Council's application to the High Court to challenge the appeal decision was dismissed on 10/5/12. An application has been made to the Court of Appeal to review the High Court decision.
24	Sutton Road-Three Crowns PH, Pheasey Park Farm	15/9/2011	Enforcement Notice – 28/10/2011	Change of use to vehicle wash and valeting – compliance due 28/12/11. Temporary planning permission granted on 27/7/12 for the car wash to be used for one year. Enforcement action to be reviewed upon expiry of temporary planning permission.
25	24 Collins Street, Palfrey	13/10/2011	Enforcement Notice.	Enlargement of rear extension - works undertaken to make the extension permitted development, but not changed the need for planning permission. Owners to undertake further works and officers to re-visit shortly.
26	Haley Street-rear of 32, Short Heath	13/10/2011	Enforcement Notice.	Siting of static caravan – Planning permission refused September 2011, discussions with land owner and Housing Services ongoing. Enforcement Notice to be issued by end of August.
27	51 Helston Road, Park Hall	8/12/11	Enforcement Notice – 20/12/11	Boundary fence – compliance due 28/3/2012. Notice not complied with, prosecution proceedings being prepared.
28	68 Lichfield Road,	2/02/2012	Enforcement Notice	Erection of conservatory – compliance due 6/7/12. Conservatory

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	Sandhills, Walsall		– 8/3/12	removed, officers advising further in regard to retained boundary wall.
29	8 Kelway Avenue, Great Barr.	2/02/2012	Enforcement Notice – 23/4/12	Erection of balcony – appeal submitted but returned due to the applicant not providing the required information to the Planning Inspectorate. Compliance now due by 24/8/12.
30	Sites of former Junction Works and Railway Tavern Public House	2/02/2012	Enforcement Notices, (deferred until 31 <sup>st</sup> May to allow the company time to re-locate)	On-going assistance to relocate the company. The enforcement process has been initiated with service of Requisitions for Information. Replies have been received and drafting of the enforcement notices has begun.
31	Fairview Motors, Station Street, Darlaston	1/03/2012	Enforcement Notice	Car sales – further planning application to address previous reasons for refusal was due to be submitted. Activities on site have reduced, ongoing monitoring required to establish if notice is required.
32	Brush Garage, 86 Lichfield Road, Shelfield	26/7/12	Enforcement Notice	Erection of a building. Committee resolved not to take enforcement action. <b>Resolved not to take enforcement action.</b>
33	2 Isis Grove, Willenhall	29/03/2012	Enforcement Notice	Erection of three brick pillars – Pillars reduced to 1m in height. <b>Resolved.</b>
34	71 Walsall Road, Darlaston	26/04/2012	Enforcement Notice	<b>Resolved.</b> A Requisition for Information was issued as part of process, but the use as unrestricted shop has ceased. Issuing the Notice is not necessary in these circumstances, but monitoring will take place

## Appendix B Enforcement Cases acted upon under delegation

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
35	3A Beeches Road, Leamore	Non - compliance with hours condition on a Takeaway.	Breach of Condition Notice – opening after 10.30pm	Issued 21/7/07	21 <sup>st</sup> August 2007 Appeal against refusal to vary the hours was dismissed 29/7/08	No further complaints since April 2010. A permit under the Licensing Act 2003 allows opening hours later than the planning permission (23.30 Sunday to Thursday and midnight on Friday and Saturday). In the circumstances it is not considered expedient to pursue enforcement action.  <b>Resolved not to pursue further</b>
36	104, 105,106 Lowe Avenue, Rough Hay Darlaston	3 terraced houses in 2 ownerships and with seriously unsightly condition (104 ruinous)	Section 215 Notices –	Notices served 27/8/2010 (one on 104 and one on 105/106)	Compliance due by 27/11/2010	<b>Resolved.</b> Part compliance obtained. All 3 houses showed substantial improvement although there were some deficiencies mainly at rear. Owners of 105/106 purchased 104 at Auction in December 2011, with a view to a major refurbishing of all 3 houses. These works are now well under way as part of a large scale programme in the area.
37	The Limes, 5 Birmingham Road, Walsall	Breach of condition restricting range of goods sold at a dispensary.	Breach of Condition Notice	3/12/2010	3/1/2011. A planning application to relax the condition was received, but has	No. However an application for a Certificate of Lawfulness was received. This has recently been refused, There is a right of appeal



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					been refused.	but officers to review next steps.
38	63 and 65, Bloxwich Road South, Willenhall	Unsightly condition of former doctors surgery and adjacent house.	Section 215 Notice.	19/1/2011	Compliance due in 2 stages, by 18/3/2011 and 135/2011	A minor level of compliance only. The properties were Auctioned separately on 19/5/2011. Officers to bring a report regarding further action.
39	Pear Tree Cottage Inn, Pear Tree Lane, Brownhills	Unsightly condition of vacant Public House	Section 215 Notice.	Notice served 22/12/11	Compliance due 1/4/12	No – prosecution to take place in September, though owner has recently obtained approval for demolition and intends to demolish shortly. Matter to be monitored to see if in public interest to go through with the prosecution.
40	Car wash on land adjacent Talbot Truck, Bilston Lane, Willenhall	Breach of a condition which prevents jet washing in the open.	Breach of Condition Notice	Notice served 1/12/11 (owners) and 3/12/11 (operators)	Compliance due 1/1/12	Evidence of non-compliance was discussed with the operator and working practices were changed. However further monitoring shows breaches continuing, and therefore a report regarding prosecution is being prepared..
41	182 Wolverhampton Road (former Curl and Dye)	Rubble, rubbish remaining after demolition (See also item 2 in Part A )	Section 215 Notice	Notice issued 5/12/11	Removal of rubble and rubbish by 20/1/12; and grassing of site by 16/3/12	Owner not complied but please see item 2 above

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42	177 Weston Street,	House and gardens continuing unsightly following two prosecutions (See also item 7 in Part A above)	Section 215 Notice	Notice issued 7/12/11	Compliance due in stages – windows and vegetation 7/2/12; front garden boundary and surfacing 7/3/12; render front or restore brickwork 7/4/12.	Part compliance. (Please see item 7 above)
43	12-14 Lower Lichfield Street, Willenhall	Unsightly condition of vacant former shops	Section 215 Notice	Notice issued 28/2/12	Compliance due 2/10/12	Ongoing