



Walsall Council

*Development Control
Committee*

4th February 2010

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Development Control Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Development Control Committee of the latest performance and outcomes regarding development control matters and in particular to: -

- i) The 2nd and 3rd quarter performance figures for applications determined between 1st April and 31st December 2009.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st July and 31st December 2009.
- iii) A progress report of enforcement proceedings.

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.

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 Control and enforcement 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.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

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

10. **CONTACT OFFICER**

David Elsworthy - Extension: 2409

11. **BACKGROUND PAPERS**

All published.

David Elsworthy, Head of Planning and Building Control

DEVELOPMENT CONTROL COMMITTEE –

4th February 2010

Development Control 2nd and 3rd Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st July – 31st December 2009 (2008/09 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2009- 10 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	62.5% (64.2%)	76.7% (68.42%)	63.6% (50%)	 (73.33%)	68.09% (64.47% in 2008/9)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	78.33% (82.3%)	76.7% (78.5%)	73.5% (75.5%)	 (84.7%)	75% (79.87% in 2008/9)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	92.65% (92.3%)	86.9% (91.85%)	86% (92.5%)	 (93.36%)	88.46% (92.35% in 2008/9)

12.1 Members will note that performance for major applications is slightly down on our locally set target of 72% up to the end of the third quarter with 68.09% of all major applications determined within 13 weeks. However, this continues to exceed the government set target of 60% but is below the national average of 71% for applications determined in 2008/09. Current performance also exceeds levels attained during the last financial year but as with last year we continue to see a fall in the number of major applications and have also determined a number of older applications that have come to a conclusion following the completion of S106 agreements which have taken time to complete together with applications that have been previously deferred pending referral to Government Office and/or regarding ecological and other issues requiring negotiation and amendment.

12.2 Performance in the 'Minor' category has exceeded the government target (65%) but is currently below the locally set target of 83% and follows similar outturns for the second and third quarters as achieved last year with over 75% determined within eight weeks. 'Other' applications continue to exceed the government target of 80% determined within 8 weeks but at 88.46% performance for the year to date is below the locally set stretch target level of 92%. This is primarily due to a small increase in the number of householder applications determined by the Committee and the

reduced number of Committees following the move to a monthly cycle rather than 3 weekly as in 2008/09. Therefore both the 'minor' and 'other' categories performance are either at or above the national average (2008/09) of 76% and 87% respectively.

12.3 The continued high level of performance and further customer service development will rely heavily on the retention and recruitment of staff and the continued use of the existing development control governance arrangements. In this regard members are advised that the restructure of the Development Control section is nearing completion which has resulted in the loss of three planning officers in the section as from the 1st February following in year budget savings. It will also be influenced by the proportion of new to older applications being determined due to the down turn in applications received which are currently down from 1101 to 907 or 17% received in the first three quarters in 2009 compared to 2008.

ii) Decisions made by the planning Inspectorate between 1st July and 31st December 2009

12.4 The following decisions have been made by the Planning Inspectorate between 1st July and 31st December 2009. Members are advised to refer to the previous performance report presented to the 10th September Committee for appeal decisions 1 to 15.

App No.	Address	Proposal	Decision	Officer Rec	Comments
16. 08/1332/FL	14 Greenhill Close, Willenhall	First floor side extension	Dismissed	Refuse	Detrimental to character of area by terracing effect
17. 08/1504/FL	76 Persehouse Street	Conversion of house to 3 flats	Dismissed	Refuse	Unacceptable living environment for flats 1 and 2
18. 09/0033/FL	33 Franchise Street		Withdrawn		
19. 09/0006/AD	Land adj gasholders and M6	96 sheet illuminated sign	Dismissed	Refuse	Would cause distraction to drivers away from important highway information and detrimental to the amenity of the area
20. 09/0633/FL	67 Millers Walk, Pelsall	1m high wrought iron fence and gates around boundary	Allowed	Refuse	The parking and opening of gates would not be detrimental to highway safety of neighbours
21. 08/1543/FL	Gala Clubs Park Lane	Smoking terrace and shelter	Dismissed	Refuse	Detrimental to character and appearance of the area and safe manoeuvring in the car park
22. 09/0128/AD	Panasonic 35 Bridge Street	Various illuminated signs	Dismissed	Refuse	Detrimental to character and appearance of the Listed Building and

					conservation area
23. 08/1410/FL	Brewers Farm, Heath End Pelsall	Parking of 1 HGV	Dismissed	Refuse	Inappropriate development and detrimental to open character of Green Belt
24. 09/0028/FL	3 Broadway	Lounge, kitchen and bedroom extensions	Allowed	Refuse	Sufficient gap and set back to avoid a terracing effect
25. 08/1232/FL	14 Buxton Road, Bloxwich	Change of use of garden land and erection of fence	Dismissed	Refuse	Detrimental to the open appearance of the open space
26. 08/1821/PT	Opposite 229 Lichfield Road	10m high telecom pole with 3 antenna	Allowed	Refuse	Not unduly prominent or harmful to the character and appearance of the area and alternative sites have been considered
27. 08/1026/FL	The Shire Oak PH	Change of use of part of car park for car wash	Dismissed	Refuse	Detrimental to character of area and amenity of neighbours
28. 072042/FL/W7	R/o 16 Broadway West	Erection of bungalow	Allowed	Refuse	Would not be detrimental to character of the area, amenity of neighbours or highway safety
29. 08/1730/FL	254 Chester Road	Alterations to existing dwelling	Allowed	Refuse	Would not extend forward sufficient to be detrimental to character of area or amenity of neighbours
30. 09/0391/FL	20 Hill Street Kings Hill	Extension to kitchen and W.C.	Dismissed	Refuse	Detrimental to amenity of neighbours due to loss of outlook and overshadowing
31. 09/0297/FL	14 Leafy Glade, Streetly	conversion of garage to study and side garage extension	Dismissed	Refuse	Proposed garage would be detrimental to the character of the area due to size and resultant loss of garden
32. 09/0395/FL	3 Coppice Walk Willenhall	Conservatory	Allowed	Refuse	Sufficient distance separation (18.3m) to safeguard amenity of neighbours with existing fence and planting
33. 09/0136/FL	41 Wood Lane Streetly	Retention of ancillary	Dismissed	Refuse	Detrimental to amenities of

		building to living accommodation			neighbours from noise and disturbance
34. 09/0362/FL	22 Gillity Avenue	Two storey side extension	Allowed	Refuse	Would not be detrimental to the street scene from terracing
35. 09/0541/FL	38 Thorpe Road	Extension to Kitchen	Dismissed	Refuse	Flat roof design detrimental to existing house and area
36. 09/0812/FL	230 Milton Street	First floor extension to dwelling	Allowed	Refuse	Insufficient adverse affect on amenity of neighbours
37. 09/0642/FL	54a Norton Road	First Floor extension	Dismissed	Refuse	Detrimental to neighbours by loss of outlook and light
38. 09/0424/FL	60 Erdington Road	Proposed detached dwelling	Allowed	Refuse	Would comply with UDP policies and would not be out of keeping with the area or detrimental to living conditions of neighbours
39. 09/0268/FL	126 Lichfield Road, New Invention	Change of use of betting office to A£ cafe/ takeaway	Dismissed	Refuse	Detrimental to amenity of neighbouring property from smells and noise
40.08/1799/FL	154 Green Lane	Erection of two storey replacement office with toilet	Allowed	Refuse	Would not be detrimental to pedestrian safety; the stability of the embankment or the SLINC
41. 09/1066/FL	50 Bescot Crescent	First floor extension to dwelling	Dismissed	Refuse	Detrimental to the character of existing property and surrounding area
42. 09/0870/FL	422 Sutton Road	Two storey side extension	Dismissed	Refuse	Detrimental to the character of the area due to cramped appearance
43. 09/0997/FL	8 Curlew Drive Brownhills	Rear Conservatory	Dismissed	Refuse	Detrimental to amenity of neighbours due to excessive length and inadequate distance separation with properties to the rear (19m)
Target = 30%			16 appeals not decided in accordance with	16 appeals not decided with	Total number of qualifying appeals = 38 Appeals against non determination,

			Councils decision = 42%	officer recommendation =42%	conservation / listed building consent, adverts and those withdrawn are not included.
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- 12.6 The above outcomes show that 42% of appeals were not determined in accordance with the councils' decisions between 1st April 2009 and 31st December 2009. This is a little disappointing when considered against the national average of 35% for all types of appeals (2007/08). Interestingly outcomes vary dependant on the type of appeal process undertaken as nationally 39% of those determined following hearings were allowed and 54% were allowed following public inquiries (2007/08). Given that two of the 38 appeals (and dismissed) were dismissed following a public inquiry the outcomes are more in line with the national outcomes. Having reviewed the cases involved there does not appear to be any particular pattern or reason underlying these outcomes which are evident but it is worth noting that since 2005/06 and 2007/08 the number of cases allowed by the Planning Inspectorate have risen from 33% to 34% for written representations; 36% to 39% for hearings and from 42% to 54% for public inquiries.
- 12.7 The ability of the council to defend a high percentage of its decisions is particularly important as a qualitative performance measure as a local planning authority should be able to defend its planning decisions. This used to feature as a Best Value performance Indicator until 2007/8 when it was dropped by the Government and has not featured as one of the new National Indicators (NIS). However given the importance attached to this measure in the past and given that we have several years experience of collating this information it has been continued as a local performance measure.

iv) Progress on Enforcement Proceedings

- 12.8 Members will see that steady progress is being made on many cases with compliance achieved since the last update report. Inevitably some delay is being experienced on several matters due to legal and other complexities. Members will also note that there are other matters being dealt with by the planning enforcement team under delegation in addition to these matters and the most notable of these are included in part B of the table.

Progress of formal enforcement actions - (cases from 1 April 2004)

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
1	Mellish Road Church –	Further resolution 25/4/06 Further resolution 16 th July 2009	Direct Action to secure compliance with S 215 notice A report on wider issue of future of building (in private session). Resolved to allow two months for progress to be achieved or it would consider its options for action if no works / progress by this time.	Direct Action could not be taken as the owners resumed work themselves.	Owners progress in complying with the S 215 notice has been under continual review with them, in the context of a Repairs Notice /CPO process. As reported 11 th December 2007, compliance is relatively high in terms of numbers of items, but some problems.	In part - some work has remained incomplete. Previously reported that the s 215 Notice is one aspect of much larger problem of disrepair and disuse, which has resulted in serving a Repairs Notice (with potential to lead to Compulsory Purchase). However, following meeting in June 2009 between Members, building owners, and English Heritage, to review all options for the building, the owners have made a listed building consent application to demolish. There are some problems with the technical aspects of the submission which officers are seeking to resolve.
2	Mellish Road Church	9 th January 2007	Urgent Works Notice - under Listed Buildings legislation	Some temporary roofing work done towards rear.. Recent fire damage at front being considered.		Please see above

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/Progress	Compliance / appeal date	Complied? Yes/No
3	182 Wolverhampton Road (former Curl and Dye)	Further Committee resolution 27/6/06 17 th February 2009	Confirmation of authority for taking Direct Action to comply with section 215 notice, and reclaim cost from owner.	A possible alternative of a new S.215 notice (to require demolition) has been discussed with Legal Services.	Cabinet approved, in principle, the making of a CPO on 22 October 2008. To support the CPO process an outline planning application for residential development has been under preparation, but this slowed while discussions take place with the owner regarding the possible demolition of the property. Some vegetation clearance has taken place but if commitment to demolition cannot be secured then submission of the application will take place.	Failure to comply with the original S 215 notice remains. Information has been provided to Legal Services to help trace the owner. Work has commenced on a prosecution in respect of the section 215 notice Direct Action did not take place as owing to budgetary restrictions one site was chosen from a total of 3. Please see above
4	17 Newport Street, Walsall	26 October 2004	Listed Building Enf Notice - Installation of UPVC windows to first floor. Listed Building and Advert Regs	Under review with Conservation Officer, taking into account further changes to building.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			Prosecutions in respect of painting and adverts.			
5	8 West Bromwich Road, Walsall	4 January 2005	Prosecution regarding illuminated adverts	RFI regarding ownership/occupier not returned. New proprietor for business.- has been contacted and problem fully discussed as part of a renewed attempt to negotiate a solution.		Remains a possibility if negotiations cannot be progressed
6	74 and 75 Stafford Street, Willenhall (Dainty's)	4 January 2005 Further resolution 10/10/06 – takes new direction Further resolution 13 th August 2009 (private session report)	Section 215 Notice New section 215 notice – to require demolition (including 76 if appropriate) Committee supported further investigative work on use of Section 79 of Building Act to require repair or demolition, and Local Government (Miscellaneous Provisions) Act to secure the building	Served 7/9/05 Costings are being compared with those for renovation and compliance with first 215 notice.	Compliance due in stages; 7/11/05 and 7/12/05	No (Minimal works carried out) Previously referred to need for a further report in a complex case. Please see further resolution below.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			in interests of public safety.) A further report may be presented.			
7	43 Wenlock Gardens	8 th March 2005 Further Committee Resolution 18/7/06 – 17 th February 2009	Section 215 Notice House and garden, badly boarded-up and maintained Direct Action to secure compliance with s 215 Notice Confirmation of authority for taking Direct Action (with 2 other sites), and reclaiming cost from owner if necessary by attaching a Charge on the property.	Notice served 1 st March 2006. Costings and contract process being pursued and re-charge procedure being discussed with Legal Services.	Compliance due 13 th May 2006 However difficulties arising with direct action.	Previously reported that Resolved. Direct Action took place in March 2009 using a small windfall budget, but debt recovery is not yet successful. Alternative debt recovery processes are being investigated.
8	Green Lane, Walsall, at Rayboulds Bridge	19 th April 2005	Prosecutions - Poster hoarding at junction	Discussions in hand between Planning and poster company on alternative sites.		Pending
9	454 Sutton Road Walsall	19th July 2005	Enf Notice Erection of boundary wall and gates	Served October 05.	Appeal dismissed and enforcement notice upheld on 27/7/06. Full costs application allowed. Compliance period of 2 months.	No – Previously reported that Prosecution took place and fined £4,000 Planning permission then granted to retain lower parts of some pillars and erect railings, but was not

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						implemented. Two phases of reduction of wall then took place, and planning permission was granted to retain largely as now built, with reduced height and railings replacing much of brickwork. Reduction of gates is still being monitored.
10	East side of Green Lane, north embankment of canal , Walsall	25th April 2006	Prosecution in respect of displaying a double-sided poster hoarding	Planning appeal dismissed. Two prosecutions involved (two companies, one marketing the advertising space, one owning hoarding structure).		No Prosecution process commenced. One company has complied but the display continues. Previously reported that possibility of the land being Council owned investigated, and this appeared to be so. However under further scrutiny this is subject to some uncertainty and therefore civil remedy not advised at this stage. Prosecution under planning/advert powers now likely. Further evidence to be obtained.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
11	Boundary Court, 35 -49 Boundary Road, Streetly.	25 th April 2006	Section 215 Notice – building and lock-up garages in disrepair	The Notice was drafted but not served. A report seeking in principle Cabinet authority for a CPO was approved by Cabinet in December 2007. A site development brief has been formulated and published by Estates and Development Team, to attract proposals from potential development partners, with the best proposals to be decided by Cabinet.	Correspondence prior to CPO has produced some progress. Owners have submitted a schedule of proposed improvement works. Substantial works have been carried out but are not yet complete. These will be assessed against the objectives of the authorised section 215 notice and also the issue of whether CPO process needs to continue.	
12	81 Forrester Street, Walsall	25 th April 2006	Enforcement notices:- Installation of fume extraction flue Erection of extension to original first floor flat providing day room/ storage	Formal action was deferred for further planning applications but these Refused. Issued 12 th May 2008. Please see below	Enforcement Appeal dismissed . Compliance due 1 st March 2009	No Officers have begun prosecution process and documents are being finalised.
12A		31 st May 2007	Erection of additional first floor flat without compliance with	Please see below		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
12B		9th December 2008	approved plans Further report to revise scope of enforcement action in respect of the flats, in particular because unauthorised part of one flat occupies a previously approved flue position	Joint Enforcement Notice affecting the two flats, and use of roof area as amenity space, was issued on 22 nd December 2008.	Enforcement Notice Appeal received. Local Inquiry was scheduled but reverted to Written Representations when one ground of appeal withdrawn. Appeal subsequently dismissed and compliance due 13 th January 2010.	No Additional prosecution to be commenced
13	50 Cemetery Road, Willenhall	8 th August 2006 17 th February 2009	S 215 'amenity' Notice Confirmation of authority for taking Direct Action (with 2 other sites), and reclaiming cost from owner..	Undertakings given by owner that would be remedied by end November 2006, but not done. Notice issued 30/11/06. Notice re-issued 5/4/2007	Compliance due 28/5/2007	Resolved in part Prosecution took place in Magistrates Court, with both defendants fined £750. Case re-opened by the Defendant but decision upheld. Subsequently more works were undertaken but rubbish and old building materials remained. Owing to budgetary restrictions only one of the sites could be subject of Direct Action, but some clearance was carried out by the owner. Progress being monitored.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
14	177 Weston Street, Walsall.	8 th August 2006	S 215 Notice 'Amenity' Notice.	Difficulty in tracing the owner. Notice served 10/05/07	Compliance due 12/ 07/07	No. Prosecution case was heard in Court on the 7th October 2008 when defendant was found guilty and fined £1,000 plus costs. Works commenced on site, but were insufficient and now preparing further prosecution.
15	Bell Inn , Market Place Willenhall	10 th October 2006 31 st March 2009.	Urgent Works Notice requiring temporary works to a Listed Building As above – renewal of Committee authority	Some work has now been carried out without Notice being served. However further inspections to be undertaken and options reviewed. Urgent Works Notices served 8 th June, 28 th August, and 23 rd November 2009. (additional notices needed as further problems became apparent)	Compliance periods of 28 days on each Notice.	No Owner has cleared rubbish but Direct Action has been carried out by the Council in December to complete other required works, mainly consisting of structural aspects. Further monitoring of the fabric of the building will be required, and consideration of long term repairs/re-use . Officers pursuing recovery of costs for the work.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
16	Land at Canalside Close, Walsall	9 th January 2007	Enforcement Notice – Erection of boundary wall, building and gates (for coach storage)	Enforcement Notice Served December 2007. Compliance due 5 April 2007.	The enforcement notice was appealed and the Inspectors decision received on 15 August 2008. The appeal was partially upheld, with the Notice having variations to its requirements: - The boundary wall to be reduced to 3 metres rather than 2 metres. The compliance period extended from 4 to 5 months – 15 January 2009.	No Intended to commence prosecution process. In addition owners have tabled an amended scheme for discussion
17	Vehicle Wash at Fletchers Lane, Willenhall	31 st May 2007	Enforcement Notice -use as a vehicle wash	Notice issued 17th September 2007.	Compliance due 22nd December 2007 Not appealed	Resolved at present (except for costs recovery). After a Warrant was issued at a first prosecution hearing, a trial took place in Magistrates Court on 13 th July 2009. Defendant found guilty and fined £8,000 with £1554 costs Defendant appealed to Crown Court against this conviction and sentence, but subsequently amended to appeal against sentence only. After several cancelled hearings came to Crown Court on 22 nd January

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
		10 th September 2009	County Court Injunction to cease the on-going breach of planning control	An Interim Injunction granted 19 th January 2010 ,	Immediate	2010. The appeal was dismissed - the fine remains and defendant ordered to pay an additional £4,633 costs. The use appears to have ceased as required by the Injunction. Defendants state intention to contest this.
18	88 Manor Road, Streetly	17 th July 2007	Enforcement Notice - detached garden building	Notice issued 25-9-07	Compliance was due 30 th December 2007 Planning application Appeal received – dismissed October 2008. Owner indicated would comply	Resolved. Prosecution process commenced but compliance took place (major reduction in height) before proceedings finally issued.
19	43,44 New Street, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to 14 flats	Requisitions for Information served. Noise related issues from industrial units to the rear were the main reasons for dismissal of a planning application appeal in Dec 2004. An acoustic consultant has therefore submitted a survey of current noise levels for review with Pollution Control.		Resolved It is considered that the noise information indicates that the Appeal Inspectors concerns have been satisfactorily addressed and no further action is proposed.

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
20	261 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Change of use to HMO	Requisitions for Information served. Modifications to the rear garden have now been undertaken ensuring the garden is available for tenants. The HMO use may be lawful by passage of time .		Resolved Evidence of lawfulness and living conditions improving
21	12 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber buildings for use as residential units and erection of high fence	A retrospective planning application was received on 25 July 2008 for retention of timber chalets and a fence which was refused. Enforcement Notices were served on 9/10/08.	Appeals against refusal of planning application and Enforcement Notice. A joint Hearing took place on 7 th May 2009. Permission granted for one of 4 residential units, and retention of fence if reduced to 2.3 metres. 3 other residential units to be removed. Subsequent planning application to retain block of 3 units but use as one unit was refused in Dec 2009. Inspection for compliance to take place.	
22	24 Slaney Road, Pleck, Walsall	17 th July 2007 & updated 29 th May 2008	Change of use to HMO	The owner and agent of this property have disputed a breach of planning control. Further investigation is required.		
23	33 Walsall Road, Darlaston	17 th July 2007 & updated 29 th May 2008	Erection of timber garden buildings	Requisitions for Information have been served. The owner has advised that a timber shed has been removed.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				To inspect for this and satisfactory use of other shed.		
24	112 Temple Road, Willenhall	17 th July 2007 & updated 29 th May 2008	Erection of a timber garden building	Requisitions for Information have been served The owner advised that the timber building has been removed. To be confirmed.		
25	Saddlers Garage, 115 Wednesbury Road, Walsall	7 th August 2007	Enforcement Notices - steel framework for building, and two storage containers.	Enforcement Notices Served January 2008	To-date the steel structure, and (more recently) one of the storage containers have been removed, but one storage container remains.	In part A planning application to retain the remaining storage container has not been made. A further report is intended concerning this and use of site for car sales.
26	110. Bridle Lane, Streetly	18th September 2007	Enforcement Notice – erection of detached garage.	A further planning application to retain the garage with modifications was received, but was refused and was Appealed. Enforcement Notice issued 29/08/08. .	Enforcement Appeal, was considered jointly with the planning application appeal Appeals dismissed, Compliance due 13 th May 2009.	Now Resolved Compliance did not take place within correct time scale, but subsequently rebuilding of the roof has taken place at much reduced height as required.
27	133 Dickinson Drive, Walsall	11th December 2007	Enforcement Notices - installation of storage container and use of land as storage yard.	Notice served 21 st July 08.	Compliance due 21 st October 08	No. However prosecution took place in Magistrates Court on 16 th November 2009. Two defendants each fined £600 and £400 costs. Fines reflected 'guilty' plea and defendants making major effort to comply shortly

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						before the Court date. Officers will monitor for removal of some remaining stored items.
28	4 Heron Close	15 July 2008	Enforcement Notice Erection of front boundary wall and gates	Enforcement Notice issued 23 rd September 08.	Compliance due 30 th January 2009.	In part only. The pillars and gates remain but the railings on top of wall removed. Further progress is being sought.
29	207 Wednesbury Road	15 July 2008	Enforcement Notice- Erection of a first floor rear extension	Enforcement Notice issued 25 th November 2008.	Compliance due 1 st March 2009. A planning application to retain but with modifications was refused on 31st March. An appeal made but turned away by Inspectorate as not in Applicants name.	No Prosecution process has commenced and a final letter before action has been sent..
30	3a Beeches Road	7 October 2008	Enforcement Notice- Installation of a cooking fume extraction flue (see also hours of opening issue below)	Enforcement Notice issued 6 th January 2009.	Compliance due 10 th April 2009.	No The flue remains, and a final attempt to negotiate a replacement flue is intended before commencing prosecution process.
31	Land adjacent 18 Rose Hill, Willenhall	28 October 2008	Enforcement Notice- Change of Use to vehicle wash	A second planning application was received (this for temporary use), but this was not processed owing to information problems. Prior to issuing Enf Notice a Requisition for		Yes Resolved

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				Information Notice was issued to confirm . ownerships, leases etc. This and subsequent discussions resulted in use ceasing without Enf Notice being issued.		
32	2 Longwood Lane, Walsall	28 October 2008	Enforcement Notice -Erection of new sloping roof and post with wire.	Enforcement Notice issued 3 rd Feb 2009.	Compliance due by 3 rd May 2009, but an Appeal being received but then withdrawn, gave new compliance date of 1 st June 2009.	No. However now Resolved - some remedial work was carried out but officers continued to press for further improvements which eventually carried out December 2009.
33	80 Noose Lane, Willenhall	28 October 2008	Enforcement Notice- Part change of use at a house to storage and repair of cars , and parking of breakdown recovery truck and van	Intended to clarify uses by issuing a Planning Contravention Notice before drafting enforcement notice, especially owing to some improvement.		
34	Shire Oak PH Chester Road Brownhills	9 December 2008	Enforcement Notice -Change of Use to vehicle wash	Enforcement Notice issued 29 January 2009	Compliance was due by 3/5/09, but an Appeal received. This processed jointly with recent appeal against refusal of planning permission. Both appeals dismissed 22/9/09, with compliance due by 22/11/09.	Yes Resolved

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
35	10,11,12 Pinfold Street , Darlaston	9 th December 2008	Enforcement Notice - Erection of rear extension to create 14 flats	Enforcement Notice has been drafted but is under review while a retrospective planning application to retain the extension is processed.		
36	Land at Brewers Farm, Brewers Drive, Pelsall	Resolution 9 th Dec 08 when Committee refused application	Enforcement Notice - Parking of HGV lorry on agricultural land	The breach was not being carried on at the time of an RFI for information. Notice not therefore issued, but site has been monitored. An appeal against refusal of planning permission was dismissed.		Resolved The use has not resumed
37	64 Friezland Lane, Brownhills	27 January 2009	Enforcement Notice - Part change of use at a house to parking and storage of vehicles.	A Notice was drafted. Improvements on the site , but these not sustained. Enforcement process to continue.		
38	Car park in Spout Lane, Caldmore , Walsall.	27 January 2009	Enforcement Notice - Change of Use to vehicle wash	Enquiries on ownership have been made and a Enf Notice drafted - this to be reviewed when a current planning application (second application) is decided.		
39	25 High Street Walsall Wood	27 January 2009	Enforcement Notice - Non compliance with condition requiring details of fume extraction flue , this resulting in flue and use as	Following the Committee decision, two alternative schemes have been submitted in an effort to resolve the non - compliance and avoid need for enforcement		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			takeaway both being unauthorised.	notice. Significant progress has been made but some additional information has been requested.		
40	Manor Court Residential Home, Manor Road Precinct, Walsall (now Angel Court)	27 January 2009	Enforcement Notice -Installation of storage container	Following initial difficulties in confirming ownership details, Notice was issued on 3 rd August 2009.	Compliance due by 13/11/09 (No appeal was made)	Yes Resolved
41	Rear of 170 and 170A, Lichfield Road, Brownhills	10 th March 2009	Enforcement Notice - Change of use of curtilage to takeaway and flat, to curtilage serving vehicle repair garage , and associated minor works.	Legal Services made enquiries regarding ownerships and a Notice was drafted. However when a Requisition for Information Notice was issued to confirm . ownerships, leases etc, this and subsequent discussions resulted in use ceasing without Enf Notice being issued.		Yes Resolved
42	Unit 3, Woodlands Centre, Bloxwich Road North, Willenhall	31 st March 2009	Enforcement Notice -Non compliance with condition requiring details of fume extraction flue, this resulting in flue and use as takeaway both being unauthorised	Proposals for a flue and fume treatment facilities have been formally approved under the planning conditions. Implementation was delayed by contractor illness, and when carried out the treatment system was different to the approved details. As the		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
				system appears broadly satisfactory, amended plans were sought but there is currently a lack of response. If this can be resolved it remains the case that Enforcement Notices will not be necessary.		
43	100 and 101 Union Street, Willenhall	31 st March 2009	Section 215 notice (and follow-up actions if needed), in respect of derelict, unsightly condition of buildings.	Ownership enquiries being made prior to issuing Notice. Difficulties encountered.		
44	Struggling Monkey Public House, Northgate, Aldridge.	18 th June 2009	Enforcement Notice -Use of part of pub car park for drive-in vehicle wash and valet	Issued 3 rd August 2009	Compliance was due 13/10/09 but an Appeal received. Appeal dismissed , and compliance due by 14 th January 2010.	Yes Resolved
45	81A Lichfield Road, Shelfield	18 th June 2009	Enf Notice - Use of workshop and yard for drive-in vehicle wash and valet	Legal Services have checked owners/occupiers details but Notice has not been issued pending outcome of an Appeal against refusal of planning permission. Appeal decision still awaited.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
46	The Boat Public House, Bentley Road South, Darlaston	18 th June 2009	Enf Notice - Use of part of pub car park for drive-in vehicle wash and valet	Prior to issuing Notice Transportation officers re- considered highways objection in light of changed traffic situation. Second planning application refused for prejudicing redevelopment of whole site. A third planning application made but insufficient information to process. To review next actions.		
47	Highway verge outside Three Crowns public house, Sutton Road, Walsall	18 th June 2009	Prosecution action - Display of large mobile advertisement	The advertisement was removed as required but the resolution remains for event of any re-occurrence.		No further occurrences Resolved
48	30 -31 Wiley Avenue, Darlaston	13 th August 2009	Enf Notice – erection of 'garage' building at shop and house.	Notice to require removal of building in its present form was issued 29/10/09.	Notice not appealed, and compliance due by 1/04/10. However planning application received to retain building with modifications, and approved in December 09 with conditions to require modifications by 10/03/10 .	
49	Land Adj Neptune Ind Estate, Bilston Lane , Willenhall	10 th September 2009	Enf Notice – change of use to vehicle wash and valet	Have carried out ownership checks including issuing a Requisition for Information Notice Third planning application recently refused.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
50	Gala Bingo, Park Lane, Wednesbury	3 rd December 2009	Enf Notice – erection of smoking shelter building	Legal Services are carrying out preparatory ownership checks, including issuing a Requisition for Information Notice		
51	126 Lichfield Road, Willenhall	7 th January 2010	Enf Notice – Change of use of part of social club curtilage to stationing of hot food sales caravan	Since the report the use appears to have ceased but this being checked for full compliance .		
52	Seasons Change Garden Centre, Sutton Road, Aldridge	7 th January 2010	Enf Notice – Change of use of part to car wash and valet			Resolved at present Since the report the use appears to have ceased. A right of appeal exists against refusal of a planning application in October 2009.
53	Land at Berryfields Farm, Walsall Road, Aldridge	7 th January 2010	Enf Notice – change of use to stationing a residential mobile home.	Legal Services are carrying out preparatory ownership checks, including issuing a Requisition for Information Notice		

Appendix B Enforcement Cases acted upon under delegation

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
54	11 Aldridge Road, Walsall	Breach of Condition - Formation of opening for side-facing window.	BCN	Notice issued 22/9/05	Compliance 30 days	No - Report for Committee authority may be made, regarding changed circumstances.
55	19 High Street, Walsall Wood – (formerly G D Memorials)	- Erection of building without compliance with planning permission 02/1855	Enforcement Notice (Delegated urgent action)	Issued 31/1/07	Compliance was due 2/05/07, but Appeal received. Substantial alterations to the building during appeal process. Notice upheld and requires either demolition or alteration to comply with 2002 planning permission. Compliance due 19 th January 2008	No A planning application received to retain the building with lesser alteration than that required for compliance with 2002 permission, but this now refused. Owner wished to re-apply for alterations much closer to 2002 permission and prosecution was suspended for a period, pending the outcome of discussions. However no progress resulting, and now intended to commence prosecution process
56	3A Beeches Road, Leamore	Non - compliance with hours condition on a Takeaway.	Breach of Condition Notice	Issued 21/7/07	21 st August 2007 An appeal against refusal of planning permission to vary the hours was dismissed 29/7/08 Owner informed takeaway to close at 10.30pm. (also see above - new action against fume extraction flue).	Resolved No further complaints of work outside permitted hours have been received.

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
57	25 High Street, Walsall Wood	Non – compliance with condition at a Take-away requiring approval of fume extraction facilities.	Breach of Condition Notice	Issued 19/10/07	19th November 2007	No Proceeding under Committee resolution on 27 th January 09– please see in Appendix A section of Table above.
58	101 Woden Road West , Darlaston	Breach of landscaping condition at warehouse building	Breach of Condition Notice to require approved landscaping scheme to be carried out.	Issued 11 th March 2008	Compliance required in two phases - trees by 23 rd April 2008 , other plants by 12 th December 2008	First phase - tree planting - carried out. Second phase – a native hedge and other plants - has not. A report to Committee on the options is intended.
59	1A High Street Moxley	Breach of Boundary Treatment Condition at permitted car wash Condition restricting size of vehicles washed.	Breach of Condition Notice to require scheme to be submitted for approval Breach of Condition Notice to prevent larger vehicles being washed and valeted	Issued 3 October 2008 Issued 9 th April 2009	Compliance required by 31 October 2008 Compliance required by 7 th May 2009	No However required boundary treatment is related to noise control conditions, for which submitted information under review. More information has been requested from the operator relating to noise control but this not received. An additional Notice to restrict use of jet washers therefore being considered. No evidence of substantial breaches so far

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
60	Site of demolished Dolphin Pub, Goscote Lane, Walsall	Unightly demolition rubble etc	Section 215 Notice to require improved appearance	Notice issued 13 th January 2009 Requires removal of broken fencing, demolition rubble, rubbish and overgrown vegetation	Compliance due 18 th April 2009- However an appeal to Magistrates Appeal heard on 2 nd June 2009. Notice upheld and compliance required by 3 rd September 2009	No However work commenced and continued beyond compliance period and now Resolved .
61	84 Belvidere Road, Walsall	Condition requiring materials of house extension to match remainder	Breach of Condition Notice to require matching in key respects	Issued 9 th February 2009	Compliance due 9 th April 2009.	Yes - Resolved Access problems delayed monitoring for a time but now considered acceptable compliance
62	Land at 39 – 67, Enterprise Drive, Bridle Lane , Streetly	Breach of condition restricting hours of work at house–building site	Breach of Condition Notice to require work to be in permitted hours only .	Issued 28th April 2009	Compliance by 26 th May 2009	Resolved No further complaints of construction work outside permitted hours have been received.