



Item No.

Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE **30th March 2005**

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

Fastpack Solutions Ltd , Queen Street, Walsall. Reference no. 2004/0456/CMP

1.0 PURPOSE OF REPORT

- 1.1 To advise Members of a breach of planning control involving the installation of a shipping container at these industrial premises, and request authority to take planning enforcement action.

2.0 RECOMMENDATIONS

- 2.1 Authorise the service of an enforcement notice in accordance with the details below :

2.1.1 Breach of Planning Control:

Operational development comprising the installation of a shipping container for use as additional storage space.

2.1.2 The reasons for taking enforcement action:

Queen Street is part of an industrial/commercial business park and clearly defined by units with generally tidy and uncluttered forecourts and access areas, which contribute to the environmental quality of the business park. The installation of this container is inappropriate within the character formed within the business park and as such is detrimental to that environmental quality, and is also visually dominant within the street scene at this location. It is therefore contrary to policies GP2 (a), ENV34 (a & b) and ENV37 in the adopted Unitary Development Plan Review.

The installation of this container restricts access for deliveries / collections. This is likely to result in hazardous manoeuvres into and out of the site, and deliveries being carried out on the highway to the detriment of safety and free flow of traffic on the highway. Its retention would therefore be contrary to policies T13 and T17 (b & e) in the adopted Unitary Development Plan Review.

2.1.3 Steps required to remedy the breach:

The permanent removal of the shipping container from the land.

2.1.4 Period for compliance:

1 month from when the notice takes effect.

2.2 Committee is also recommended to authorise that the decision as to the institution of legal proceedings in the event of non-compliance with the Notice, or the non-return of Requisitions for Information to be delegated to Head of Legal Services.

2.3 That authority be delegated to the Head of Planning and Transportation and the Head of Legal Services to amend and add to or delete from the wording set out above 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.

3.0 **FINANCIAL IMPLICATIONS**

None arising directly from this report.

4.0 **POLICY IMPLICATIONS**

Removal of the shipping container is necessary under the adopted UDP policies.

5.0 **LEGAL IMPLICATIONS**

Non-compliance with an Enforcement Notice is an offence and if this occurred it would be open to the Council to instigate legal proceedings.

6.0 **EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

7.0 **ENVIRONMENTAL IMPACT**

The report refers to various adverse impacts and recommends removal of the shipping container in order to remedy these.

8.0 **WARD(S) AFFECTED**

St. Matthew's

9.0 **CONSULTEES**

None directly. Consultations were carried out for planning application 04/2370/FL/W7 which is a main item in the background to this report.

10.0 **CONTACT OFFICERS**

Philip Wears and Helen Smith – Planning Enforcement Team
Tel; 01922 652411.

11.0 **BACKGROUND PAPERS**

Enforcement file 2004/0456/CMP not published.
Planning Application 04/2370/FL/W7.

HEAD OF PLANNING AND TRANSPORTATION

DEVELOPMENT CONTROL COMMITTEE
30TH March 2005

Unauthorised shipping container used as additional storage space at Fastpack Solutions Ltd., Queen Street, Walsall.

12.0 BACKGROUND AND REPORT DETAIL

- 12.1 A plan showing the location of the premises and the shipping container is attached to this report.
- 12.2 A complaint was first received in July 2004. The shipping container is located at the rear of the premises, adjacent to Brook Street. The premises are on an open plan estate and have a relatively small cartilage. The business was requested to either remove the shipping container or seek planning approval, though officers did advise that planning permission may be refused.
- 12.3 A planning application (Ref; 04/2370/FL/W7) was submitted for retention until September 2005. The application was refused on 21 December 2004 for the reasons detailed on the front page of the report under section 2.1.2. Subsequently removal has been requested, but a reply has not been received.
- 12.4 A temporary permission until September 2005, could not be justified in view of the harm being caused and the lack of any basis for having a 'trial period'.
- 12.5 I therefore I have no alternative but to advise Members that enforcement action is required as set out in paragraph 2.1 for the permanent removal of the shipping container from this site.

HEAD OF PLANNING AND TRANSPORTATION