



Walsall Council

Planning Committee

17th February 2011

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Development Management Performance Update Report

1. PURPOSE OF REPORT

To advise Members of the Planning Committee of the latest performance and outcomes regarding development management matters and in particular to: -

- i) The 3rd quarter performance figures for applications determined between 1st October and 31st December 2010.
- ii) The decisions made by the Planning Inspectorate on appeals made to the Secretary of State between 1st October and 31st December 2010.
- 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 Management 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

PLANNING COMMITTEE

17th February 2011

Development Control 1st Quarter Performance Update Report

i) NIS 157 a), b), and c): Speed of planning applications determined between 1st April and 31st March 2011 (2009/10 equivalent figures in brackets)

Application type	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Out Turn for 2010- 11 (to date)
a) Major applications Within 13 weeks (Gov't target = 60%) (Local Target = 72%)	76.92% (62.5%)	76.47% (76.7%)	66.66% (63.6%)	(56.25%)	72.91% (65.08%)
b) Minor applications Within 8 weeks (Gov't target = 65%) (Local Target = 83%)	85.18% (78.33%)	78.16% (76.7%)	82.05% (73.5%)	(85%)	81.27% (77.47%)
c) Other applications Within 8 weeks (Gov't target = 80%) (Local Target = 92%)	88.14% (92.65%)	88.69% (86.9%)	86.59% (86%)	(89.4%)	87.86% (88.54%)

- 12.1 Members will note that at 66.66% performance for major applications (determined within 13 weeks) in the second quarter has fallen from levels achieved in the first two quarters but exceeds the same quarter last year. The cumulative total for the year to date remains above both local and national targets and exceeds the national average of 71% (for applications determined in 2009/10).
- 12.2 At 82% performance in the 'Minor' category has improved from both the previous quarter and the third quarter performance last year. This represents an excellent level of performance and is also above the national average of 77% (2009/10). At 87.8% 'Other' applications remains high and continues to exceed the national average of 79.59% (2009/10).
- 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 management governance arrangements. It will also be influenced by the proportion of new to older applications being determined due to the reduction in the number of applications received which were down from 1417 to 1202 or 15% in 2009/10 compared to 2008/09. This trend has unfortunately

continued in the first two quarters of this financial year with 621 applications received compared to 639 in the same period last year.

ii) Decisions made by the Planning Inspectorate between 1st April and 31st December 2010

12.4 The following decisions have been made by the Planning Inspectorate between 1st October to 31st December 2010. Members should refer to the previous Performance Report of the 11th November 2010 for details of appeals referenced 8 to 13 and the report dated 19th August 2010 for appeals 1 to 7.

App No.	Address	Proposal	Decision	Officer Rec	Comments
14 10/0073/FL	Willenhall Garage Services	Conversion of garage to carpet and furniture showroom	Dismissed	Refuse	Out of centre and more sequential preferable sites are available in the town centre and the proposal will still appear boarded up and have a "derelict air" due to proposed security measures.
15. 09/1215/FL	Adj Talbot Truck and Trailer Co. Bilston Lane	Temporary 3 year car wash	Dismissed	Refuse	Detrimental to the amenities of neighbours in St Giles Road
16. 09/0289/FL	31 Hall Lane	New dwelling	Dismissed	Refuse	Would be incongruous and out of character in the area
17. 100092/FL	1 Radley Road	Mobile Home	Dismissed	Refuse	Inappropriate design in a sensitive area adjacent the Green Belt and canal
18. 09/0617/FL	1 Woodside Close	Demolition of shops and flats and erection of 13 two bed flats and 1 flat for disabled person	Dismissed	Refuse	Large single block, scale and mass would be dominant and incongruous feature in street scene.
19. 10/0038/FL	1 Woodside Close	Demolition of shops and flats and erection of 14 flats	Dismissed	Non determination	Satisfactory scale and massing in separate blocks in keeping with street scene but the sub station would be incongruous and detract from the openness of the area.
20. 09/1231/OL	34 Gould Firm Lane	Demolition of existing dwelling and erection of replacement 3-bed single storey dwelling	Dismissed	Refuse	No existing dwelling and the proposal is inappropriate development causing harm to character and openness of Green Belt with insufficient justification regarding

					health and construction standards of the existing mobile home
21. 10/0741/FL	85 Kinross Crescent	Retention of conservatory	Dismissed	Refuse	Unduly oppressive to amenity of occupiers of no. 87 in terms of loss of outlook
22. 09/1247/FL	Windsor House 22 Vicarage Place	Change of use to Mosque and ancillary dwelling	Allowed	Approve	Would not be detrimental to traffic and highway safety due to available car parks and public transport and weighing the fall back use as a warehouse /offices and permission for 14 flats. With no external call to prayer and no evidence that the use would cause antisocial behaviour and acknowledging that separate legislation exists to deal with statutory noise nuisance the Inspector was satisfied that the use would not cause disturbance to neighbours and complies with UDP policies.
23. 10/0010/FL	5 Selman's Parade	Change of use from A1 sop to A5 hot food take away	Dismissed	Refuse	Detrimental to amenity of residents in the area due to late night opening in an area that is fundamentally residential character
24. 07/1878/FL/ E10	Rose Cottage, Railswood Nurseries, Pelsall	Stationing one residential caravan for one Gypsy family	Allowed	Approve	Applicant is a Gypsy and the development is inappropriate resulting in some limited loss of openness but is not prominent in the Green Belt and site could return to garden land. This is outweighed by the unmet need for sites in the area, that the appellant is in need of a site and no sites have been identified as the council has no site and allocation DPD proposals that would come forward before 2014 as required by circular 01/2006. The inspector awarded full costs against the Council although no

					detailed claim has been received to date.
25. 10/0961/FL	78 Whetstone Avenue	First floor bedroom and en-suite over garage	Dismissed	Refuse	Would result in a Terracing effect that would disrupt the pattern of the streetscene.
26. 10/0838/FL	2 Walstead Close	Two Storey side extension	Allowed	Refuse	Would not appear unduly oppressive in the street scene
27 10/1010/FL	32 Milner Street, Birchills	Two storey side and rear extension	Allowed	Refuse	Would not materially harm the amenity of no. 30 as windows already restricted by the side wall of no. 32. Will not increase parking as no additional bedrooms are proposed.
28. 10/0870/FL	190 Thornhill Road	Two Storey front and side extension	Allowed	Refuse	Would comply with 45 degree code; will not affect t sunlight and daylight affecting 190A and proposed window in side elevation can be controlled by condition.
Target = 30%			9 appeals not decided in accordance with Councils decision = 33.33%	7 appeals not decided with officer recommendation = 29.92%	Total number of qualifying appeals = 27 (Appeals against non determination, conservation / listed building consent, adverts and those withdrawn are not included).

12.6 The above outcomes show that 33.3% (9 out of 27) of appeals were not determined in accordance with the councils' decisions between 1st April 2010 and 31st December 2010. This is slightly above our locally set target but below the national outcome figure of 35% for all appeals. Members will note that the appeal at Railswood Nursery (Rose Cottage) was allowed and full costs were awarded against the council. No claim has been received from the applicant to date.

12.7 The ability of the council to defend a high percentage of its decisions is particularly important as a qualitative performance measure because a local planning authority should be able to defend a high proportion of its planning decisions. This measure featured 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 many 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 from the attached table at Appendix A that steady progress is being made on many cases 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 under officer 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

Appendix A Enforcement Cases acted upon with Committee authority

1	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Mellish Road Church –	Long running case, latest resolution 16 th July 2009	Resolved to allow two months for progress to be achieved.			Listed Building Consent was granted for demolition, subject to referral to GOWM, on 9 September 2010. GOWM subsequently confirmed that the application did not need to be referred to the Secretary of State for Communities & Local Government, and a decision notice was issued. Officers have met with the owners and advised them that demolition works should take place promptly. There are planning conditions that must be discharged before any work can take place and the owners have begun to address these.
2	182 Wolverhampton Road (former Curl and Dye)	Latest resolution 17 th February 2009	Confirmation of authority for taking Direct Action to comply with section 215 notice, and reclaim cost		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	Failure to comply with the original S 215 notice remains. Prosecution in Walsall Magistrates Court on 23 rd August 2010. The owner was fined £350 with an

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			from owner.		preparation, but this slowed while discussions take place with the owner regarding the possible demolition of the property.	<p>additional £200 costs, and £15 victim surcharge.</p> <p>Unsatisfactory offer from owner. Officers issued warning of a second prosecution and daily fine. Prosecution preparations are well advanced.</p> <p>Officers liaising with owner has lead to arrangements for demolition now appearing to be in place, and result is awaited.</p> <p>In view of slow progress on demolition the Council has made the outline planning application for one new house, to support possible future actions.</p>
3	17 Newport Street, Walsall	26 October 2004	Listed Building Enf Notice - Installation of UPVC windows to first floor. Listed Building and Advert Regs Prosecutions in respect of painting and adverts.	Actions taken in period 2004 to 2006. Case hampered at various times by need for specialist advice.		
4	74, 75, 76, Stafford Street, Willenhall	Latest resolution 21 st October 2010	Authorised issuing of a new section 215	Legal aspects particularly regarding Direct Action are being		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	(Dainty's)	(private session report)	notice, to require external repair or demolition. Authority to prosecute for any non-compliance delegated. Direct Action also delegated but for external repair only.	explored. Preparations moving to drafting of notice.		
5	43 Wenlock Gardens	Latest Resolution 6 th January 2011	Committee authorised further debt recovery action following Direct Action to obtain compliance with a section 215 notice - This to comprise an application to County Court for an Order for Sale of the house			Direct Action to obtain compliance took place in March 2009. The legal process has progressed from a County Court Judgement in Default to a Final Charging Order. This was recorded with the Land Registry, to enable debt recovery when house next sold. However latest resolution allows a further stage. The application for an Order for Sale is scheduled to be heard in Court on 3 rd March 2011.
6	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

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
7	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.	Prosecution took place and fined £4,000. Planning permission was granted to retain largely as now built. Gates and ornamental cappings amended to meet terms of planning permission Resolved
8	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).		Resolved Previously reported Land Registry confirmation of Council ownership of the land, and correspondence with owners of hoarding to evict it. Subsequently removed.
9	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.	Works have been undertaken to improve the appearance of the building. Vacant premises are becoming occupied and character of the building is being uplifted.	Officers continue to monitor positive progress.
10	81 Forrester Street, Walsall	Latest report 9th December 2008	Enforcement notices:- Installation of fume extraction flue	Enforcement Notice affecting the two flats, and use of roof area as amenity space, was issued on 22 nd December 2008.	Enforcement Appeal	Part compliance One aspect remains - the additional floor-space at the flat above the takeaway, which obstructs route for replacement

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			Erection of extension to original first floor flat providing day room/ storage Erection of additional first floor flat without compliance with approved plans		dismissed . Compliance due 1 st March 2009 Second appeal dismissed and compliance due 13 th January 2010.	takeaway flue. As the use of takeaway below has stopped, the need for a replacement flue is not immediate. The owners have been advised to comply fully, or make a planning application containing their proposals for a permanent solution .
11	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. First prosecution was in 2008 when defendant was found guilty and fined £1,000 plus costs. Some works commenced but were insufficient, and second prosecution, with application for a daily fine, commenced. With a change in plea the case came to Magistrates Court on 7 th February 2011. Owner was again convicted, with a fine of £1,500 and £890 costs . Options for remedial work under review.
12	The Bell Inn , Market Place Willenhall	Latest resolution 29 th April 2010	Urgent Works Notices requiring temporary works to a Listed Building	The owner was also advised regarding a Section 215 Notice. As no improvement, the , Notice drafted	Following a site meeting in December, officers supplied the new owners with a list of 'urgent' necessary works. Since this date, work has	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			- Section 55 Notice requiring the owner to pay the Council's costs for undertaking Urgent Works . Also authority delegated to issue a Section 215 Notice if appearance not improved.	Previously reported that Section 215 Notice has not been issued, owing to the property being re-possessed and sold to a small group of local people.	progressed to secure the building. The Willenhall Town Heritage Initiative grant scheme will commence in April 2011. A further meeting will take place between officers and the property owners on the 18 th February to discuss the potential for owners to access this funding	
13	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.	No. Planning application for alterations expected shortly.
14	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, by a joint Hearing. Permission granted for one of 4 residential units only, and retention of fence if reduced in height. Three other units to be removed. Subsequent planning application to retain block of 3 units had Appeal dismissed in July 2010.	Resolved Previously reported part compliance only, with block of 3 residential units remaining. Prosecution process was commencing. Owner subsequently carried out demolition in late November 2010 .
15	24 Slaney	17 th July	Change of use	The owner and agent		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
	Road, Pleck, Walsall	2007 & updated 29 th May 2008	to HMO	disputed a breach of planning control. The legislative context has been changed by the new 'permitted development' right to change houses into HMO's with up to 6 residents. Actual number may exceed this, but the potential for effective action could be reduced. To be further reviewed.		
16	33 Walsall Street, Willenhall	17 th July 2007 & updated 29 th May 2008	Erection of two timber garden buildings	Owner advised that a timber building has been removed. Full inspection was at first inconclusive owing to secluded location, but has now taken place.		Part compliance. One timber shed has been removed. One remaining has modest storage role only. Subject to a use being confirmed which is ancillary to the flats, no further action is proposed.
17	112 Temple Road, Willenhall	17 th July 2007 & updated 29 th May 2008	Erection of a timber garden building	Owner advised that a timber building has been removed. Inspection shows that one half of the building remains, but a possibility that it was originally two conjoined buildings. .		Part Compliance. The remaining building has modest storage role only. Subject to a use being confirmed which is ancillary to the flats, and good appearance, no further action is proposed
18	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	The steel structure, and (more recently) one of the storage containers have been removed, but one storage container remains.	Resolved in large part. Further improvements were sought. Operator has now been advised to remove remaining container, create a scheme

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						to screen it or face prosecution. Being monitored.
19	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	Resolved in large part Prosecution took place in November 2009. Two defendants each fined £600 and £400 costs, reflecting effort to comply shortly before the Court date. Officers have been seeking access into container to check for full compliance. Right of Entry process has now been commenced.
20	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. Owner advised of final opportunity to comply before commencing prosecution proceedings.
21	207 Wednesbury Road	15 July 2008	Enforcement Notice- Erection of a first floor rear extension	Enforcement Notice issued 25 th November 2008.	Compliance was due 1 st March 2009. A planning application made for retention with modification and this refused. An appeal was turned away by Inspectorate as not in Applicants name. A further similar application was made and an Appeal was dismissed.	Resolved Previously reported that a second retrospective planning application and Appeal were made. Appeal was dismissed and owner indicated intention to demolish, but uncertainty arose over the time scale, and prosecution process recommenced. .

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
						Demolition took place in , late November 2010.
22	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.	Pending Planning permission granted for alternative flue. Work has commenced on installing approved flue.
23	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	Has been intended to clarify fluctuating uses through a Planning Contravention Notice before drafting enforcement notice. PCN issued 7 th January and response overdue. Appropriate warnings to be issued and progression reviewed.		
24	10,11,12 Pinfold Street , Darlaston	9 th December 2008	Enforcement Notice - Erection of rear extension to create 14 flats	Enforcement Notice was drafted but was under review while a retrospective planning application to retain the extension was processed. The application was approved at Planning Committee on 2 nd December 2010.		Resolved The grant of a conditional planning permission means that the enforcement notice is no longer considered necessary. However, the site will be monitored in relation to the tidiness of the site and landscaping scheme
25	64 Friezland Lane, Brownhills	27 January 2009	Enforcement Notice - Part change of use	A Notice was drafted. Improvements took place on the site, but		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			at a house to parking and storage of vehicles.	these not sustained. Enforcement process to continue.		
26	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 an Enf Notice drafted - this to be reviewed when outcome of a planning application is known. This due to be decided before the meeting.		
27	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 takeaway both being unauthorised.	The flue has been removed and an alternative erected. Officers considering acceptability of new flue.		Resolved Flue which has been erected is considered acceptable.
28	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 were made but difficulties were found. However, officers met with owners of 100 Union Street. It now appears the buildings are in two fully separate ownerships. Legal advice is being sought on contacting the owner of 101.		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
29	Land Adj Neptune Ind Estate, Bilston Lane , Willenhall (Now re-named land adjacent Talbot Truck)	10 th September 2009	Enf Notice – change of use to vehicle wash and valet, and associated building works and alterations.	Regeneration Officers have also looked for an improvement grant but none has yet been identified. Previously reported that have issued a Requisition for Information Notice, and carried out other ownership checks, but more work was necessary. Also the third planning application was refused.	The Enforcement Notice was issued on 8 th June 2010, with compliance required by 12 th September . This was not appealed but an Appeal was made against the latest refusal of planning permission for the change of use, and this subsequently dismissed. Officers wrote to state the reasonable compliance period in these circumstances.	Part compliance. The use has ceased, but the associated building and concrete surface etc remain. A planning application has just been received seeking the re-commencement of the use, and the retention of building and concrete etc, with modifications.
30	Gala Bingo, Park Lane, Wednesbury	3 rd December 2009	Enf Notice – erection of smoking shelter building	Enforcement Notice issued 10 th March 2010.	Compliance due 12 th August 2010. Planning permission was granted for a different smoking shelter building in February 2010	Resolved A warning of prosecution was issued, but the building subject of the Notice was removed.
31	Land at Berryfields Farm, Walsall Road, Aldridge	7 th January 2010	Enf Notice – change of use to stationing a residential mobile home.	Enforcement Notice issued on 29 th July 2010	Appeal upheld in part giving a compliance period of four months. Compliance due 29 th April 2011.	
32	101 Woden Road West, Darlaston	4 th March 2010	Prosecution action in respect of			Undertakings were received to the effect that the required additional

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			Breach of Landscaping condition at warehouse building. (also see item in Appendix B below)			planting would be begun in week commencing 29 th March 2010, but this did not take place. Officers are making the preparations for prosecution.
33	103 High Road, Lane Head, Willenhall	29 th April 2010	Enforcement Notices:- Use for vehicle sales, installation of containers, and erection of canopy building,	Officers were clarifying ownerships and occupiers. The site appears complex with 5 ownership interests involved. A retrospective planning application was made and granted planning permission subject to conditions .		Resolved The grant of a conditional planning permission means that the enforcement notice is no longer considered necessary. Conditions to be monitored.
34	Rose Cottage, Railswood Nurseries, Pelsall	29 th July 2010	Enforcement Notice: Change of use for stationing of residential caravan and creation of raised patio	Draft enforcement notice in place.	Planning permission was granted at appeal	Resolved
35	11 Leighs Road, Pelsall	27 th May 2010	Enforcement Notice: Boundary fencing and canopy	Enforcement Notice issued on 14 th October 2010.	Appeal currently being dealt with.	
36	85 Kinross Crescent, Pheasey	27 th May 2010	Enforcement Notice: Conservatory	Enforcement Notice issued on 9 th June 2010	Appeal upheld in part giving three months rather than two months to	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
					comply. Compliance date 2 nd January 2010. Planning permission granted on 28 th January for reduced conservatory with a condition requiring work to be undertaken within 2 months. Officers to monitor compliance.	
37	71 Sutton Road, Walsall	27 th May 2010	Enforcement Notice: Garden building	Enforcement Notice drafted. Retrospective planning application received for garden building. Planning permission refused at Committee on 21.10.10 and Enforcement Notice issued 28. 10. 10. Previous refusal related to same building being proposed as an ancillary dwelling unit Inspection showed no actual fitting out or use as a dwelling. Notice therefore referred only to detached building.	Appeal currently being dealt with	
38	Former filling station, Ward Street ,corner with Walhouse Road, Walsall	29 th July 2010	Enforcement Notice – Use as vehicle wash, and for private parking and car sales.	Second planning application made for continuation of vehicle wash only. Car sales appeared to cease. Additional consultee comments sought. Application	Compliance was due 17/02/2011, but an Enforcement Appeal now underway. Appeal made under 4 grounds, including claim for planning permission. Written representations	

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			Discontinuance Notice – advertisements. Section 215 Notice - appearance of building and land.	subsequently refused. Enforcement. Notice issued 14/12/2010. Not issued as negotiations have resulted in substantial improvement Being drafted	procedure	Advertisements issue Resolved in large part. Unsightly large forecourt sign removed. Also some reduction in adverts on building. Remaining scope to serve Notice to be reviewed.
39	163-168 High Street, Brownhills	9 th September 2010	Enforcement Notice: Unauthorised car wash	Enforcement notice issued on 9/12/10	Compliance by 10/3/11	
40	1A , High Street Moxley	9 th September 2010 (Continuation of delegated action in Appendix B below)	Prosecution action, in respect of Breach of Condition Notice restricting use of jet washers			Further contact with operator has not resolved. Prosecution process underway.
41	Abu Bakr Mosque and School , Wednesbury Road, Walsall	30 th September 2010	Enforcement Notices – school and portacabins - subject to no planning application being received by November	Planning application not received. Discussions between Mosque, Environment Agency and officers regarding the floodplain not conclusive. Officers have commenced		

	Site Address	Date of Authorisation	Action to be taken	Date Notice Served/ Progress	Compliance / appeal date	Complied? Yes/No
			2010.	preparation of enforcement action.		
42	66 Mill Lane, Walsall	21 st October 2010 (Continuation of delegated action in Appendix B below)	Prosecution action, in respect of breach of section 215 Notice – unsightly house and garden			Prosecution process commenced
43	8 Grove Crescent, Pelsall	2 nd December 2010	Enforcement Notice: Use of residential curtilage for parking of vehicles, including a commercial vehicle where these uses are not incidental to the domestic use.	Requisitions for Information have been served. Officers waiting response before issuing notice.		
44	34 Emery Street, Walsall	2 nd December 2010	Enforcement Notice - against replacement UPVC first floor window, in an Article 4 area.	Enforcement Notice to require reinstatement of an original design. Officers researching and drawing up a template as basis for Notice requirements.		
45	17 – 21 Lower Rushall Street, Walsall	6 th January 2011	Enforcement Notice – use as privately operated car park for general public.	Notice drafted and officers are gathering necessary information, including ownerships, occupiers etc.		

Appendix B Enforcement Cases acted upon under delegation

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
46	19 High Street, Walsall Wood – (formerly G D Memorials)	Erection of building without compliance with planning permission 02/1855	Enforcement Notice	Issued 31/1/07	Appeal upheld and requires either demolition or alteration to comply with 2002 planning permission. Compliance due 19 th January 2008	No. Planning application received to retain the building with lesser alteration than that required for compliance with 2002 permission. Application was refused, but owner wished to arrange access from neighbouring property and re-apply. Prosecution was suspended for a period, pending the outcome of discussions. No progress resulted, and prosecution process commenced. A further planning application is for consideration by committee on the plans list of this meeting.
47	3A Beeches Road, Leamore	Non - compliance with hours condition on a Takeaway.	Breach of Condition Notice	Issued 21/7/07	21 st August 2007 Appeal against refusal to vary the hours was dismissed 29/7/08	Issue had been resolved however recent monitoring determined continued breaches. Final warning letter issued and monitoring to continue prior to prosecution.
48	1A High Street Moxley	Breach of Boundary Treatment Condition at permitted car wash	Breach of Condition Notice to require scheme to be submitted for approval	Issued 3 October 2008	Compliance required by 31 October 2008	No However required boundary treatment is related to noise control conditions, for which submitted information under review. More information requested from the operator but this not received.

	Address	Breach	Type of Action	Date Notice served / Progress	Compliance date / appeal	Complied? Yes/No
49	1A High Street Moxley	Condition restricting size of vehicles washed.	Breach of Condition Notice to prevent larger vehicles being washed and valeted	Issued 9th April 2009	Compliance required by 7th May 2009	Previously reported no evidence of substantial breaches. Now monitoring more frequently.
50	1A High Street Moxley	Condition preventing use of jet washers without prior approval	Breach of Condition Notice to require use of jet washers to cease	Notice issued 10th June 2010.	Compliance due by 19th July 2010.	Compliance was not obtained. Has been reviewed with Legal Services and now monitoring for evidence. Committee authority to prosecute obtained- as in item in Appendix A above
51	66 Mill Lane, Walsall	House - occupied but neglected and unsightly	Section 215 Notice	Notice issued 5 th July 2010	Compliance due by 11 th August	Part compliance Authority delegat ed at 21 st October Committee to commence prosecution, as at item in Appendix A above.
52	104, 105,106 Lowe Avenue, Rough Hay Darlaston	3 terraced houses in seriously unsightly condition (104 ruinous)	Section 215 Notices –	Notices served 27 th August (one on 104 and one on 105/106)	Compliance due by 27 th November 2010	Part compliance. All 3 houses showing substantial improvement at the front, and also some at rear. Officers are contacting the respective owners regarding the remaining work before considering prosecution.