

AGENDA ITEM NO. 06(b)

WARDS AFFECTED:
Wordsley

DEVELOPMENT CONTROL COMMITTEE 11TH APRIL 2006

**JOINT REPORT OF THE DIRECTOR OF LAW AND PROPERTY AND THE
DIRECTOR OF THE URBAN ENVIRONMENT**

ENFORCEMENT

LOCATION LAND ADJACENT TO COLDSTREAM DRIVE,
WORDSLEY, STOURBRIDGE

REF C/222/01/01

BACKGROUND

- 1 In September 2005 the planning enforcement team received a complaint regarding the boundary wall of a newly erected property adjacent to 48 Coldstream Drive, Wordsley. Approval for the new dwelling was given under cover of P03/2156 on 21st October 2004.
- 2 A site visit was carried out in September 2005 and the owner of the property was spoken to. It was explained at that time that the type, size and location of any retaining walls was the subject of a condition on that application. This condition had not be satisfied. The owner was also written to at that time.
- 3 Over the following months the owner was advised to supply the necessary information in relation to the outstanding conditions on the site, but claimed that the delay was due to a change in agents.
- 4 On 6th January 2006 drawings were received in relation to the wall and fencing at the site and the proposed landscaping. This information was assessed and it was considered that the proposals were unacceptable due to the insufficient landscaping, and the impact of the wall and fencing on the visual amenity of the area.
- 5 The agent was informed of the Council's view by letter on 22nd February 2006, at that time he was advised once again to adhere to the conditions on the application, as the property was by this time completed. No further information has been received, and the situation at the site remains unchanged.
- 6 The outstanding conditions on this application are as follows:

- (4) *No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.*
- (5) *All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 4 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.*
- (6) *Plans showing details including sections of existing retaining walls on the site shall be submitted to and approved by local Planning Authority before development is commenced, and calculations provided to prove that the walls as shown will be capable of supporting the likely future loading from the proposed development, and where work is required to the existing retaining walls to ensure that they will sustain the future loading, the development shall not be occupied until such work has been carried out in accordance with the approved plans.*
- (7) *Details of the proposed retaining walls adjacent to the site boundary shall be submitted to and approved by the Local Planning Authority before development is commenced and the development shall not be occupied until the retaining walls have been constructed in accordance with the approved plans.*
- (9) *Details of the garden fence shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection. The fence shall remain in accordance with the agreed details for the life of the development.*
- (11) *Development shall not begin until a scheme for protecting the proposed dwelling from noise from traffic on the A459 has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before the permitted dwelling is occupied.*

7 Due to the lack of progress on this application and the likelihood that this property may be occupied in the near future, it is considered that action to resolve this outstanding issues is required. The boundary wall

and fencing in particular is considered to be inappropriate due to its size, position and design. It is prominent within the street scene.

- 8 Members should be aware that should the applicant provide the necessary information to satisfy the conditions, it may not be necessary to serve the Breach of Condition notice.

BREACH OF PLANNING CONTROL

- 9 The failure to comply with conditions 4, 5, 6, 7, 9 and 11 of planning application no. P03/2156 for the erection of one dwelling adjacent to 48 Coldstream Drive, Wordsley (see attached plan).

WHAT IS REQUIRED TO BE DONE

- 10 Compliance with conditions 4, 5, 6, 7, 9 and 11 of planning application no. P03/2156.

TIME FOR COMPLIANCE

- 11 One month from the service of the notice.

REASONS FOR ENFORCEMENT

- 12
 - i) The erection of walls and fencing without the approval of the local planning authority has resulted in an inappropriate feature within the street scene, which is considered to be detrimental to the visual amenity of the area.
 - ii) The failure to provide a sufficient landscaping scheme which has resulted in the provision of unacceptable landscaping on site.

For the above reasons the development conflicts with Policy DD4 – Development in Residential Areas of the Adopted Dudley Unitary Development Plan.