



## Regeneration – Planning and Building Control

Planning Prospects Ltd  
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Worcester  
Worcestershire  
WR5 2NT

# PLANNING DECISION NOTICE

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TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010 (AS AMENDED)

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## ***Grants Planning Permission Subject to Conditions***

### **Part 1 – Particulars of Application**

**Applicant:** Norton & Proffitt Development Ltd

**Agent:** Planning Prospects Ltd

**Application Number:** 13/1421/FL

**Date of Application:** 11/10/2013

**Site Address:** 41-43 HIGH STREET, 10-30 (EVEN) DIGBETH & CAR PARK AND 1-10 LOWER HALL LANE, WALSALL

**Proposal:** Proposed retail parade with provision for upper floor space together with associated secure rear servicing, access and relocated substation. Enabling works include the demolition of the existing retail parade along Digbeth and Lower Hall Lane, the decked car park accessed from Lower Hall Lane and ancillary workshop building from the former Shannons Mill site (Resubmission of 12/1553/FL and 12/1554/CC).

### **Part 2 – Particulars of Decision**

Walsall Council, as Local Planning Authority, hereby **Grants Planning Permission Subject to Conditions** for the development described in Part 1 above and in accordance with the application and plans submitted.

#### **CONDITIONS**

1. This development must be begun not later than 3 years after the date of this decision.

*Reason:* Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2a) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i.* the parking of vehicles of site operatives and visitors
- ii.* loading and unloading of plant and materials
- iii.* storage of plant and materials used in constructing the development
- iv.* the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v.* wheel washing facilities
- vi.* measures to control the emission of dust and dirt during construction
- vii.* a scheme for recycling/disposing of waste resulting from demolition and construction works

2b) The development shall be fully carried out in accordance with the agreed Construction Phase Method Statement and agreed details shall be retained throughout the construction period.

*Reason:* In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway and to ensure the programme of development is satisfactorily delivered in awareness of town centre operations.

3) Demolition shall not take place until a contract for the redevelopment of the site has been signed and a copy lodged with, and acknowledged by, the local planning authority.

*Reason:* To ensure that the primary shopping area is not compromised by the presence of a vacant site.

4i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken as recommended by the "*St Matthews Quarter, Walsall Phase 1 Desk Study*" (dated 29th October 2012 reference E12/098). (see Note for Applicant CL1)

ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii) Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

iv) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

v) If during the undertaking of remedial works or the construction of the approved development ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation

Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

*Reason:* To ensure safe development of the site and to protect human health and the environment.

5a) Notwithstanding the detail shown on the submitted plans, prior to the commencement of development a full schedule of materials including the colour, texture, profile and scale of the material shall be submitted to and agreed in writing by the Local Planning Authority.

b) The approved scheme shall be fully implemented and completed prior to the first occupation and thereafter retained and maintained.

*Reason:* The submitted scheme, in particular the treatment of the service yard and the extent of the use of cladding on the frontage is inappropriate and unacceptable. Significant improvement on the detail submitted is required to preserve and enhance the character of the Conservation Area and to ensure satisfactory appearance of the development.

6a) Prior to the commencement of development a programme of archaeological work shall be submitted to and agreed in writing by the Local Planning Authority.

6b) Any significant findings shall be adequately recorded and detailed prior to built development commencing.

*Reason.* The site is in an area of archaeological interest, and an appropriate study is necessary to safeguard the possible historic significance of the site.

7a) Prior to the commencement of work for the development (excluding demolition) hereby approved, full details, management and operation of the proposed service yard and gates shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

7b) The service yard and gates shall be operated in accordance with the agreed details.

*Reason:* To preserve and enhance the character of the Conservation Area, in the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

8a) Prior to the commencement of development details of a scheme of street furniture for the development, shall have been submitted to and approved in writing by the Local Planning Authority.

8b) The approved scheme shall be fully implemented and completed prior to the first occupation and thereafter retained and maintained.

*Reason:* To ensure the satisfactory appearance and functioning of the development.

9a) No development shall commence until drainage plans for the disposal of surface water and foul sewage, including sustainable drainage systems and rainwater harvesting detail, shall have been submitted to and approved in writing by the Local Planning Authority.

9b) The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and thereafter retained and maintained.

*Reason:* To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

10a) Prior to the commencement of development (excluding demolition) the details and locations of secure cycle stores shall be submitted for the approval of the Local Planning Authority.

10b) The approved details shall be fully implemented prior to first occupation of the development and thereafter retained and maintained.

*Reason:* To ensure the satisfactory appearance of the development, and to promote use of the bicycle, and minimise use of the car.

11a) Prior to the installation of plant, machinery and extraction systems details shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall comply with the recommendations of the Noise Impact Assessment submitted as part of the application (ref 1006795-RPT-00002, by Cundall and Johnston and Partners LLP, dated 25/10/2012).

11b) The agreed plant, machinery and extraction systems shall be installed in accordance with the agreed systems prior to the development being brought into use.

*Reason:* In order to ensure that the scheme does not adversely affect nearby residential occupiers and are satisfactorily designed and to ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

12a) Prior to the installation of any flues details (including location, height above the roof, external appearance, materials and cleaning and maintenance regime) to serve commercial hot food cooking points shall be submitted to and agreed in writing by the Local Planning Authority.

12b) The extraction flues shall be fully installed prior to any commercial hot food cooking points being brought into use.

*Reason:* To ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

13a) Prior to the commencement of any restaurant and/or hot food outlets a system to control grease, oil and fat discharges to drainage/sewerage systems shall be agreed in writing with the local planning authority

13b) The agreed scheme shall be fully implemented prior to use and retained for the life of the restaurant/hot food use.

*Reason:* To ensure that the drainage system is not adversely affected by grease, oil and fat discharges.

14a) Before the development is brought into use, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any External lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution.

14b) The approved scheme shall be fully implemented and completed prior to the first occupation and thereafter retained and maintained.

*Reason:* To ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

15a) Notwithstanding the details submitted and prior to the commencement of development details of the access and service area surface materials shall be submitted to and approved in writing by the Local Planning Authority.

15b) The agreed materials shall be fully implemented and the service yard shall have been properly consolidated, surfaced, drained, free of loose stone prior to its first use and retained and maintained thereafter

*Reason:* In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

16a) No built development shall be commenced until details of CCTV cameras giving coverage of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details will be of a quality and arrangement suitable to be used as evidence in a court of law. The design of the CCTV installation will have regard to the lighting installations to be made on the site.

16b) The approved details will be implemented concurrently with the relevant part of development to which they are attached, and will thereafter be retained and maintained in working order.

*Reason:* To create a secure and safe environment, and contribute to the control of crime in the town centre.

17a) Prior to the commencement development details of security orientated measures to meet Secured By Design objectives shall be submitted to and agreed in writing by the Local Planning Authority.

17b) The development shall not be brought into use until the approved scheme has been fully implemented and completed. The approved scheme shall thereafter be retained.

*Reason:* To create a secure and safe environment, and contribute to the control of crime in the town centre.

18a) Notwithstanding the notation on the submitted plans, no development (excluding demolition) shall be commenced until details of the proposed boundary treatment of the development (including measures to control use of paved areas by skateboarders etc.), have been submitted for the approval of the Local Planning Authority.

18b) The development shall not be brought into use until the approved scheme has been fully implemented and completed. The approved scheme shall thereafter be retained.

*Reason:* The submitted boundary treatment detail is of inadequate design quality and fails to preserve or enhance the setting of listed buildings or the quality of the Conservation Area.

19a) No development shall be commenced until details of proposed litter bins in public areas and siting of refuse facilities have been submitted to and approved in writing by the Local Planning Authority.

19b) The approved facilities shall be fully installed before the development is brought into use, and will be thereafter retained as approved.

19c) No materials, goods or refuse other than in the compactors shown on the deposited plans will be stored or deposited in the open on any part of the site other than in a refuse container as approved under part (a) of this condition. For the purposes of this condition, the area under the canopy is classed as being in the open.

*Reason:* To safeguard the amenity of the area, and to ensure the satisfactory functioning of the development.

20a) No development shall be commenced until details of how the proposed development will conserve and make efficient use of energy, including liquid pumping, the provision of compressed air or electricity, heating, compacting, mechanical ventilation or air conditioning to be located within the main building structure have been submitted to and approved in writing by the Local Planning Authority. The development proposal shall incorporate equipment to produce renewable energy in order to ensure that at least 10% of the predicted energy requirements for the development proposal are provided from on-site renewable energy sources, unless otherwise agreed in writing by the Local Planning Authority.

20b) The approved details shall be fully implemented as part of the construction of the building, and thereafter retained and maintained.

*Reason:* Conservation of energy in building design is an important element in environmental protection and in accordance with ENV7 of the Black Country Core Strategy

21a) A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and Integrated Transport Authority, within 6 months of operation of the new development coming to use.

21b) the agreed Travel Plan shall be fully implemented and retained thereafter

*Reason:* To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health.

22. Within the service yard, service vehicles shall not use audible 'beeping' reversing alarms. Alternative alarms should be sought such as the use of white noise, infrared, or visible alarm systems.

*Reason:* To ensure that the amenities of neighbouring residents or occupiers are not unduly inconvenienced by servicing of the site

23. No public address facility or tannoy system shall be installed on the construction /development site or on the finished development.

*Reason:* To safeguard the amenity of neighbouring and nearby residential occupiers.

24. All site clearance and building demolition shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey (particularly looking for black redstart and peregrine falcon) shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

*Reason:* To protect local bird populations.

25. No deliveries and collections serving the development [but excluding those during the construction period- see condition 26], shall operate outside the hours of 07.00 and 23.00 Monday to Saturday and 10.00 to 17.00 on Sundays, Bank and Public Holidays. Bank and Public holidays shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

*Reason:* To safeguard the amenity of neighbouring and nearby residential occupiers.

26. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and no deliveries to the construction site, shall take place on any Sunday, Bank Holiday or Public Holiday\*, and no such works shall take place outside the hours of 08.00 to 18.00 weekdays and Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. Bank and Public holidays shall be:

Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

*Reason:* To safeguard the amenity of neighbouring and nearby residential occupiers.

27. Noise from plant, machinery and extraction systems shall be designed and operated throughout the life of the development, to the Noise Impact Assessment submitted as part of the application (ref 1006795-RPT-00002, by Cundall and Johnston and Partners LLP, dated 25/10/2012), to ensure that noise emissions do not give rise to a Rating Level of 5 dB at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

*Reason:* To safeguard the amenity of neighbouring and nearby residential occupiers

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the accesses as shown on the deposited plans.

*Reason:* In the interests of highway safety.

29. All windows and areas of glazing shall be kept free of permanent screening which would hinder views into the atrium and/ or the passive surveillance of public areas.

*Reason:* To aid the security of users of the site and satisfactory appearance of the application site.

30. The proposed development shall deliver units as follows:

i) The approved use classes are as set out below:

Unit 1 (uses A1 A2, A5)

Unit 2 (use A1)

Unit 3 (use A1)

Unit 4 (use A1)

Unit 5 (Use A1)

Unit 6 (Use A1)

Unit 7 (Use A1)

Unit 8(Uses A1, A3, B1a, D1, D2)

Unit 9 (Uses A1, A2, A3, A5, D2)

Unit 10 (Uses A1, A2, A3, A5)

Unit 11 (Uses A1, A2, A3, A5)

ii) The Ground Floor of units 2, 3, 4, 5, 6, 7 and 8 shall only be occupied by Use Class A1 (retail).

iii) The maximum number of shops shall not exceed 11 individual units. None of the 11 permitted units or the common parts of the development shall be sub-divided to create additional units or to make any of the 11 permitted units smaller.

*Reason:* The proposed development is key to the delivery of retail comparison floorspace in the Black Country Core Strategy, larger units are essential to meet retail needs of the



Primary Shopping Area.

31. Unless amendment is required under the above conditions, the development hereby permitted shall be undertaken in accordance with the details shown on following drawings and documents submitted to the Local Planning Authority:

Plans and Drawings:

10-131-002 P001 Rev B; 10-131-002 P002 Rev B; 10-131-002 P003 Rev E; 10-131-002 P004 Rev E; 10-131-002 P005 Rev B; 10-131-002 P006 Rev J; 10-131-002 P007 Rev A; 10-131-002-K011/A

Documents:

Planning Statement prepared by Stephen George and Partners (ref: 00-FM102 v8 20120718)

Design and Access Statement prepared by Stephen George and Partners

Retail Policy Assessment prepared by Planning Prospects

Noise Assessment prepared by Cundall (ref 1006795-RPT-00002)

Heritage Statement prepared by Wessex Archaeology (ref: 87360.01)

Transport Statement prepared by Phil Jones Associates (ref: PJA.1022)

Technical Note prepared by Rodgers Leask (ref: D12-188 - Doc 5)

Drainage Strategy prepared by Rodgers Leask (ref: D12/188)

Phase 1 Desk Study prepared by Rodgers Leask (ref: E12/098 Rev B)

Travel Plan prepared by Phil Jones Associates (ref: PJA.1022)

*Reason:* In order to define the permission.

### **POSITIVE AND PROACTIVE STATEMENT**

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Policy Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

**Date of Decision:** 17 January 2014



David Elworthy – Head of Planning and Building Control

## **Your attention is drawn to the notes for applicant**

### **NOTES FOR APPLICANT**

#### **Contaminated Land**

CL1) Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011 "Investigation of potentially contaminated sites -

Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

- CL2) When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 "Model Procedures for the Management of Land Contamination", The Contaminated Land Exposure Assessment (CLEA) Model (Latest Version), Science Report - SC050021/SR3 "Updated technical background to the CLEA model" and Science Report - SC050021/SR2 "Human health toxicological assessment of contaminants in soil" or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.
- CL3) Validation reports will need to contain details of the "as installed" remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported "clean cover" materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

### **Extraction Flues**

- A) Extract ventilation flues and associated fan and motor units shall be fitted with vibration isolation mounting systems and ductwork shall be de-coupled from fan and motor units.
- B) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Rating Level of 5 dB as determined in accordance with British Standard BS 4142: 1997 '*Method for Rating industrial noise affecting mixed residential and industrial areas*'.
- C) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Noise Rating Exceeding NR 25 1m from the façade of occupied residential rooms.

### **S278 Works**

No work on the site should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. Any agreement for

street lighting should be agreed in writing with Walsall Metropolitan Borough Councils Street lighting partner Amey.

A Section 50 notice will be required for any excavation in the highway, if the existing notice has expired or the work is undertaken by a different contractor, and necessary approvals should be obtained for any excavation in the service yard.

### **Traffic Regulation Orders (TRO's)**

The attention of the applicant is drawn to the requirement to modify existing TRO's on Bridge Street at their expense, prior to the development being brought into operation. The applicant is advised to contact the Council's Traffic Manager Mr Stephen Griffiths on 01922 652558 to discuss this matter further.

### **Mud on Highway**

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

### **Drainage**

No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

1. Please read this decision notice carefully. If the conditions require you to submit further details, you must ensure that these details have been approved before you commence work. You may need to pay a fee to the Council to consider these details.
2. This decision is given only under the Town and Country Planning Act 1990, and the Town and Country Planning (General Development Procedure) Order 1995.
3. This permission does not grant approval under the Building Regulations 2000 for which a separate application may be required. You are advised to contact the Building Control Section on telephone number 01922 652600 should you require further advice.
4. This permission does not grant approval or in any way override the requirement to comply with any restrictive covenant(s) that may be on the land. You should be aware that there is a risk involved in proceeding with development without clarifying whether there are any relevant covenants relating to the property.
5. Your attention is drawn to the Party Wall Act 1996. If you intend to carry out building work which involves:
  - work on an existing wall shared with another property
  - building on the boundary with a neighbouring property
  - excavating near a neighbouring building

You should find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have

been published entitled "The Party Wall etc. Act 1996: Explanatory Booklet" and "A Short Guide to the Party Wall etc. Act 1996", both are available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0300 123 1124, Fax: 0300 123 1125.

This booklet has been produced by the Department to explain in simple terms how the Party Wall etc Act 1996 ("the Act") may affect someone who either wishes to carry out work covered by the Act (the "Building Owner"), or receives notification under the Act of proposed adjacent work (the "Adjoining Owner").

This booklet has been simplified and updated to provide some answers to regularly asked questions. For example: what a party wall award can cover, what to do if a building becomes unsafe or there is excessive noise from the work being carried and the role of the surveyor.

The Party Wall Act 1996 Guidance can be found online <https://www.gov.uk/party-wall-etc-act-1996-guidance>

6. Appeals for England and Wales are dealt with by the Planning Inspectorate.

If you are aggrieved by the decision of the Council to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, you may appeal to the First Secretary of State.

Applicants only have 12 weeks from the date of decision (except where an enforcement notice has been served within the past 2 years) to submit either a Householder or minor commercial appeal (commercial planning permission [or other type of consent] for development of an existing building [or part of a building] currently within planning use class A1, A2, A3, A4, A5, excluding a change of use, or a change to a number of units in a building, or development that's not wholly at ground floor level, or development that would increase the gross internal area of the building. EXCLUDES an appeal against failing to issue a decision or against planning approval subject to conditions) therefore all other appeals have 6 months from the decision to submit an appeal to the Planning Inspectorate.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Council, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements, to the provisions of the development order, and to any decision of a Council was based on a direction given by him.

**You can submit your appeal on-line** through the Planning Portal using the Planning Casework Service. This is an on-line service that gives people in England and Wales wider and easier access to the planning system. It allows people to track the progress of cases.

For more information about the Planning Casework Service, visit [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

You must appeal on a form provided by the Planning Inspectorate. Forms are available online using the web site address above or alternatively you can make an appeal by post.

Appeal forms can be obtained from the Planning Inspectorate - contact their Customer Services Team on 0303 444 5000.

Your appeal and all required supporting documents should be sent to:

The Planning Inspectorate,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol,  
BS1 6PN

**Please Note:** You must also send a copy of the appeal form direct to us, with copies of any documents or plans you are sending to the Planning Inspectorate that we do not already have.

#### **FURTHER APPEAL ADVICE**

You can find further comprehensive advice on the appeal procedures on the Planning Portal [www.planningportal.gov.uk/planning/appeals/](http://www.planningportal.gov.uk/planning/appeals/)

7. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and you claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, you may serve on the Council a purchase notice requiring the Council to purchase your land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990. A notice may only be served on the Council by the owner of land concerned.
8. In certain circumstances, a claim may be made against the Council for compensation, where permission is refused or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
9. Development must comply with Section 46 of the West Midlands County Council Act 1980 (namely it shall provide adequate means of access for the fire brigade to the building or, to the building as extended, as the case may be. It must be ensured that existing means of access for the fire brigade to a neighbouring building are not rendered inadequate).
10. If this decision grants permission for new development, subdivision or a conversion that will give rise to new addressable properties, you must apply to obtain your new postal address(es) using the application form that you can obtain from the Street Naming and Numbering Team, Traffic Management, Engineering and Transportation

Services, Civic Centre, Darwall Street, Walsall WS1 1DG or online at [www.walsall.gov.uk/street\\_naming\\_and\\_numbering](http://www.walsall.gov.uk/street_naming_and_numbering)

11. Adoption of private sewers and lateral drains by Severn Trent Water on 1<sup>st</sup> October 2011. The Government has approved legislation The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 that from the 1 October 2011, transfers the ownership of all privately owned shared drains Severn Trent.

If you are looking to build an extension or new build you will need to check if the above will affect you, in the first instance you will need to contact Severn Trent water Limited on 01902 793871 or check the website for more information on [www.stwater.co.uk](http://www.stwater.co.uk).

**If your proposal is affected by an adopted sewer (Public Sewer) a Building Notice form of application cannot be used. In these instances a FULL PLAN application must be submitted**

Therefore, prior to considering submitting a Building Notice, it is essential that you contact Severn Trent water Limited on 01902 793871 for advice.

If you would like further information or clarification of the reasons for this decision contact the planning case officer Andrew Thompson on 01922 652603 or email [planningservices@walsall.gov.uk](mailto:planningservices@walsall.gov.uk).

### **Alternative language or format**

If you would like this information in another language or format contact the Planning helpline on 01922 652677 or Textphone 0845 111 2910