



## Regeneration – Planning and Building Control

Mr Rod Griffin  
Blythe Valley Park  
Solihull  
West Midlands  
B90 8EA

# 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:** Walsall Council

**Agent:** Mr Rod Griffin

**Application Number:** 14/1871/FL

**Date of Application:** 22/12/2014

**Site Address:** The Bridge, Park Street, Digbeth, Bradford Street And Lower Hall Lane, Walsall, Ws1

**Proposal:** Re-location of existing Walsall Town Centre Market to new permanent location including associated public realm works (phased development). (Regulation 3 application)

### **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. The development shall be carried out and completed in full accordance with the following approved plans and details:

ARP-PL-002 rev 01 Phasing Plan

ARP-PL-003 rev 01 Market Operation Boundaries

ARP-PL-400 rev 01 Proposed Market Layout

REASON: to define the permission and ensure the development is carried out and completed in accordance with the approved plans and details.

2. A. Commencement of Phase I, as shown on drawing SK20022015 and defined as the removal of six lime trees from the north-east side of The Bridge, temporary re-location of the Hippo sculpture off site (to be reinstated in Phase II), removal of 15 stalls and 2 catering vehicles from Digbeth and introduction of an interim market layout of up to 11 stalls and 1 catering vehicle on the south-west side of The Bridge, up to 17 stalls on Bradford Street, up to 6 stalls on Park Street, up to 8 stalls on the north-west side of The Bridge and up to 42 stalls and 3 catering vehicles in Market Square, shall constitute implementation of this planning permission.

B. No works other than those forming part of Phase I shall commence until a Phasing Strategy, to include details of each proposed Phase and/or Sub Phase, the list of works forming that Phase or Sub Phase, and an indicative timeline for implementation and completion of each Phase or Sub Phase, has been submitted to and approved in writing by the Local Planning Authority.

C. Once the Phasing Strategy has been approved, no Phase or Sub Phase shall commence until full details and method statements of all works forming part of that Phase or Sub Phase and the timeline for implementation and completion have been submitted to and approved in writing by the Local Planning Authority.

D. Each Phase or Sub Phase shall be completed in its entirety in accordance with the approved details before the next Phase or Sub Phase commences, unless otherwise set out in the approved details.

E. Where items are proposed for removal in one Phase or Sub Phase and are to be re-provided in a later Phase or Sub Phase, as approved pursuant to Parts (A) and (B), the re-provision shall be carried out in accordance with the approved details for that Phase or Sub Phase pursuant to Part (C), or, in the event that more than two years elapse from removal of the item without its re-provision, in accordance with alternative details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain effective control over the site and to protect the amenities of the area.

3. Prior to any vehicular access being allowed through The Bridge from Park Street, appropriate temporary or permanent TRO's shall be confirmed and implemented including any associated signage and physical control measures to prevent through access for vehicles from The Bridge to Bradford Street.

REASON: To ensure the safe and satisfactory operation and servicing of the market, local premises and the public highway.

4. A. Within three months of the date of this decision, a Market Management Strategy (including details of refuse collection, recycling and disposal; street cleansing;

market upkeep and repair; stall management; market operation including vehicular access and restrictions) shall be submitted to the Local Planning Authority, and re-submitted with amendments as required until the Local Planning Authority approves it in writing.

B. Once approved, the Market Management Strategy shall be implemented immediately in accordance with the approved details.

C. The Market Management Strategy shall be revised and resubmitted in advance of the commencement of works for each Phase or Sub Phase implemented in accordance with condition 2 above.

REASON: To ensure the environmental quality and amenities of the town centre are protected and enhanced; to ensure adequate controls and management are in place in the interests of the safe and satisfactory operation and servicing of the market, access to nearby and adjacent premises and the safe operation of the public highway.

5. A. Goods displayed for sale shall be contained completely within the footprint of the stall and shall not overhang or extend beyond the limits of the stall.

B. No stall shall extend beyond the limits shown on the approved plans

C. Any stall canopies overhanging pedestrian or vehicle routes shall not hang below a height of 2.1m above the ground at any point.

D. Pedestrian and vehicle routes between pitches shall be kept clear of obstructions at all times.

REASON: To ensure free movement is maintained around the stalls at all times; in the interest of highway safety and access for emergency vehicles.

### **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:** 6 March 2015



David Elsworth – Head of Planning and Building Control

# Your attention is drawn to the notes for applicant

## NOTES FOR APPLICANT

1. Prior to any works within the public highway, the applicant will be expected to obtain the necessary Road Opening Permit/S278 agreement or other appropriate consent from the Highway Authority.

## FURTHER NOTES FOR APPLICANT

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 to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**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. Please refer to the attached Coal Authority advice note.
12. 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 Katie Parsons on 01922 6526030 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