



DEVELOPMENT CONTROL COMMITTEE

29th May 2008

Report of Head of Planning and Building Control - Regeneration

Site at corner of Doctors Piece and Walsall Street (City Alloys Ltd), Willenhall

1.0 PURPOSE OF REPORT

To inform members of investigations indicating that the use of the site for the sorting and distribution of scrap metals is unlawful, and to seek delegated authority to issue an enforcement notice should it become appropriate.

2.0 RECOMMENDATIONS

- 2.1 That Members endorse officers proceeding with discussions with the company aimed at securing compliance with planning legislation, for example by their relocation to a more suitable site in the area.
- 2.2 That authority is delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Building Control, to issue an enforcement notice under section 172 of the 1990 Act, or such other action as may be appropriate, following actions under recommendation 2.1.
- 2.2 That authority is granted to the Assistant Director – Legal and Constitutional Services, to commence prosecution proceedings, in the event that any notice which is issued is not complied with.

3.0 FINANCIAL IMPLICATIONS

None arising from the report.

4.0 POLICY IMPLICATIONS

The report recommends actions to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

None arising from the report.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report recommends actions to remedy adverse environmental impacts.

8.0 WARD(S) AFFECTED

Willenhall South

9.0 **CONSULTEES**

None

10.0 **CONTACT OFFICER**

Bob Scrivens/Philip Wears
01922 652488 or 652411

11.0 **BACKGROUND PAPERS**

Enforcement file not published.

Head of Planning and Building Control - Regeneration

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12 BACKGROUND AND REPORT DETAIL

- 12.1 The site is a prominently located one on the corner of Doctors Piece and Walsall Street, one of the main routes to Willenhall town centre. It contains an industrial building together with a parking and unloading/loading area on the junction of these two roads, with access from Doctors Piece.
- 12.2 Planning permission was granted for the erection of the building and laying out of the site in 1978, subject to conditions which included a landscaping scheme. A substantial planting scheme was carried out in 1980. The building was described in the application as factory building and a condition was attached to reinforce this. Its lawful use is therefore what would today be in Use Class B2 (general industrial, factories, manufacturing and other industrial processes.) In 1990 planning permission was granted for a substantial extension to the rear (west) of the building. Available information indicates that the site was occupied lawfully by a manufacturing company from 1979 to 2000.
- 12.3 Officers understand that the current users of the site collect mainly non-ferrous scrap metals and bring these back to the site for sorting. The sorted metals are then cut up for onward distribution. In your officers opinion this use does not fall within Use Class B2, and is use as a scrap-yard. On this basis an unauthorised change of use has taken place.
- 12.4 Significant regeneration of Willenhall is proposed, close to the site (a major supermarket and associated works). Reflecting this, in considering the likelihood of planning permission being granted retrospectively two different scenarios have to be considered.
- 12.5 In the first scenario the site and its surroundings would remain generally similar to today (e.g. if the regeneration project is delayed). The site is prominent in the street scene on the main road, Walsall Street, and particularly when approaching from the east (the Walsall direction), when the loading and parking area is in the foreground. This area of the site is used for storing numerous very large skips, and these are considered a very unsightly feature in the street scene. (This is exacerbated by their sometimes being stacked two-high.) Such an impact makes the site contrary to policy JP8 in the Walsall UDP relating to Bad Neighbour Uses. Officers consider that enforcement action would be justified by this impact .
- 12.6 In the second scenario the site and surroundings would be changed by the redevelopment of land on the west side of the site to provide a new road which would serve as the access to the new supermarket, and also serve as a new link to Wood Street. This redevelopment is important to the regeneration of Willenhall. Demolition of some industrial buildings required for the scheme has taken place and the developers are understood to be progressing towards a 'reserved matters' application, although the regulations governing the outline permission would allow up to nearly 5 years for construction work to start.

- 12.7 In this second scenario the site would experience a substantial enlargement on its west side by incorporating land left over from the redevelopment to create the new road, but would also experience a substantial reduction along its south side from the associated widening of Walsall Street. Details of this are provided in a planning application relating to the site which has very recently been received from the supermarket developers. The application proposes the alteration of the site boundaries, new openings in the west side of the building, and the erection of a 1.8 metre brick wall. The wall would run for about 100 metres in total, along the new road, the new boundary to Walsall Street and with a short return into Doctors Piece.
- 12.8 Officers consider that in this scenario the very unsightly nature of the site when approaching from the east would be unchanged. Furthermore, the proposed wall would enclose land on the corner of Doctors Piece and Walsall Street, which might otherwise provide an opportunity for tree-planting, but this would become part of the parking and loading area.
- 12.9 A major change introduced in this scenario however is that with the new road and its junction onto Walsall Street, the site would also become very prominent from the west and south. The site would become a focal point in the town, with two of its busiest roads on two sides of the triangular site. Officers consider that the 1.8 metre wall would not be high enough to screen the very large skips and the lorries, and a higher wall could itself be unsightly. There appears to be no space for landscaping proposed other than a low bed within the visibility splay at the new junction. Overall the site would be seriously detrimental to the quality of the street scene and would undermine the regeneration of the area.
- 12.10 In summary, the site is considered visually harmful.
- 12.11 It is therefore recommended that officers pursue discussions with company aimed at securing its relocation to a more suitable site in the area. The Committee is also recommended to delegate authority to officers to take enforcement action should discussions be unsuccessful. However, in recognition of the company's part in the local economy, including the employment it provides, and taking into account government guidance on small businesses, it is considered that the first objective should be to seek relocation on a time scale which would allow the company to adjust satisfactorily.