



Item No.

# *Walsall Metropolitan Borough Council*

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## DEVELOPMENT CONTROL COMMITTEE 22<sup>nd</sup> November 2005

### REPORT OF HEAD OF PLANNING AND TRANSPORTATION

#### Land on south side of Wolverhampton Street, Walsall

#### Reference number E05/0680

#### 1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the history and impacts of two advertisement poster-boards which are displayed back to back, and to request authority to take enforcement actions to secure their removal.

#### 2.0 RECOMMENDATIONS

- 2.1 That authority is delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to take any of the following forms of enforcement action to remove the poster-boards:-
- The commencement of prosecutions against the company displaying the poster-boards, the companies subject of the advertising, and any other relevant persons; in respect of conditions 5 and 6 attached to advertisement consent reference BC46638P, in the event that Breach of Condition Notices (a delegated function) are not complied with.
  - In respect of display of advertisements without the necessary consent; the commencement of prosecutions under section 224 of the Town and Country Planning Act 1990, against the company displaying the poster-boards, the companies subject of the advertising, and any other relevant persons.
- 2.2 That the decision as to the institution of legal proceedings in the event of non-return of Requisitions for Information, be delegated to the Assistant Director- Legal and Constitutional Services.

#### 3.0 FINANCIAL IMPLICATIONS

None arising directly from this report.

**4.0 POLICY IMPLICATIONS**

The report recommends enforcement action in order to seek compliance with planning policies and help facilitate regeneration objectives.

**5.0 LEGAL IMPLICATIONS**

Whilst delegated powers exist for officers to serve Breach of Condition Notices, given the potentially serious future impacts of the hoardings, officers would wish to also have in place the authority for prosecutions in the event of non-compliance.

**6.0 EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

**7.0 ENVIRONMENTAL IMPACT**

The report seeks authority for enforcement action to remedy adverse impacts.

**8.0 WARD(S) AFFECTED**

St Matthews

**9.0 CONSULTEES**

The Council's Physical Regeneration Service.

**10.0 CONTACT OFFICERS**

Philip Wears – Planning Enforcement Team  
Tel; 01922 652411.

**11.0 BACKGROUND PAPERS**

Enforcement file not published.

HEAD OF PLANNING AND TRANSPORTATION

**DEVELOPMENT CONTROL COMMITTEE**  
**22<sup>nd</sup> November 2005**

**Land on south side of Wolverhampton Street, Walsall**

**12.0 BACKGROUND AND REPORT DETAIL**

Introduction

12.1 The report concerns the display of two advertisement poster–hoardings which are displayed back-to-back at 90 degrees to the street, on its south side. One facing west towards Wolverhampton Road accommodates posters measuring approximately 12m by 3m. The other facing east towards the Art Gallery accommodates posters measuring approximately 6m by 3m. Both are externally illuminated by pelmet down-lights. Attention has been drawn to these hoardings by the clearance in recent years of buildings in the vicinity, in preparation for the anticipated Waterfront redevelopment. The hoardings now appear more exposed, and Officers are also concerned that the hoardings are likely to relate poorly to this redevelopment scheme, and this is discussed further below. A plan showing the location of the hoardings and the redevelopment site is attached to this report.

The lawfulness of the poster-hoardings

12.2 In considering the lawfulness of the hoardings it is noted that Advertisement Consent was granted in September 1996 for the display at Tristar Ford (the large car dealership which used to occupy the land) of poster–hoardings of similar size and orientation, for a one year period only, and subject to conditions. (ref BC46638P). One special condition required the hoardings to be removed at the end of one year, the impetus being to facilitate the Town Wharf redevelopment which was then anticipated. A standard condition required that they are only displayed with the permission of the owner. That was understood to be the case at that time, but the present owners are understood to be seeking removal to facilitate the Waterfront redevelopment. On this basis there is the opportunity to serve Breach of Condition Notices to require the removal of the hoardings, in respect of at least the special condition, and subject to confirmation, in respect of the standard condition also. Delegated powers are available to officers to do this, but officers request that the Committee grants authority to commence prosecutions if these Notices are not complied with.

12.3 The status of these hoardings under consent reference BC46638P is however complicated because the submitted location plan shows the hoardings to be located approximately 21 metres further east, along Wolverhampton Street, than their current position on site. On this basis the hoardings appear to have had no consent at all, and there is potential instead to seek their removal by commencing prosecutions in respect of displaying advertisements without the required consent. However, other submitted information in the application may contradict the submitted location plan and a legal view may need to be sought on the status of the consent, and which potential powers are appropriate in the light of this.

## The impacts of the poster-hoardings

12.4 In considering the impacts, and whether it is necessary to take planning enforcement action against the hoardings, it is appropriate to consider their present day impacts, and also their future impacts taking into account the intended redevelopment of the Waterfront area.

12.5 In connection with present day, officers note that the hoardings are visually very prominent in the street-scene , being large, close to the pavement, and being at 90 degrees to the street. When the consent reference BC46638P was granted for one year, the south side of Wolverhampton Street had a variety of commercial buildings including the very large Tristar Ford building. There were also some other poster hoardings adjacent, including nearby on the opposite side of the street a hoarding at 90 degrees and three pairs of hoardings at 45 degree angles to the street. Now however the buildings on the south side of the street have been demolished and the sites cleared, leaving the hoardings in question much more exposed. Furthermore, the development of the Crown Wharf Retail Park on the opposite side of the street has removed other hoardings, and the hoardings in question are now the only ones remaining in the street. Overall the redevelopments in the street have greatly changed the surroundings, and officers consider these hoardings have therefore become over-dominant and out of character.

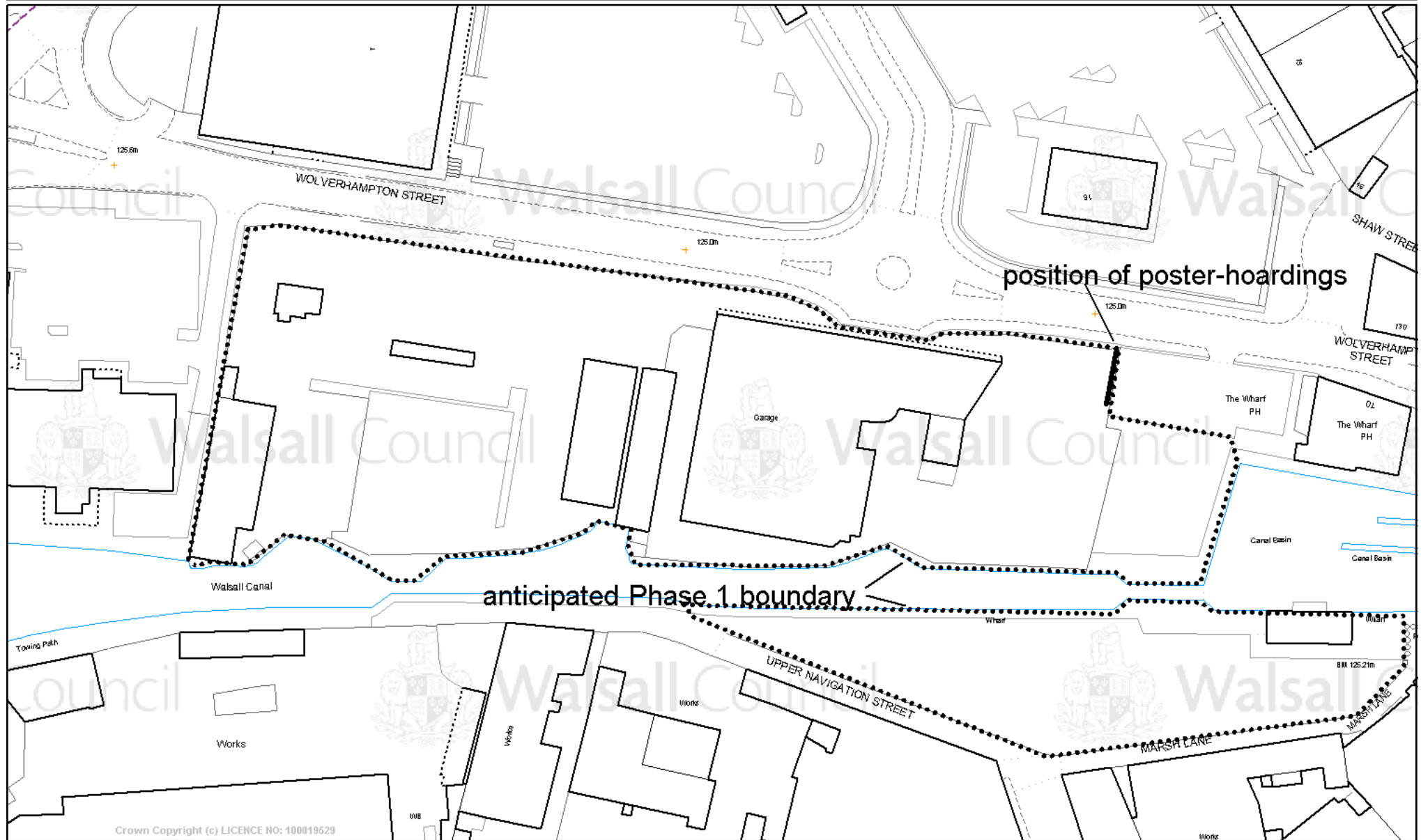
12.6 In connection with the future, it is necessary to stress their impact on the Waterfront redevelopment, which is considered by regeneration officers to be the most important project in the town centre. It is being promoted by the Council together with the Walsall Regeneration Company and other key partners, and is identified as vital to the future attractiveness and economy of the town centre, and therefore the borough as a whole. The hoardings are located on land identified as being in Phase 1 of the Waterfront redevelopment, a scheme involving residential, office and leisure developments, and a planning application for Phase 1 is expected by December 2005. Whilst in advance of this application, it is not certain that the hoardings will obstruct the construction of any future desired building, it is difficult to see how the hoardings will not obstruct one element or another in what is intended to be a very high quality and carefully balanced scheme. At the very least officers consider that the hoardings will be seriously out of keeping with the character of the scheme and injurious to its level of amenity and attractiveness.

## Conclusion

12.7 In view of the existing impacts of the hoardings, and their anticipated poor relationship with the Waterfront redevelopment, officers consider that the removal of the hoardings is necessary. It is recommended therefore that authority is delegated to officers to take the enforcement actions listed above, thereby allowing some flexibility to cater for future clarification of the status of the consent, and officer decision on the most appropriate tools in the light of this.

HEAD OF PLANNING AND TRANSPORTATION

# Land south side of Wolverhampton Street, Walsall.



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