

## **REGENERATION SCRUTINY AND PERFORMANCE PANEL**

Thursday 18 July 2013 at 6.00 p.m. at the Council House

**Panel Members Present:** Councillor L. Harrison (Chair)  
Councillor I. Azam  
Councillor D. Barker  
Councillor S. Wade  
Councillor R. Worrall  
Councillor M. Flower  
Councillor D. Anson

**Officers Present:** Simon Neilson – Executive Director, Regeneration  
Mike Tichford – Assistant Director, Regeneration  
Neville Ball – Principal Regeneration Officer, Planning Policy Team  
David Elsworth – Head of Planning & Building Control  
Matt Crowton – Principal Transport Planner  
Simon Tranter – Head of Regeneration Development & Delivery  
Richard Chadwick – Team Leader – Town Centre Development  
Chris Knowles – Lead Accountant  
Kelly Valente – Lead Accountant  
Jo Nugent – Team Leader – Borough Wide Development  
Matt Underhill - Committee Business and Governance Manager

**Portfolio Holder Present:** Cllr A. Andrew, Deputy Leader and Regeneration

### **254/13 APOLOGIES**

There were no apologies for the duration of the meeting.

### **255/13 SUBSTITUTIONS**

There were no substitutions received for the duration of the meeting.

### **256/13 DECLARATIONS OF INTEREST AND PARTY WHIP**

There were no declarations of interest or party whip for the duration of the meeting.

### **257 /13 MINUTES**

### **RESOLVED:**

**That the minutes of the meeting held on Thursday 13 June, 2013, a copy having previously been circulated, be approved as a true and accurate record.**

### **258/13 CHASE LINE ELECTRIFICATION AND BLOXWICH LEVEL CROSSING**

The Principal Transport Planner introduced the update. The following is a summary of the update and subsequent discussion:

- It was explained that Network Rail had advised officers that the planned electrification of the Chase Line Railway (Walsall- Rugeley Trent Valley section) was likely to be delivered by 2017/ 2018. It was also explained that

this would help deliver new benefits for the region including more frequent passenger services and making Northwest to London passenger services possible;

- In terms of current key issues it was explained that advanced works have been identified by Network Rail including the reconstruction of the overbridge at Broad Lane, adjacent to Bloxwich North Station. It is proposed to commence this work in November 2013 and it is anticipated to be a 16-week construction programme. These works will necessitate a road closure for 12 weeks. It was explained that the council is liaising with Network Rail regarding the design of the bridge, traffic management and stakeholder engagement;
- In relation to Bloxwich Level Crossing it was explained that signalling improvements were underway, including converting the crossing to a remotely controlled CCTV monitored type. However, Network Rail have also proposed that the level crossing should be closed on safety grounds at the same time as the electrification works are commissioned in 2017/18. The proposed closure will require some traffic to re-route in the area and it is anticipated that Network Rail will be funding the mitigation works;
- Officers agreed with a Panel Member who pointed out the planned electrification of the Chase Line Railway would assist the HS2 scheme. In response to a Panel query it was explained that proposals for the development of a station at Aldridge were been considered by Network Rail as part its Strategic Business Plan for 2014-19. If it was given the go ahead the works would take place at a similar time to the electrification of the Chase Line. In terms of funding it was explained that £5m of funding for the Aldridge station had been secured from the Local Enterprise Partnership (LEP), although the remaining £18m required would have to be provided by Network Rail;
- A Member expressed concern regarding the impact of the closure of the Broad Lane Bridge on local traffic. Officers explained that the council was working closely with Network Rail to determine the best traffic management solution. The Portfolio Holder noted that the Chair had undertaken a significant amount of work with residents regarding the range of planned and proposed works. The Chair explained that local residents recognised that it was not feasible for the Bloxwich level crossing to remain open due to the frequency of trains, necessitating the barriers to be closed for long periods of time. However, she highlighted that it would be important for more consultation activity to be undertaken to address the traffic issue. It was explained that different models of traffic calming were being considered, including new traffic lights. In relation to the Broad Lane Bridge proposals it was explained that a final decision would not been taken on whether the works would go ahead until a public consultation event was held in late summer/early autumn. It was also explained that Network Rail could undertake these works under their permitted development rights, therefore they do not require planning permission. However, approval would still be required from Council for elements of these proposed works. It was further explained that these works would have to be integrated with the works underway on the M6. Following Panel queries, officers explained that the installation of a temporary pedestrian bridge had been confirmed by Network Rail, and traffic calming works were planned at Creswell Crescent in advance of the main bridge replacement works.

**RESOLVED:**

**That, an update on Chase Line Electrification and Bloxwich Level Crossing is a standing agenda item; &**

**The update was noted.**

**259/13 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Principal Regeneration Officer introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that the existing Affordable Housing SPD requires that 25% of housing on new developments is affordable and provided on site. This affected the viability of housing developments and the ability of developers to provide affordable housing. It had been determined that the SPD needed to be revised to reflect current conditions. It was explained that the key change was an option for housing providers to pay a commuted sum in lieu of affordable housing provision on site which will then be invested in providing affordable housing on key strategic housing sites across the borough;
- The draft document was approved for public consultation by Cabinet in March 2013. It is intended to hold a 6 week public consultation during September and October 2013. Officers will then report back to this Panel on the consultation responses and any changes, prior to submission of a final SPD for adoption by Cabinet in February 2014;
- Following a Panel query it was explained that the ability to make s106 payments, including the value of any value of the commuted sum for affordable housing was determined by the district valuer, on the basis of scheme viability. These pooled contributions will enable the council to direct affordable housing to more suitable sites. Officers explained that the commuted sums create a useful pot of money that will enable the council to stimulate sites and establish a more mixed and balanced community. Officers also explained that social housing developments were undertaken by providers including whg and Accord Housing;
- The Portfolio Holder noted that Walsall had used New Homes Bonus to support the development of hundreds of new homes. He explained that the level of development witnessed in Walsall outstripped many similar size areas within the region. The proposed changes would help address the existing problem of some developers sitting on sites because they are not viable to develop;
- In response to a Panel query it was explained significant work was being undertaken by officers from Regeneration with officers from Public Health to ensure that the health of residents in the built environment was reflected in the council approach to planning. In response to a further Panel query it was explained that a six week consultation was the recommended period for consultation on a policy document. It was also explained that the consultation period for the Strategic Allocation Document (SAD) and Area Action Plan comprises several stages over a lengthy period, and officers were willing to receive additional feedback outside of the formal consultation periods.

**RESOLVED:**

**That Members be provided with details of the number of housing developments that had been supported by New Homes Bonus; & the report be noted**

**260/13 BLACK COUNTRY ENTERPRISE ZONE (BCEZ)**

The Head of Regeneration Development & Delivery and the Team Leader – Borough Wide Development introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that the BCEZ focused on two locations, Darlaston and Wolverhampton North, which incorporated the i54 site. The Darlaston element of the Zone comprised 14 sites either side of the M6. It was explained that sites consisted of low grade employment land that was either cleared/ derelict vacant sites or part occupied. It was further explained that property consultants, DTZ, have been appointed to advise on financial models and delivery mechanism for the EZ along with commercial advice. A DTZ-led project team is also seeking to understand the infrastructure costs associated with creating viable development platforms on the remaining EZ sites. It was also explained that these costs will inform the financial model which will enable a projection of potential business rates which the government will permit the BCEZ to reinvest over a twenty-five year period. This reinvestment forms part of the BCEZ Investment Strategy which will help with a key objective of job creation;
- In relation to Phoenix 10 it was explained that the council was now the lead for the project and will acquire the HCA land holding and procure and manage a contract of works for delivery of the site reclamation through a major ground excavation and reinstatement method. It was explained that Cabinet and the Black Country Local Enterprise Partnership (BC LEP) have agreed in principle the reinvestment of future business rate uplift to fund/ payback the council's prudential borrowing to fund the reclamation project. Other activity includes the appointment of an external legal team to act on behalf of the council in relation to the land transfer and to advise the council on taking the project forward. Following a Panel query it was explained that there were three options for addressing the contamination on the Phoenix 10 site. These were 1: Do nothing; 2. cap existing mine shafts; 3. removal of all contaminated materials, together with the coal. The business case currently being developed would then help determine the most appropriate option. However, it was emphasised that no decision had been made at this point and would not be before a report to council. In response to a Panel query it was explained that the Environment Agency (EA) do place some restrictions on what it will permit. While the Coal Authority might object to development if the coal were not removed from the site. It was also explained that it was likely that the work on the site would take between eighteen months and two years.

**RESOLVED:**

**That the report be noted**

## 261/13 **DEVELOPMENT AND ENFORCEMENT ISSUES UPDATE**

The Head of Planning & Building Control introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that the report provided to Panel Members was the Development Management Performance Update, together with the supplementary Progress of formal enforcement actions report. It was explained that these documents were supplied to the Planning Committee on a quarterly basis and that a copy of the report will be sent to all Councillors from now on following Planning Committee as part of the weekly list of applications and decisions made.
- Going forward Members were invited to identify specific planning or enforcement issues that officers could then provide guidance on at future meetings. In relation to the decision by Tesco to not go ahead with planned development work in Brownhills it was confirmed that the company had no plans to undertake any such work in the future. A number of Panel Members expressed concern regarding the termination of these works and the importance of seeking to achieve improvements at Ravens Court;
- In response to a Panel query it was explained there were no specific factors that would have resulted in a significant proportion of enforcement actions relating to the Willenhall Short Heath area.

**That the report be noted**

## 262/13 **OLD SQUARE DEVELOPMENT**

**Prior to the commencement of this item Councillor Flower asked that it be noted that he sat on Audit Committee where the Old Square development had been discussed previously.**

The Team Leader – Town Centre Development introduced the update. The following is a summary of the update and subsequent discussion:

- It was explained that the council exchanged a land sale and development contract with Zurich Assurance on 17 May. This commits the Council to becoming the developer and landlord, subject to a number of conditions being met. The land sale and development conditions include the agreements for lease between Zurich Assurance and Primark/ Co-op being amended to reflect the council's role in the project, and then those agreements for lease going unconditional before the long-stop date of 30 September 2013. The amended agreement for the lease has also been shared with Primark. It was explained that different procurement and contractual arrangements will be required if the council is confirmed as the developer and this has prompted a significant amount of legal activity;
- It was also explained that Morgan Sindall has been appointed as the council's contractor to construct the Primark/ Co-op and access/service yard. The building contract will not be formally in place until the land sale and development agreement is unconditional which is not likely until the end of

October 2013. Morgan Sindall has proposed a 55 week construction programme, commencing on site at the end of November;

- It was explained that a project of this nature requires a robust risk management approach, with the approach reported to Audit Committee in June 2013. A further informal briefing session with Audit Committee Members was planned for later in July. In addition, the contractor has its own risk register of over 120 items to be addressed before development can commence. Legal support for the council is being provided by Brabners, while project managers Pick Everard have been appointed as the council's technical assistant and project manager in delivering the scheme;
- In relation to other town centre development activity it was explained that the Walsall Town Centre Area Action Plan Issues and Options consultation period had now concluded. The responses, together with those received for the SAD are currently being recorded and analysed. The responses will help inform the preferred option version of the report, set to be put to public consultation summer 2014;
- It was explained that the council is required to plan for the delivery of an additional 85,000 square metres of comparison retail floor space by 2026. The Primark/ Co-op development will provide approximately 4,000 square metres of additional floor space. In relation to the St. Matthew's Quarter Norton and Proffitt had received planning consent for approximately 9,000 square metres of retail floor space, with a proposal for an additional 5,000 square metres of floor space also received;
- Planning consent had also been given for two cinemas at the Waterfront and the site adjacent to Tesco. While in relation to the Gigaport, Cabinet are set to consider a report which recommends the disposal of the Lime House site to the College for a Business and Sports Hub. A planning application is anticipated in the autumn. It was also explained that in relation to Noirit Ltd a planning application is anticipated shortly for a scheme of approximately 5,000 square metres;
- Following Member queries it was explained that the recommendation made by the Panel to Cabinet was that the market should be relocated to the Bridge, with works including the removal of the fountain. It was also explained that the Judicial Review sought by the owners of the Saddlers Centre related to the St. Matthew's Quarter proposed development rather than the Old Square proposed development;

## **RESOLVED:**

**That the update be noted**

## **263/13 DRAFT REVENUE AND CAPITAL OUTTURN 2012/13**

The Lead Accountant introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that there had been a net revenue underspend of £300k, including in relation to holding vacant posts, as the directorate seeks to make the required budgetary savings. There had also been a capital underspend as

a result of grants replacing mainstream funding, particularly in relation to housing, including the disabled facilities grant.

**RESOLVED:**

**That the report be noted**

**264/13 WORK PROGRAMME & FORWARD PLAN**

The Panel considered the work programme and forward plan. Councillor Wade was chosen to represent the Panel on the Welfare Reform Working Group.

**RESOLVED:**

**That Councillor Wade will represent the Panel on the Welfare Reform Working Group; &**

**that the work programme and forward plan be noted**

**265/13 DATE OF NEXT MEETING**

The Chair noted that the next meeting of the Panel would be 5 September at 6:00pm

*The meeting closed at 7.50 p.m.*

Chair:

Date: