



DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning,
Regeneration
On 25th June 2007

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To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 25th Jun 2007

REASON FOR BRINGING TO COMMITTEE:

Application Number: 07/0618/FL/W7 **Case Officer:** Andrew Thompson

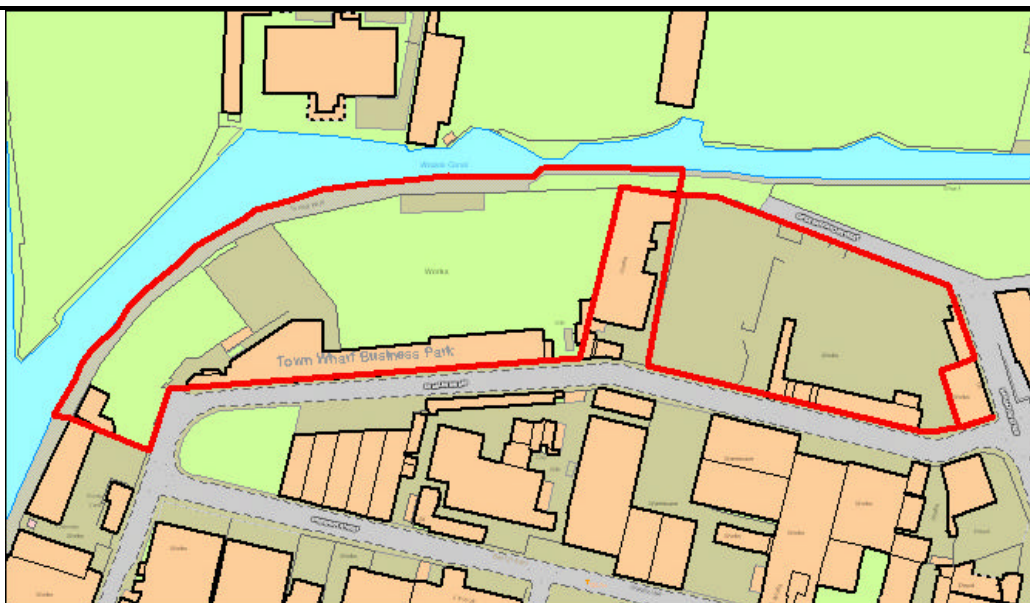
Application Type: Full application **Telephone Number:** 01922 652403

Applicant: Jessup **Agent:** S.P.Faizey Chartered Architects

Proposal: Redevelopment for residential (357 dwellings) and commercial buildings (shops, offices, restaurants, leisure uses) and car park **Location:** LAND BETWEEN CHARLES STREET & CANAL, WALSALL, WEST MIDLANDS

Ward: St. Matthews

Recommendation Summary: Grant Permission Subject to Conditions and a Planning Obligation



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Reason for Bringing to Committee: Major Application

Application and Site Details

Members will recall application 06/1450/OL/W7 (hereafter called “the Urban Splash development”) approved on 23rd December 2006 which was a hybrid application for the first phase of the Waterfront Development. This application is the next stage of the regeneration programme to be considered.

The application site comprises 1.75 hectares on land between the southern boundary of Walsall Canal and to the north of Charles Street. The application site is in two distinct parts, an East Zone and West Zone. Between the two Zones, but outside the application site is the Kirkpatrick's foundry. The application site includes the towpath where it is not already part of the Urban Splash development.

The application site currently comprises areas of demolished buildings, and a variety of warehouses and former factory buildings, many in a poor state of repair and vacant. To the canal frontage are a mix of high brick walls and corrugated steel fencing.

The proposals comprise 344 apartments and 13 houses (totalling 357 dwellings).

The West Zone it is proposed to be

- 113 2-bed apartments
- 112 1-bed apartments
- 13 houses
(eleven 3 bedroom units, one 4 bedroom unit and one 5 bedroom unit).

The East Zone includes

- 119 apartments
(fifty seven 1-bedroom and sixty two 2-bedroom units)

It is also proposed to include several commercial units in the East Zone. The application specifies a range of uses for the commercial aspects of the buildings, with the intention of gaining approval for that range, to allow flexibility in letting etc.. The list of uses, by Use Class, is as follows:-

- 4,797sqm office building (Use Class B1a) including café and children's play area.
- 330sqm of A1 (retail), A3 (restaurant/café), and D2 (leisure) uses
- 400sqm of A2 (financial and professional services), B1(a) (offices), and D2 (leisure) uses
- 54sqm for a Development Office (Use Class sui generis)

247 car parking spaces are proposed for the residential units on the development, a parking provision of 64%, and including 62 of those spaces in a decked car park. An additional 69 spaces are proposed for the 4.797 sq.m.

of offices at 1 space per 70sqm and 10 spaces for the other commercial facilities, 1 space per 40sqm. The office building would also provide secure cycle parking within the main office decked car park.

In detail, as highlighted in the Design Statement, the proposed buildings are as follows:

EAST ZONE

The front façade of the locally listed Homer Building (shown as **building E1** on the proposals), building, will be retained as part of the proposals with contemporary extensions to the rear and side to link the existing building to the rest of the development and to retain the relationship to the Towe building (on the corner of Navigation Street and Charles Street) which is not included in the proposals.

Building E2, extends from the Towe Building, along Navigation Street and along Upper Navigation Street. The building is 5 storeys alongside the Towe Building, rising to 8 storeys as the building curves around the junction between Navigation Street and Upper Navigation Street. As the building approaches the zone of influence from the former limestone workings the building height is reduced down to 5 storeys.

Building E3, the principal office building, sits at the end of the apartment building, between that and the Kirkpatrick buildings. Its main elevation is on the canal, and it extends back though this part of the site to the Charles Street frontage. It has a dominant position within the development, located where Upper Navigation Street meets the canal towpath and is set back from the canal boundary creating a public space in front of the building entrance. Access into the building is through an atrium. Its most striking feature is blue tinted inward raked glazing over the doors, set between green tinted glazed wings which reach out towards the canal. The contrasting glazing and juxtaposition of the angled glazing ensures the building can be seen when approached from the towpath. There is also a practical purpose in this arrangement as the two wings are constructed either side of a former mine shaft used in relation to the limestone workings, with the atrium spanning over the shaft supported by the two wings.

WEST ZONE

Building W1 is on the other side of Kirkpatricks, and extends from the canal towpath through to Charles Street. The building is in the zone of influence of the former limestone workings and is limited to 5 storeys. There are two steps in the building taking into account the change in levels across the site. The building has a six apartment footprint based around two service cores all accessed from a new vehicular and pedestrian access from Charles Street – The Boulevard. On the ground floor, five of the apartment footprints are used for 15 undercroft car parking spaces plus cycle and refuse storage. At the northern (canal) end there is a single ground floor apartment, which is dual aspect facing The Boulevard and the canal towpath. On the upper floors a further four dual aspect apartments form the corner between the canal towpath and The Boulevard. The remaining five apartments on each of the

four upper floors are west facing single aspect with views to The Boulevard (because their backs are on the Kirkpatricks boundary). The two service cores each accommodate stairs and lift.

Building W2 comprises 13 houses in a single block in a J form on plan. Twelve of the houses are three storeys, three bedroom properties each with 2 car parking spaces within the property curtilage. A single vehicular access off Charles Street serves the car parking for the houses and the parking for apartment buildings W3 and W4. The front doors to the houses are off Charles Street and the new tree lined Boulevard (a wide pedestrian way that will link Charles Street with the canal towpath). The entrance hall for each house gives access to the car parking, with stairs up to the main living level at first floor. The living rooms open out onto a raised deck boardwalk that links the houses at first floor level. The Boardwalk is a communal space for the residents of the houses and apartment building W3. In addition each of the houses has a private deck area. At the canal end of the block a four-storey house forms a focal end, with windows on three sides and a private raised deck area at first floor level.

Building W3 is four storeys high and accommodates 18 apartments on a 5-apartment footprint served by a single stair and lift core. On the ground floor two apartments face the canal, with accommodation for 6 undercroft car parking spaces plus cycle and refuse storage accessed from the ground level of The Boardwalk.

With its raised central core and angled projecting roof towards the canal, the building is a contemporary adaptation of a canal wharf building with the subtly curved projecting bay reflecting the start of the bend in the canal. Curved balconies are incorporated on the canal side elevation, which continue the curve of the bay. Most of the roof area will be an extensive green roof, with terrace areas set amongst beds of sedum, herbs and grasses. The service core is taken up to roof level to give access to the roof terraces.

Building W4, is four storeys high and accommodates 18 apartments on a 5-apartment footprint served by a single stair and lift core. On the ground floor three apartments face the courtyard, with accommodation for 6 undercroft car parking spaces plus cycle and refuse storage accessed from the ground level of The Boardwalk.

Building W5, "The Development Manager's Office", is a two storey building sited at the back of the canal towpath between the boardwalk housing (E2) and building E3. The building is curved on plan on opposing faces and provides accommodation for a development manager to co-ordinate the maintenance of the development when completed.

Buildings W6 and W7, each accommodate 82 apartments on a 12-apartment footprint served by two stair and lift cores. On the ground floor all apartments face the canal, with courtyard accommodation for 17 undercroft car parking spaces plus cycle and refuse storage. The building takes a waveform on plan

to the canal towpath, achieved by convex curving of projecting bay elements and both convex and concave curving of balconies. This theme is carried through in the building height, being 6 storeys high at the east end, 7 storeys high at the west end and 8 storeys high in the middle. Whilst following the curve of the canal, the building will offer variance of light, shade, form and colour to the towpath. The two service cores each accommodate stairs and lift. Each core has access from the courtyard and from the towpath. Both cores are glazed providing natural light and ventilation to the stairs and corridors. On the courtyard elevation the glazing is vertical, to the towpath it rakes back from the canal and narrows as it rises up the building adding further emphasis to the vertical circulation and affording views out from the service cores.

Building W8, (The Twin Deck Car Park) is located within the west zone courtyard along the Charles Street boundary. The deck arrangement takes advantage of the level changes across the site, with the lower deck accessed from the east adjacent to the development access off Charles Street and the upper deck accessed from the west. A stair core serves both decks and gives pedestrian access to the landscaped courtyard seating area and from the apartment buildings. A total of 62 cars are accommodated on the two decks. The top deck is open, apart from the stairs, with the walls a combination of brick piers with metal panels between (some ribbed, solid panels, with other perforated panels to provide natural ventilation). The car park is set back from Charles Street behind shrub planting, with 6 trees positioned to coincide with alternative metal panels. The remaining 5 panels on the Charles Street frontage are set aside as “Art Panels” resulting in an active and creative frontage to Charles Street.

Public Realm, the proposals also incorporate two significant public spaces – at the front of the office building where Upper Navigation Street meets the towpath and where The Boulevard meets the towpath. At the latter location it is proposed to erect a footbridge over the canal to link the development with the Urban Splash development and through to Crown Wharf Retail Park. An indicative design for the bridge is included on the drawings submitted but final design and siting is subject to agreement with British Waterways. The proposal is for a swing bridge, the structure will be lightweight for ease of operation by boat users and to avoid obstruction views of the Art Gallery. The bridge would give priority for pedestrians, with only boat users being able to operate the bridge by having key control.

Public Art, the proposals include several elements of potential public art. The “See you Saturday, sweetheart” artwork is shown on the top of the office building (Building E3) facing the canal. There is also a proposed “Art Wall” facing the canal located adjacent to the “Development Office” (Building W5). As indicated above there are also metal panels on the proposed car park (Building W8) facing Charles Street. There are also a number of other opportunities for public art throughout the Boulevard public realm and along the towpath that will be agreed in conjunction with the aims of providing a Strategic Public Realm and in consultation with the New Art Gallery.

The proposals are supported by a Design and Access Statement, Transport Assessment, Flood Risk Assessment, Noise Survey, Limestone Mining Research Risk Assessment, Air Quality Assessment, Nature Conservation Plan, Geoenvironmental and Geotechnical Assessment, Financial Assessment and Planning Policy Assessment.

Relevant Planning History

06/1450/OL/W7 - the Urban Splash development - Outline application for a mixed use scheme including leisure, offices, retail, apartments and associated multi storey parking (consisting of 12 buildings, 7 of which were submitted as reserved matters) (excluding landscape proposals).

Relevant Planning Policy Summary (*Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website*)

Adopted UDP

Policy WA12: Town Wharf ("Walsall Waterfront") is the key policy for the area (the key passages are highlighted in **bold**)

(a) The land within this area represents the continuation of the second phase of the Town Wharf development: the possibility exists to consolidate the previous two phases and maximise the opportunity offered by this canalside location. Given the proximity of the area to the New Art Gallery and The Wharf Public House, both of which have received wide acclaim for their high quality contemporary design, **the Council will require particularly high standards of design in this area. This should be reflected not only in relation to future construction of buildings, but also in the relationship to the canal, and the quality of public space, with the aim that the development should provide a major 'gateway' to enhance the town centre as a whole.**

(b) The area, on both sides of the canal, is considered to be the main location in the town centre for substantial leisure development to serve the Borough and surrounding areas. It should be developed principally for leisure uses which can serve all sections of the community, and examples of uses that would be particularly welcomed by the Council include a cinema, a family entertainment centre and an adventure activity centre. **Associated bars/restaurants would also be encouraged, provided they form part of a comprehensive scheme to provide major facilities.** Other appropriate uses will include hotel, and conference facilities, cultural uses, and **office/business uses** (including small scale craft-based activities) to complement development primarily for leisure uses. **Retail use, except small-scale, complementary activities, will not be permitted. Generally, the mix of uses and the arrangement of those uses should be such as to ensure the creation of the most attractive possible scheme for investment in leisure facilities.**

(c) **Residential uses may be acceptable in appropriate locations as part of a comprehensive scheme**, but must be able to provide an acceptable residential environment (in terms of Policy S8 in Chapter 5) without constraining the development of leisure and other commercial uses or the operation of existing nearby industry.

(d) **Should the existing industrial uses in the area south of the canal remain, they will be able to develop and enhance their existing properties** - provided that this would not have any greater adverse impact on the development of leisure and other town centre uses around the canal. Where any new development opportunities might arise in the area - for example, through the relocation of existing businesses - then the guidelines set out in this policy (and in any Supplementary Planning Document produced by the Council) will apply.

(e) The emphasis within the area should be on redevelopment rather than refurbishment. However, **within the Marsh Street / Navigation Street area there are a number of buildings of local architectural interest which must be retained.**

(f) **The development of the area should relate positively, in visual and functional terms, to surrounding areas and particularly to the rest of the town centre.** Strong and secure, pedestrian linkages will be required both to and within the development to encourage the maximum public access. In particular:

I. **public access must be provided along both sides of the canal arm**, with a canalside promenade on the northern side and the retention and appropriate enhancement of the existing link along the southern side; and

II. **at least one bridge should be provided across the canal arm** to link the developments north and south of the canal - this should be designed so that navigation of the canal arm is not restricted unduly.

(g) Development proposals should be brought forward in a manner which will ensure the comprehensive development of the area and should accord with a Development Brief and Design Guidelines produced by the Council as a Supplementary Planning Document.

Other policies to consider that are associated with the development are policies in the general principles chapter (Policies GP1 to GP7) relating to sustainable development in appropriate locations, encouraging regeneration, and meeting the needs of all the population.

Policies Env9, Env10, Env11, Env14, Env17, Env24, Env26, Env28, Env29, Env32, Env33, Env34, Env39, and Env40 seeks to build an enhanced environment, taking into account pollution control, new planting and landscape issues, the need to preserve and enhance locally listed buildings

and the Walsall Locks Conservation Area, to seek high quality design and to promote sustainable use of energy and resources.

Policies JP2, JP7 and JP8 seek to secure appropriate employment opportunities in appropriate locations (e.g. the office uses) and securing high quality employment, particularly developing the service sector in Walsall Town Centre.

Policies S1, S2, S3, S4, S6, S7, S8, S10 seek to strengthen Walsall Town Centre as the primary centre in the Borough, making sure retail is provided to meet local needs and that town centre uses, such as offices, are provided within the town centre boundary. Appropriate consideration of eating and drinking facilities and housing in the town centre are also considered under these policies.

Policies H3, H4, H9, and H10 seek to secure appropriate consideration of affordable housing, housing density and layout as well as detailed design considerations.

Policies T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, and T13 promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport and to secure appropriate car parking provision.

Policies LC1, LC8, LC9 seek to provide a good level of open space and capability for leisure and recreation and recognise the canal network as a principal facility throughout the borough. Policy WM4 seeks to ensure that recycling facilities are provided for within development.

In coordination with policy WA12, policies WA1, WA3, WA5, WA7, WA15, WA16, WA18, and WA19 seek to promote and develop the town centre and bring forward high quality environments. Reduced levels of car parking as well as the association with the bus and rail services are recognised. The importance of the New Art Gallery and Walsall Locks Conservation Area is recognised.

Walsall Local Development Framework

Waterfront SPD (November 2006) is the key element of the Local Development Framework for the area (the key passages are highlighted in **bold**). The SPD promotes the Waterfront as the creation of a new gateway to the town centre and the New Art Gallery civic space from the south and west, which is centred on the junction of the canal corridor and Wolverhampton Street. With regard to the uses on the Waterfront the SPD indicates:

Leisure – as per policy WA12, the area on both sides of the canal should be developed principally for leisure uses. A cinema, family entertainment centre and adventure activity centre would be particularly welcomed. Other leisure uses could include places of worship, health facilities, **community facilities**,

training centres, cinemas, concert halls, **conference facilities**, sports facilities, casinos, bingo halls, theatres, nightclubs, health and fitness centres and other commercial leisure such as bowling centres. **Bars, cafes and restaurants** will be encouraged, provided they form part of a comprehensive scheme to provide major facilities.

Residential – an appropriate mix of units is required (including larger format accommodation), all of which should demonstrate high design standards and an adherence to best industry practice. It should not constrain the development of leisure or other commercial uses in the development.

Offices – both B1(a) other office uses and A2 (Financial and Professional Services) will also be welcome to complement development principally for leisure uses. B1(b) research and development uses, or small-scale craft based activities will also be considered appropriate.

Arts/ Culture – the provision of a cultural attraction strategically located in a 'gateway' location will be promoted, as will the provision of **public art work across the Waterfront area**.

Retail – some **small scale, complementary food or non-food retailing will be acceptable**.

Water-space – the potential for waterborne activity, including visitor facilities, **moorings, and other essential boaters' facilities and services, should be considered if they are compatible with other development aspirations**. Any such works should be undertaken in accordance with the British Waterways document "Code of Practice for Works Affecting British Waterways".

The Council have also adopted an Affordable Housing SPD, an Urban Open Space SPD, an Education SPD and Healthcare SPD which supplement the Adopted planning policy to secure appropriate planning contributions for development.

Regional Spatial Strategy for the West Midlands (RSS11)

Policies PA1, PA2 and PA6 seek to promote regeneration and encourage employment development in sustainable locations (i.e. within the Major Urban Areas) and to ensure that an appropriate portfolio of land exists to meet the needs of the economy. Policies QE1, QE2, QE3, QE4, and QE5 promote high quality environments, and policy QE9 highlights the need to promote the water environment and improve such facilities, including canals. The RSS promotes similar policies to the UDP and promotes sustainable development.

National Policy

PPS1 seeks to promote sustainable use of previously developed land whilst locating uses such as offices and retail development in town centres with a strong emphasis on high quality design. PPG4 seeks to promote and enhance

industrial and commercial development. PPS6 seeks to strengthen and diversify town centres.

PPS 3: Encourages reuse of previously-developed land for housing in sustainable locations and takes a sequential approach to location of new homes. Applications for residential on employment land should be given favourable consideration, subject to criteria.

Paragraph 10 of the new PPS3 indicates that housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

1. High quality housing that is well-designed and built to a high standard.
2. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
3. A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
4. Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
5. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

In considering high quality design, PPS3 (paragraph 16) guides that proposed development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access and creates a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.

PPS6 seeks to promote strong and diverse town centres whilst being accessible to all and promoting the need for high quality design. PPS9 indicates how development should promote biodiversity.

PPG13, promotes development accessible transport locations, reducing the need to travel by car and promoting walking, cycling and public transport. This is supported by Manual for Streets (published May 2007) which promotes a flexible approach to design and materials that build a high quality environment. PPG14 indicates how to accommodate development on unstable land. PPG15 seeks to improve the historic environment. PPG17 promotes outdoor sport and recreation.

PPS22 seeks to promote use of renewable energy, PPS23 seeks to reduce the impact of development in terms of Pollution Control. PPS25 seeks to reduce the impact of new development in terms of flooding.

Circular 05/2005 (Planning Obligations) is of relevance in this instance with regard to the appropriate level of planning contributions that will be sought.

Consultations

Transportation - No objections to the principle of residential development on the site. Detail relating to the road layout (road and footway widths and turning heads) in car parking areas is required. Conditions relating to adoptable areas, residential parking allocation strategy, travel plans and refuse / servicing strategy, visibility splays are requested.

Highways Agency – No objection subject to suitable travel plans being submitted to and agreed by the Council in consultation with the Highways Agency.

Pollution Control Noise

A noise survey and assessment has been prepared for the developer by Dunbavin Acoustics Ltd, reference MBH/NC/5102. This report concludes that the majority of the site falls within Noise Exposure Category (NEC) B of PPG 24: "Planning and Noise". There is also an area of the site that falls into NEC C. PPG 24 recommends for NEC B that "Noise should be taken into account when determining planning applications" and for NEC C "Planning permission should not normally be granted". There are mitigating measures recommended in the report to overcome these issues.

Also I am of the opinion that the noise climate will change significantly when the development is completed due to changes in the land use, traffic flows, population size and intensity.

At this juncture it is appropriate to draw attention to the issue of commercial development situated beneath residential areas, and its implications for both the overall noise climate (in terms of siting of cooling/ventilation/air conditioning/sound amplification equipment) and specific noise transmission between the two uses concerned and other related issues, for example: operating hours; sound insulation; control of amplified music etc.; deliveries and/or dispatches; and behavioural noise.

Accordingly I request that the following conditions be attached to any permission granted and that where appropriate they are discharged before respective commercial and residential elements of the development are brought in to use:

- No development shall take place until suitable noise mitigation measures to protect internal and external residential areas (including balconies) have been agreed in writing with the local planning authority, and such elements of the development shall not be occupied until requisite mitigation measures have been fully completed.

- Plant and equipment used for the purpose of heating, ventilation, air conditioning, refrigeration and/or freezing shall be situated within building structure(s), or acoustically designed enclosures, or at suitable locations approved in writing by the local planning authority, and thereafter retained in accordance with any approval for the period of their use.
- Noise from fixed plant and machinery associated with commercial development shall not give rise to a Rating Level exceeding 0 dB as determined in accordance with the methodologies contained British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas'.
- Collections, deliveries and despatches to and from commercial development shall only take place between the hours: 07.00 to 19.00 weekdays, excluding specified Bank and Public Holidays; 08.00 to 13.00 Saturdays; and at no time on any Sunday, Bank Holiday and Public Holiday.

[Bank Holidays and Public holidays for this purpose may be taken to include: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday, and August Bank Holiday Monday.]

Notes for applicant

With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:

- a). internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(5 \text{ minutes})}$, of 35 dB together with a maximum instantaneous level of 45 dB) L_{AFmax} , between the hours 23.00 to 07.00;*
- b). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 45 dB between the hours 07.00 to 19.00; and*
- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, $L_{Aeq(1 \text{ hour})}$, of 40 dB between the hours 19.00 to 23.00.*

Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.

Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:

Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005

British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".

British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;

British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use

British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.

British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas

Calculation of Road Traffic Noise, 1988

*Calculation of Railway Noise, 1995
This is not an exhaustive list.*

Contaminated Land

A report submitted in support of the application has been reviewed, reference the Phase 1 Desk Study Geo-Environmental Report carried out by Johnson Pool and Bloomer (HS425-02/NJS/FL). This report concludes that significant intrusive ground investigation including chemical testing and ground gas assessment will be required to provide sufficient detailed information to facilitate a quantitative risk assessment of the hazards posed by previous land uses.

In order to fulfil the recommendations of the report please attach the following conditions to any planning approval issued:

- Prior to built development commencing a site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

Note for applicant

Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy

Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "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" (CIRIA C659); 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.

- Prior to built development commencing details of remedial measures to deal with any identified or potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model 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.

- Approved remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with an agreed timetable. 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.

Air Quality

With reference to the report "Air Quality Assessment for Proposed Walsall Waterside South Development" from Enviros on behalf of the developer:

The background PM₁₀ level used for the purposes of the model is TEOM data from White Horse Road, Brownhills. Background air pollutant levels are available from the UK Air Quality Archive website; however the report states that these have not been used due to the availability of relevant, local air monitoring data.

Data is actually available for the period 2004 to 2006 for a site within 300 metres of the Kirkpatrick site known as Pleck Road/Wolverhampton Road, which is considered to be more relevant.

The study has used a discharge height of nine metres for a shot-blast unit annexed to the foundry. Previous visits to the site have identified the emission point to be approximately two to three metres above the yard level, and should be verified with the foundry operator **in order to re-run the model.**

Additionally the effects of the proposed surrounding development on the furnace stack and dispersal of exhaust gases and particulates should also be adequately assessed and reported at this stage.

Concerning air quality objectives, it is apt that I highlight that there is a provisional fine particles PM₁₀ objective proposed to be achieved by 2010. For convenience I have included a table for comparison purposes.

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Particles (PM ₁₀)	50 mg m ⁻³ not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 mg m ⁻³	Annual mean	31.12.2004
	50 mg m ⁻³ not to be exceeded more than 7 times a year	24-hour mean	31.12.2010
	20 mg m ⁻³	Annual mean	31.12.2010

It is my understanding from discussions with Planning Services that the residential build adjacent to the foundry is not scheduled for commencement until 2012. As a prudent exercise I therefore recommend the provisional air quality objectives for achievement by 2010 are considered.

The Enviro report states that provided levels of PM₁₀ achieve the annual mean objective, then the 24-hour mean objective would also be forecasted to be achieved, and therefore attention has been focused on the annual mean air quality objective. In light of the Pollution Division's

extensive ongoing work in Chuckery with respect to an iron foundry, I strongly disagree that this can be taken as an automatic assumption and must recommend that the 24-hour objective limit is also assessed.

An odour assessment has been conducted by person(s) visiting the site and making subjective appraisals at a number of points around the foundry. The survey does not give times of day when the assessment was made, and crucially what processes were being carried out at the foundry. In view of the scale of the development and the introduction of sensitive receptors at residential properties, Pollution Control recommends that the applicant further investigates this matter.

During a recent site visit I was able to verify the existence of a paint-type odour in the vicinity of Charles Street. This odour is due to a coating process including curing of paint at the southern site of Kirkpatrick's foundry. These activities are not included within the extant Permit to operate a prescribed process.

The odour survey conducted in support of the application has also identified this odour, and on a scale of 1 – 5 has ranked it as 3 (moderate).

I have concerns that this odour in a domestic context is likely to result in justifiable complaints to the Council, which could be extremely difficult to successfully resolve to the satisfaction of future occupants.

Also located on the southern site is an additional shot-blast unit that has not been included in the modelled scenarios. It is considered worthwhile to include this source of particulate matter into the modelled scenario(s).

Finally, I draw to your attention that on the eastern and western facades of the foundry there are what appear to be ventilation ducts. The western outlet is aided by a mechanical fan, and build up of particulate matter is evident on the factory façade. As residential units are in very close proximity it is imperative that this issue is resolved prior to any occupancy of the building.

Electricity Sub-Station

The National Radiological Protection Board recommends that no housing should be built within 5 metres of a substation in order to protect the occupants from background radiation. Should any residential development therefore fall within this separation distance, it is recommended that:

- The development shall not be permitted unless it can be safely demonstrated by, or on behalf of, the applicant that electromagnetic fields

at occupied residential development fall within guidelines published by the International Commission on Non-Ionising Radiation Protection, (ICNIRP).

For convenience I have appended a synopsis to this memorandum.

If you require any further help or advice from Pollution Control, please do not hesitate to contact me.

British Waterways – Welcomes the opportunity for regeneration and canalside improvement subject to the following comments:

- Would like a wind assessment to be carried out.
- Would need to be involved in the strategic public realm and surfacing of the canal towpath.
- Would prefer a static bridge
- Suitable drainage mitigation would need to be agreed with British Waterways
- Would prefer “manager’s office/sanitation station” on the canal basin.
- Request to be involved in the S106 with regard to canalside improvements.

Inland Waterways Association – Objects on the following grounds

- Development too high and impact on the canal
- Development is too close to the canal.
- Like the Urban Splash development, the proposals will be unsympathetic to the canal.
- Lack of brick construction
- Objects to the glass office building
- Objects to the colour treatment and potential materials finishes.

Drainage – No objections

Public Lighting – No objection provided the area is lit to national standards

Seven Trent – No objection subject to a condition for drainage details.

Rights of Way – No rights of way affected.

Environmental Health – No objection subject to suitable mitigation and extraction and ventilation systems being installed for commercial units. However would prefer no bars/drinking establishments incorporated into scheme, commercial units would need suitable mitigation.

Housing Strategy – Due to the size of the development there will need to be an element of shared ownership and social rented units to provide a mixed and balanced community. Policy seeks 25% however it is accepted that due to abnormal costs a maximum of 38 units (10.6%) will be provided on the development.

English Heritage – No comments

Wolverhampton City Council – No objection

Centro – No objection

New Art Galley, Creative Design Team – Support the delivery of opportunity for public art, however the “See You Saturday, Sweetheart” artwork should not be located in the proposed location as it would be lost on the built form of the building and not deliver a visual link to the Art Gallery. The final position of this sign should be agreed with the New Art Gallery and artist.

WRC – Support the scheme wholeheartedly. It will ensure tangible benefits for the local community and provide a key transformational project at the heart of the Walsall Regeneration Company's aims and objectives.

Representations

One letter from a nearby licensed adult entertainment shop seeking to ensure that the development does not affect the licence of the premises.

One letter from the agents for Kirkpatrick's objecting to the proposals on the grounds that the proposals will adversely affect the existing industrial operations and result in the loss of the 110 jobs at Kirkpatrick's.

Letters from the Wharf Bar and their solicitors, and agents for the proposed developers of William House have been received acknowledging the application, however offering no comment on the proposals.

Determining Issues

- Continuation of the Waterfront Development Opportunity and comprehensive regeneration
- Policy WA12 and the Adopted Waterfront SPD.
- Design
- Amenity of residents
- Relationship to neighbouring industrial users – noise and air quality.
- Traffic Impact
- Car parking
- Opportunity for public art
- Renewable energy and biodiversity promotion
- Open space provision with the development
- Lighting
- Security
- Structural stability / ground conditions
- Section106 Agreement.

Observations

Continuation of the Waterfront Development Opportunity and comprehensive regeneration

The site forms a large portion of the southern section of the canalside development area and despite excluding Kirkpatrick's the proposal is comprehensive and makes sizable development proposals in accordance with the aims and objectives of Policy GP1 and GP2 of the adopted UDP and the Waterfront SPD.

Whilst the site excludes Kirkpatrick's the proposals are sizeable and do not compromise the operation of existing industrial occupiers nor does it prejudice the opportunity to bring this site forward separately from the current proposals.

In addition to the application proposals, indicative plans for the Kirkpatrick's foundry have been submitted by the applicant. Whilst these proposals may change in detail, the indicative proposals show a workable arrangement that will be a similar quality to the application in terms of design and layout.

The proposals link well to the Urban Splash development and have taken into account the impact of these proposals, particularly around Upper Navigation Street where the two schemes abut each other. The residential development at Upper Navigation Street is set back 6.5m from the centre line of the highway and as such allows for adequate separation distances between this proposed residential development and the building on the other side of the road (in the Urban Splash development and which has yet to be designed or approved).

Policy WA12 and the Adopted Waterfront SPD.

Policy WA12 is the key policy for the area and the Waterfront SPD clarifies the council's approach to promote the Waterfront as a new gateway to the town centre, utilising the New Art Gallery civic space from the south and west, which is centred on the junction of the canal corridor and Wolverhampton Street. With regard to the uses on the Waterfront the SPD indicates:-

Leisure. As part of Waterfront, leisure uses, community facilities, conference facilities, bars, cafes and restaurants are encouraged by policy and are provided as part of the proposals. The other consideration in terms of leisure is the opportunity presented for informal leisure and the encouragement that the proposals will bring in the regeneration of the area. Sport England in their recent guidance document, Active Design, recognise the importance of both formal and informal recreational opportunities. In creating a high quality environment the proposals encourage the use of the towpath for walking and cycling, and create informal recreational opportunities through the development of the boulevard and the opportunity to increase the use of the canal. These are all improvements in the provision of the opportunity for leisure use.

In addition, the opportunity remains within the ground floor commercial units of the units at the corner of Upper Navigation Street and Navigation Street and in the Homer Building for leisure use under use

class D2. This would total a maximum of 770sqm. The office building would contain its own café and children's play area.

The proposals also include a development office. This will be used for the management/security of the development but could also be used in the future by British Waterways should further facilities be required as the use of the canal basin increases. Temporary moorings will also be offered in this location.

Residential – an integral part of the proposals supporting commercial aspects of the proposals and including a range of dwelling types. The proposals are of a contemporary design and relate well to the regeneration of the Waterfront as a whole.

Offices – both B1(a) office uses and A2 (Financial and Professional Services) are welcomed through policy and are potentially incorporated into the proposals. The proposals will provide a landmark, purpose built office building that will be central to the proposals and development. This facility will continue the initial Urban Splash proposals and compliment the proposed Office Corridor.

In addition the reuse of the Homer Building will potentially create a mix of smaller and diverse office premises that will add to the vibrancy and vitality of the development.

Arts/ Culture – the provision of public art work across the Waterfront area is welcomed and will create an identity for the area. This will be provided in a cohesive manner to the Urban Splash development and with clear strategies and delivery at the core.

A detailed aspect of this issue is that the New Art Gallery have expressed the view that the current location for the “See you Saturday, Sweetheart” artwork is not appropriate as it will not create a visual link between the Art Gallery and the artwork. An alternative location will be need to be found, in consultation with the Art Gallery, but the rest of the overall scheme meets the needs of the SPD in terms of artwork.

Retail – Policy WA12 states some small scale, complementary food or non-food retailing will be acceptable. A similar approach was adopted on the Urban Splash Development with further retail survey work to be undertaken should the proposed premises at the corner of Navigation Street and Upper Navigation Street be utilised for A1 purposes. It is noted that the office building contains a small café/coffee shop within the atrium, it is proposed to condition that this is not used for retail purposes.

Water-space – the potential for waterborne activity, including visitor facilities, moorings, and other essential boaters' facilities and services, are considered to be compatible with other development aspirations. Any

such works, including the moorings will be undertaken in accordance with the British Waterways document "Code of Practice for Works Affecting British Waterways". The current development office may in future offer facilities for boaters and visitors to the area.

Design

The applicant's design statement highlights that the main influences are

- The canal side location along the north boundary of the site, introducing waterfront living into the heart of the town.
- The location near to the Art Gallery, seen as a focal point for Walsall and giving the opportunity to integrate art forms as nodal points within the development.
- The other major developments proposed within the Waterfront Regeneration Area, in particular the inter relationship with the buildings and public realm proposed for Waterfront North ("the Urban Splash Development").
- The PFI proposals for the major redevelopment of the Manor Hospital (also on this agenda), reinforcing the role of the development in providing a strong pedestrian link between the town centre and the hospital.
- The integration of pedestrian movement within, through and around the development.
- The combination of commercial and residential use within the development, presenting the opportunity to provide active frontages both day and night.
- The need for vehicular access to be taken from Charles Street, affording the opportunity to segregate cars and pedestrians to have safe pedestrian access to the site from the towpath
- The need to co-exist with the existing commercial activities to the south and east of the site, in particular the retained Towe Building on the corner of Charles Street and Navigation Street and Kirkpatrick's foundry which separates the east and west zones of the development.
- The effects on ground conditions resulting from the Wolverhampton Street Mine infilling, which restrict the loadings being exerted by new buildings and thereby limits heights."

The primary requirement of all new development is to respond positively to the character of the area within which it is located. Where there is poor character new development should seek to establish new good character. The proposed development responds well to the adjacent canal, positioning new buildings to front onto it and reflecting the water theme with a wave effect in the horizontal plane of the residential buildings, and retaining the façade of the locally listed Homer building. This development also has to perform the task of sitting alongside the previously approved Urban Splash development and it should achieve this effectively through its architecture which is cleaner and more rhythmic in comparison. The building form also works with the constraints of the limestone mines, and the staggered building heights help to represent the "wave effect" in the vertical plane as well.

All residential units have been provided with their own private amenity space, which is an extremely positive feature for improving the quality of life of future

occupiers. In addition to this, communal amenity spaces are available at ground floor across the site and through the use of green roofs which will be available to be used by residents. This feature of the development, in particular, will maximise the benefit of the sun captured on the roofline. The use of green roofs in terms of environmental sustainability is welcomed and encouraged.

The provision of a bridge to link across the canal is an important aspect of the design, establishing good connectivity within the Waterfront. This is a swing bridge rather than a fixed structure. British Waterways would prefer a fixed structure, but that has very significant impacts on any development on Waterfront as fixed bridges need long pedestrian access ramps.

The positioning of the bridge at the end of the Boulevard provides not only a visual focus but also sets the foundations for linking into any future development that may take place south of Charles Street, contributing towards a cohesive development.

Amenity of residents

The site is part of the town centre. Within the town centre, standards of amenity, privacy and similar elements of 'normal' housing design are treated more flexibly than suburban locations, in the interests of creating an urban centre.

Many of the apartments in the proposals benefit from balconies which will create an area of private outdoor space, from the "Boulevard" area of open space, and the "boardwalk" area and green roofs which will be open to use by residents. Whilst the proposals do not provide the opportunity for conventional private amenity space, the provision of the above facilities is welcomed and will be a positive feature to the scheme and is has be used in other town centre sites, such as the nearby Crown Lofts scheme. In a town centre site, in general, conventional green spaces would appear be inappropriate, out of place and reduce the opportunity to maximise the use of land in the town centre.

Relationship to neighbouring industrial users – noise and air quality.

The Kirkpatricks foundry in between the East and West Zones of the proposals is the primary consideration in relation to noise and air quality. It is noted that indicative plans for the Kirkpatricks foundry have been submitted by the applicant. Whilst the submitted proposals may change in details, the indicative proposals show a workable arrangement that will be a similar quality to the application in terms of design and layout.

At the time of writing the report the Kirkpatricks land has not been able to be brought forward. In the interest of delivering proper regeneration the current proposal, supported by this illustrative plan, has been brought forward. A phasing plan has been submitted as part of the application leaving the residential development neighbouring Kirkpatricks as the last element of the scheme to be developed. That maintains the scope to incorporate that extra

land, should it become available (the phasing scheme envisages the application site taking a number of years to complete, giving an opportunity for these matters to come together).

In regard to issues of noise and air quality, reports have been submitted in relation to the proposals. The broad conclusions are:-

Noise

The site borders a well used road and there are industrial and other commercial uses near and around the site.

The applicants have submitted a report with the application, which identifies that the majority of the site falls into Noise Exposure Category (NEC) B during the day and night, and a few pockets of the site falling into NEC C. Noise attenuation measures are included in the report and are accepted by Pollution Control.

It has also been demonstrated by the applicant that internal noise levels will meet the “reasonable” resting/sleeping conditions requirement of BS8233 ‘Sound insulation and noise reduction for homes – Code of practice’.

Pollution Control see the approach in the report as acceptable, though they seek a more comprehensive approach to the issue, and this is embodied in the recommended conditions.

Air Quality

An air quality modelling study was carried out to ensure that the design of the proposed Walsall Waterfront South development takes proper account of emissions to air from the adjacent foundry process. This included the situation whereby the Kirkpatrick's process emits continuously at its maximum permitted levels (Scenario 1).

Scenario 2 represents a possible design approach for addressing the theoretical possibility of the relevant air quality objectives identified in Scenario 1 being exceeded. Scenario 2 envisages the provision of ventilation on the rooftops of both adjacent buildings.

While Scenario 1 is most unlikely to occur in practice, the model results study for Scenario 1 show that there is a theoretical risk that levels of released substances could exceed the relevant air quality objectives at the adjacent buildings under these circumstances. In view of these findings, an alternative scenario was investigated by the applicant (Scenario 2).

With regard to Scenario 2, the applicant considered that provided the intake of air is at a height at least one metre above the office building height, this approach is forecast to deliver air quality in compliance with the relevant air quality objectives.

An intermediate scenario was also investigated by the applicant. Scenario 3 evaluates the situation with the office building in place, but prior to the construction of the residential block adjacent to the west side of the Kirkpatrick's process. In this situation, the air quality objectives are forecast to be exceeded only on the western side of the office development. On other facades of the office building, air quality is forecast to be acceptable.

Pollution Control officers have carefully considered the submitted technical reports and are satisfied with the results and conclusions subject to satisfactory safeguarding conditions.

Odour

The applicant has also considered and undertaken odour surveys. The main type of distinguishable odour detected during the odour survey was as a result of industrial processes. This included industrial works, paint, and adhesives. Additionally, food smells were occasionally detected on the first day of monitoring. Throughout the three odour surveys odour strength did not rise above a moderate intensity, although odour was detectable for most of the time during the surveys. During the monitoring surveys, the wind was observed to be from the west, and from the south-east. The higher odour levels experienced to the south of the facility indicate that the Kirkpatrick's foundry in the centre of the site may not be the major contributor to odours at the site. The industrial area to the south of Charles Street may also make a noticeable contribution to odour levels. Persistent or constant periods of moderate intensity odour were recorded at sites to the south and south-west of the site, along Charles Street.

The applicant considers that the levels of odour detected during the survey are typical of those that would be encountered in many urban centres and mixed use districts in the UK and therefore that the levels of odour detected during the survey would not be sufficient to give rise to concerns with respect to the amenity of the occupants of the proposed development.

Pollution Control officers have carefully considered the submitted technical reports and are satisfied with the results and conclusions subject to satisfactory safeguarding conditions.

Emissions from road traffic

The applicant has assessed the emissions from traffic associated with the proposed development and it is forecast to have no significant effects on air quality.

The impact of the Kirkpatrick's factory and foundry are recognised by officers and the applicant. The proposals have been designed to cope with the existing situation and will not create an adverse environment for the proposed development or compromise the capability of existing industrial occupiers, which is a key policy consideration.

Traffic Impact

Trip generations and distributions have been agreed with consultants working for the developer and the Council's VISSIM traffic computer model for the design and justification of the TCTP works has been made available to the consultants to assist with the assessment of the impact of this traffic.

The Transport Assessment which estimates that the full occupation of all developments on the site will result in a 178 and 192 two way trips in the morning and evening peak respectively. This is accepted.

The TA makes no allowance for trips currently generated by existing uses on site or those that could be generated by re-use of the site without the need to apply for planning permission. In this respect, the TA represents an over-estimation of the "new" traffic generated by the site.

The TA concludes that the proposed development has no material detrimental impact on the operation of the local highway network. Whilst this statement is not accepted in its entirety, as there is likely to be some impact beyond the area studied, the impact will be difficult to quantify and is unlikely to have a significant effect given the existing high levels of background traffic.

The TA also includes a Framework Travel Plan as the basis of full travel plans to be developed following occupation of each element of the scheme. This is required as a condition and will form part of the Section 106 Agreement.

The Highways Agency is satisfied with the Transport Assessment and offer no objection to the proposals subject to the completion of Travel Plans.

Car parking provision

247 spaces are proposed for the residential units in the development. Meeting the UDP maximum standards for residential development, 544 spaces would be required. The provision equates to 45% of the maximum standard.

However, these are maximum standards and given the sustainable town centre location and policy directives to encourage travel by alternate modes and discourage reliance on the private car, this should level of parking should not be provided, nor could it be required.

Officers consider that the parking provision is acceptable, but to provide clarity for purchasers, Transportation Officers recommend a condition that all residential parking spaces are allocated to individual units and that the developer's allocation strategy has to be approved by the LPA prior to occupation of any units. Whilst this is contrary to best practice guidance in Manual for Streets, it is considered that a condition could be added and the allocation strategy be agreed with officers as part of the wider travel plan.

Parking for the two commercial units at Upper Navigation Street and the four commercial units in the Homer Building is proposed at 10 spaces in

total. The provision is well below the maximum standards and is to encourage occupation and for these reasons and the availability of parking on other nearby car parks, the level is considered to be acceptable.

The proposed office block comprises some 4797 square metres and 69 parking spaces are proposed. The maximum standard in the UDP would be based on 1 space per 30 square metres calling for a total of 166 spaces. The actual rate is 1 space per 70 square metres, compared to approximately 1 space per 40 square metres in Waterfront North. The parking provision has been provided to encourage occupation, some parking is likely to be required and the amount of parking, taking account of the location of the site in the town centre and potential for walking and cycling to work, is considered acceptable.

Opportunity for public art

Public Art will take the form of sites for sculptures at key points along the route, together with an “Art Wall” on the canal side, which officers and developer envisage as a 3 dimensional metalwork piece depicting the heritage of the canal and industrial processes once associated with the location. In addition “Art Panels” are included on the twin deck car park elevation to Charles Street.

There are two areas that are at risk of being dead frontages, the most notable of these being the side elevation of the 5 bedroom house adjacent to the canal, which would result in a blank wall running the length of the housing plot. Due to the location of the limestone mine underneath it has not proved possible to locate built development over this spot to provide a building fronting onto the canal. A condition is recommended requiring the commissioning of a piece of public art to be located on or within this wall. It is expected that the developer should consult with the Creative Development Team as part of the artistic process.

The second critical point is the elevation to the car park decking on Charles Street. Similar processes should apply regarding the Creative Development Team – it may be that opportunities present themselves for combining the security shields with public art along this stretch but it is imperative that a professional artistic input is sought from the beginning in creating these two art features.

Renewable energy and biodiversity promotion

The need for minimising emissions is an important aspect of any new development.

In terms of transport, Travel plans will be produced for residents and occupiers of the commercial units. Officers consider that the location of the development close to bus and rail stations will greatly improve the sustainability performance. In addition the proximity to the Primary Retail Frontage, the redeveloped St Matthews Quarter, Urban Splash and the

forthcoming Office Corridor development proposals offer the opportunity to shop, relax and work in alternative locations around the town centre.

With respect to the carbon footprint of the buildings, the applicant has agreed to incorporate systems that reduce the carbon footprint and various options are actively being explored to determine what methods are most appropriate, practical and cost effective.

The Code for Sustainable Homes document published in December 2006, seeks to improve the efficiency of new homes by setting out sustainable design principles. A second document published at the same time entitled Building a Greener Future: Towards Zero Carbon Development sets out the aim for Carbon Neutral homes by 2016. At present the economic viability of Carbon Neutral homes is limited but systems are continually evolving and evaluations of the options available will be made in respect of each block as details evolve.

It is likely that more than one system will be selected, optimised to suit individual buildings and the following options are currently under assessment, further details will be required through condition:

- Photo Voltaic cells integrated within single ply roof membranes
- Solar Panels at the top of stair cores
- Ecopower boilers for heat and electricity
- Extensive Green Roofs (Sedum-herbs-grasses)
- Grey water recycling
- Rainwater harvesting

On the residential apartments the principles of the BRE EcoHomes Assessments will be used (or as superseded by the Code for Sustainable Homes) which will achieve insulation values in excess of Building Regulations requirements.

Open space provision with the development

The landscaping and public realm scheme must pay careful attention to how the spaces in between the buildings is brought to life, as this will be the space that the majority of people experience as being Waterfront South. The canal has huge potential for being not only a safe and clean through route to link up with Manor Hospital but also as a space to sit and rest and enjoy the canalside environment.

The provision of attractive, safe and comfortable seating along the canal should be incorporated into this scheme to make the canal a space to enjoy not just as an area through which people walk. As such the delivery of open space within the scheme will be designed within the development proposals and match the aspirations of the policy to deliver the opportunity for informal leisure provision.

Lighting

Good lighting in public spaces is necessary for safety (from crime and accident). Good lighting can also make a contribution to good design.

The scheme illustrates a proposal intended to integrate landscaping, lighting and buildings in an effective way. A number of the choices made will require care in detailing, but the Council's lighting experts accept the potential for the scheme to achieve satisfactory functional lighting. The degree to which it is now, and will be when submitted, a satisfactory design is more judgemental, but the scheme is supported (with conditions to secure detailed submissions to be judged).

Security

Consultees have identified the need for good security.

The Council, and the WRC, are committed to the implementation of Secured by Design initiatives.

The applicants have advised that the design is considered to be in broad alignment with UDP policy GP7. The proposals will be 'Secured by Design' compliant. The Police have reviewed the scheme and are satisfied.

A condition on security measures is recommended as per the Urban Splash development, to ensure the Secured by Design compliance can be determined.

Structural stability / ground conditions

The site is in a former limestone consideration zone. This is an area of land where limestone caverns exist, at considerable depth. Such areas have been problematic for development, as the ability of the ground to support the surface is in question. Infilling has been done, in this area.

The applicants and their consultants have explored this. Foundation design and related matters are subject to control under the Building Regulations. However, part of the testing process in a planning application, is to establish whether the site is suitable for the proposed development, at all. Building Regulations then controls the manner in which the scheme is implemented in that respect.

The recommendation includes a condition requiring future ground investigation to be carried out and the results submitted for approval. The applicants have accepted that there is a risk that the scheme could not proceed if there is a damning report, even if the proposal had been granted planning permission.

The task for the local planning authority is to decide if the site is suitable for the development, using the best available information at the time of the decision. In the case of ground conditions, a consultants report identifies a reasonable prospect of the scheme proceeding safely. With the safeguard of a condition it is reasonable for the Council to support the application, in the prevailing situation.

Section106 Agreement

There is no need for a contribution for open space; but this is met by proposed on-site works.

Due to the high level of abnormal costs, relating to existing sub-soil strata, the proportion of affordable homes to be provided will be at a reduced level, a maximum of 38 units (10.6%) is currently proposed, a financial assessment has been submitted with the application, and is the level is accepted by Housing Strategy. Negotiations are ongoing with Housing Strategy Officers with regard to the precise details of the contribution and this will be updated to members at the meeting.

Contributions will be sought for secondary school education needs and healthcare in line with the Council's Supplementary Planning Documents.

Commitments to the Travel Plan, Towpath works including the proposed canal bridge, and an onsite Public Art Strategy will also be embodied within the Section 106 agreement.

Conclusion

Overall the scheme represents a comprehensive scheme designed to a high quality. The proposals will meet the aspirations started by the Urban Splash development. The application has taken into account the key policy issues and the impact of the development on existing businesses (Kirkpatrick's and commercial operators on the opposite side of Charles Street) and future users of the Urban Splash development.

The proposed development complies with the Council's intent for this area as embodied in Policy WA12 of the UDP. This application delivers a high quality contemporary design for the buildings and the quality of public space that will compliment the Urban Splash proposals.

Residential is a large proportion of the content of the buildings, but this is consistent with the overall character of the scheme, and not so obviously dominant that it is at odds with the UDP policy. The proposal is meeting the standards of amenity that are consistent with this town centre location, and which have been approved on the Urban Splash development. In addition the public realm and the proposed canal bridge will secure a high level of landscaped amenity space promoting pedestrian permeability and cycling opportunity.

Officers are also satisfied with the environmental impact from noise, air quality and odour and that the proposals will not compromise the operation of existing commercial operators in the area or their future development should the sites become available for development.

Parking in town centres is always a complex issue, set against the backdrop of policy objectives to control the use of the car, especially by commuters. In

this case it has been considered that the application proposals, given its location and accessibility propose an appropriate level of car parking on site.

The section 106 in the recommendation is to address the need for investment in the secondary school system, healthcare provision, affordable housing as well as commitments to public art and travel plans.

There are a number of safeguards necessary, and these are embodied in the conditions recommended as part of the approval.

Overall, the proposal meets the aims of the Council, key consultees such as British Waterways and the Environment Agency, and its partners. The proposals will contribute significantly to the regeneration of the Borough and the continued transformation of Walsall Town Centre.

Recommendation: Grant Permission Subject to Conditions and a Planning Obligation

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.

2. a) This permission approves the following uses in relation to the commercial uses within the development hereby approved:

Building E1 (Homer Building)

A2, B1(a) and D2

Units CU1 and CU2 in Building E2

A1, A3, and D2

Building E3

4797sqm of B1a

including:

A1, A3 and A4 on the area shown as café/restaurant on the approved plans

D2 – on the area shown as café/restaurant on the approved plans Childrens play area

b) At no time shall the total amount of floorspace in A1 use in the buildings hereby approved in detail exceed 330 sq.m.

c) Food retail in the buildings hereby approved in detail shall be a maximum of 170 sq.m. at any time, unless otherwise agreed in writing by the Local Planning Authority.

d) At no time shall the amount of floorspace in A2 use in the buildings hereby approved in detail exceed 440 sq.m.

e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 no use in the buildings hereby approved in detail shall be converted from another use to an A1 use.

Reasons:

a,) To define the permission.

b), c), d) and 3) To control the nature of retailing and town centre uses on the site.

3. a) No retail unit on the site shall be brought into use until the Local Planning Authority have approved the particular retail use, location and size of the proposed unit.

b) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, there shall be no change of the particular retail use approved under part (a) of this condition to any other particular retail use, unless that change has been approved in writing by the Local Planning Authority.

Reason: To control the nature of retailing on the site, to secure retailing which is either complementary to the other uses on the site, or of a character which adds interest to the site and the town centre, in order to achieve a high quality scheme which supports both the development of the site and the quality of the town centre.

4. This development shall not be carried out other than in conformity with the approved plans and documents, except as may be required by other conditions of this permission or by any subsequent approved amendment/permission.

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

5. Unless otherwise agreed in writing by the Local Planning Authority, before work commences on site, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artifacts or documentation meriting preservation:

* Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);

* Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).

* Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

Reason: To secure an adequate record of the site's archaeology.

6. Before work commences on site details of measures to control water run off from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the water environment.

7. For the duration of the reclamation of the site, and the construction period, the accesses to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

Reason: To prevent mud being deposited on the public highway.

8. Site clearance and building works will take place in accordance with the details set out in the Nature Conservation Plan submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect breeding birds.

9. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of the amenity of adjacent occupiers.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from service vehicle areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To protect the water environment.

11. No development shall be carried out until details of proposed refuse and waste recycling facilities for the proposed buildings have been approved in writing by the Local Planning Authority. The approved scheme for any individual building shall be implemented before that building is brought into use, and shall be thereafter retained.

Reason: To ensure the satisfactory appearance and functioning of the development, and to promote recycling.

12. No development shall be carried out until details of existing and proposed levels of the site, accessway and floor levels have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land, and any drainage or other works necessary to facilitate this development.

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

13. No built development will be commenced until-

- a) A site investigation, ground contamination survey and assessment of landfill gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill gas assessment, together with an assessment of the hazards arising from any land contamination and/or landfill gas shall be forwarded to the Local Planning Authority as soon as they become available.

Note for applicant

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in Planning Policy Statement 23 - Planning and Pollution Control; British Standard BS10175: 2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; 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.

- b) Details of remedial measures to deal with the identified and potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA) model 2002 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.

The agreed remedial measures shall be implemented in accordance with the agreed timetable and 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.

Reason: To secure safe development and occupation of the site, and to prevent pollution of the water environment, and to prevent the possibility of surface and/or groundwater pollution

14. No development shall be carried out until drainage details, incorporating:-
- a) sustainable drainage principles
 - b) an assessment of the hydrological and hydrogeological context of the development
 - c) the provision and implementation of a surface water run-off limitation and on site attenuation as appropriate, and a programme for implementation and completion

have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved details.

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

NOTE FOR APPLICANT

For the avoidance of doubt, no water should be discharged into the canal without first obtaining written consent from British Waterways.

15. No development shall be carried out until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall include the submission of one copy of all results to the Local Planning Authority.

Reason: To investigate and record the archaeological significance of the site.

16. a) No development shall be carried out until details of
- i. the proposed lighting for the development
 - ii. a CCTV scheme for the development
- have been submitted to and approved in writing by the Local Planning Authority.

- b) The approved lighting and CCTV details in any given area shall be implemented and completed before the public or users of the building are allowed to use that area. The approved details shall be thereafter retained.
- c) Subsequently, no other additional or replacement external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority and the lights shall be installed in accordance with the approved details

Reason: To safeguard the amenities of the occupiers of adjoining premises, in the interests of highway safety, and to ensure a safe and attractive environment on the site.

NOTE FOR APPLICANT

The submitted details for the lighting are expected to conform to BS5489 Part 9, as appropriate. CCTV should provide for full facial recognition, and automatic number plate recognition, as appropriate, and evidential standards of quality, storage etc.

17. Unless otherwise agreed in writing by the Local Planning Authority, no development shall be carried out until details of security oriented design measures and physical security measures for all buildings and public spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development.

NOTE FOR APPLICANT

The Council consider the scheme should meet the terms of the Secured by Design concept, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

18. Prior to the commencement of any development on site details shall be submitted to and approved in writing by the Local Planning Authority for the conservation and efficient use of energy and natural resources and sustainable development, to a minimum of Ecohomes Very Good Standard and 5 stars standard as amplified by the Code for Sustainable Homes (January 2007) or subsequent document, micro energy generation, on site composting, grey water systems, SUDS and locally produced building materials. The development shall then be implemented in accordance with the approved details.

Reason: To ensure the development is energy efficient.

19. Prior to the first occupation of each dwelling, noise mitigation measures shall be installed so that internal noise levels of each dwelling, measured in accordance with British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 (or relevant subsequent legislation) shall not exceed:-

- (a) within the bedrooms a Continuous equivalent Noise Level, $L_{Aeq(5\text{ minutes})}$ of 35 dB together with a maximum instantaneous level of 45 dB L_{AFmax} between the hours of 23.00 to 07.00;

(b) within the living rooms a Continuous equivalent Noise Level, $L_{Aeq(1\text{ hour})}$ of 45 dB between the hours of 07.00 to 19.00; and

(c) within the living rooms a Continuous equivalent Noise Level, $L_{Aeq(1\text{ hour})}$ of 40 dB between the hours of 19.00 to 23.00;

Reason: To safeguard the amenities of the occupiers of development.

20. No development shall be carried out until full details of the proposed boundary treatment of the site (including the boundary treatment to the proposed public realm and roof gardens) have been approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be thereafter retained.

Reason: To ensure the satisfactory appearance of the development.

21. No development shall be carried out until a detailed landscaping scheme for the site (including the proposed roof gardens) has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (a) grassed areas shall be maintained in a tidy condition;
- (b) planted areas shall be maintained in a tidy condition;
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (d) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance of the development.

22. Prior to the occupation of the buildings hereby approved, the location of a communal satellite dishes to serve the apartments units shall be submitted to and agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building and to ensure satisfactory functioning of the development

23. Prior to the commencement of development the details and locations of cycle stores, covered parking areas submitted to and approved by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

24. Prior to the commencement of development details of the proposed balconies shall be submitted to and approved in writing by the Local Planning Authority. The balconies shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve and enhance the Conservation Area.

25. Prior to the commencement of development details of street furniture (including proposed signage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve and enhance the Conservation Area.

26. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. The numbers, type and location of the site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to define the permission.

28. Prior to the commencement of development details of the proposed public art on the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to preserve and enhance the Conservation Area.

29. Prior to built development commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or landfill gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. Agreed remedial measures shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. 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.

Reason: To ensure the satisfactory development of the site.

Note for applicant

When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be

had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model 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.

30. Prior to the commencement of development:

- (a) An air quality survey and modelling has been undertaken, which demonstrates the impact or otherwise on air quality objectives in respect of Nitrogen Dioxide and PM₁₀ required by the provisions of the Environment Act 1995.
- (b) the methodology for such a survey and modeling has been submitted to and agreed in writing by the Local Planning Authority. The survey and modelling shall be undertaken in accordance with the approved details
- (c) Suitable mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved timetable, which should be no later than the first occupation of the development.

Reason To ensure the satisfactory development of the site.

31. a) There shall be no vehicular access to the service and delivery areas of the site between the hours of 1000 to 1200 and 1500 to 1700 and overnight between 2000 and 0700, on any day.

b) The Homer Building and Building E3 shall not be commenced until details of measures to control service access in accordance with part (a) of this condition have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and completed before the service access is brought into use.

Reason: To reduce the potential for conflict between vehicles and pedestrians on the shared surface, at times when the largest numbers of pedestrians are likely to be present.

32. No individual building shall be commenced until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

33. No building shall be commenced until design of window cleaning arrangements for the building have been submitted to and approved in writing by the Local Planning Authority. The building will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory design for such works, in keeping with the building.

34. No building shall be brought into use until detailed measures to implement the Travel Plan Framework submitted with the application documents (or such other document as the Local Planning Authority may agree can be substituted) and a timetable for implementation, and mechanisms for securing compliance from future occupiers have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved measures.

Reason: To promote green travel patterns, and minimise the use of the car.

35. At all times, the internal arrangements of the non-residential ground floor uses in the buildings in the development will provide that partitions, internal divisions, bin areas, kitchens, storage areas, rest rooms, and similar works will be at least 2 metres from the glazed outside walls of the building or buildings, such that the active elements of the use define the appearance of that part of the building.

Reason: To ensure active frontages and a satisfactory appearance on all faces of the buildings, to ensure a permanently satisfactory urban design solution to the circulation of pedestrians around all faces of the buildings.

36. No food preparation, cooking, or catering equipment (other than domestic equipment in a dwelling, or small scale ancillary facilities in offices or similar working areas) shall be installed in any part of the development until details of appropriate ventilation and fume control equipment for that installation have been approved in writing by the Local Planning Authority. The approved details shall be implemented before proposed preparation / catering / cooking equipment is brought into use, and shall be thereafter retained in working order.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and to safeguard the amenity of the area.

37. No fences, walls, barriers, gates or other forms of boundary treatment shall be installed or erected on the site until full details have been approved in writing by the Local Planning Authority. Installation or erection, and subsequent retention, shall be in accordance with the approved details.

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

38. At all times, when construction is not underway, there will be unrestricted pedestrian access to the canal arm, and all of the hard surfaced areas in the landscaping scheme.

Reason: To secure public access, in the interests of promoting improvements to the environment of the town centre.

39. No amplification equipment shall be installed in the premises until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

40. 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 shown on the deposited plans, without the prior approval of a planning application.

Reason: To ensure the satisfactory functioning of the development, and in the interests of highway safety.

41. Other than associated with construction on the site, no materials, goods or refuse shall be stored or deposited in the open on any part of the site.

Reason: To ensure the satisfactory appearance of the development.

42. At no time shall any commercial use on the site have any display of goods outside the building occupied for that use, nor make any active use of the paved area (e.g. to provide seating), unless details have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance and functioning of the site.

43. Prior to the commencement of development a microclimate assessment detailing wind effects from the development to the canal towpath shall be submitted to and agreed in writing by the Local Planning Authority. Any necessary mitigation measures shall be designed to a high quality in and agreed in conjunction with the Local Planning Authority.

Reason: To ensure the satisfactory appearance and functioning of the site.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies GP1, GP2, GP3, GP7, T7, T12 T13, ENV18, ENV29, ENV32, ENV33, JP7(d), S1, S2, S8, H3 and H10 and Policies QE3, QE4 QE5 and QE9 of the Regional Spatial Strategy for the West Midlands (RSS11), on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

NOTES FOR APPLICANT

A) In relation to the conditions on ground conditions, the Environment Agency advise that activities carried out at this site in the past may have caused contamination of soils, subsoils and groundwater. They recommend that the site report includes the following:

- (i) a desk study to identify historical land use with relation to potential ground contamination; and,
 - (ii) a limited soils investigation to identify the level of soil contamination on the site and the potential to cause pollution to the aquatic environment.
- The requirements of this investigation to be based upon previous land use information. In the event that contamination of this site is confirmed the developer should liaise with the Agency on measures required to protect surface water and groundwater interests.

B) There are a number of large projects in the town centre, each with areas of new public realm. The Council and Walsall Regeneration Company are working on a strategic framework for public realm works and this should be used to guide the details of landscaping and surface materials.

C) Building works may not be undertaken, and a public highway may not be closed in the absence of the appropriate consent, which must be obtained through the Local Highway Authority. Those consents may require a public local inquiry if there are objections.

D) You are advised that although this permission has been granted you must also respect any ownership rights or other legal agreements including rights of way.

E) You are advised to refer to the agreement under Section 106 of the Town and Country Planning Act 1990 which was completed in conjunction with the development.

F) 'Habitable rooms' for the purposes of this condition shall be interpreted as living rooms and bedrooms.

G) Party wall and floor structures should have reasonable resistance to airborne and impact sound in accordance with Approved Document E of the Building Regulations 2000, (As Amended).

H) If your application includes demolition work, it may be necessary for you to also notify **Building Control Services** of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but **not less than 6 weeks** before commencement of the demolition work. Helpline number 01922 652408.

I) Your attention is drawn to the Party Wall etc. 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;

You must 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' or 'A Short Guide to the Party Wall etc. Act 1996', both are available from the DOE Publications Despatch Centre, Blackhorse Road, London, SE99 6TT. Tel. 0181 691 9191. Fax. 0181 694 0099.

J) This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

K) For the avoidance of doubt, the term 'affordable housing' means subsidised housing at below market prices or rents intended for those households who cannot afford housing at market rates. It is usually managed by a registered social landlord.

L) The applicant/developer is advised to contact Steve Lugg British Waterways third party works engineer in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".



To: DEVELOPMENT CONTROL COMMITTEE

**Report of Head of Planning
and Building Control,
Regeneration
On 25th Jun 2007**

REASON FOR BRINGING TO COMMITTEE:

Application Number: 07/0606/RM/W1

Case Officer: Bob Scrivens

Application Type: Reserved Matters

Telephone Number: 01922 652488

Applicant: Skanska Innisfree

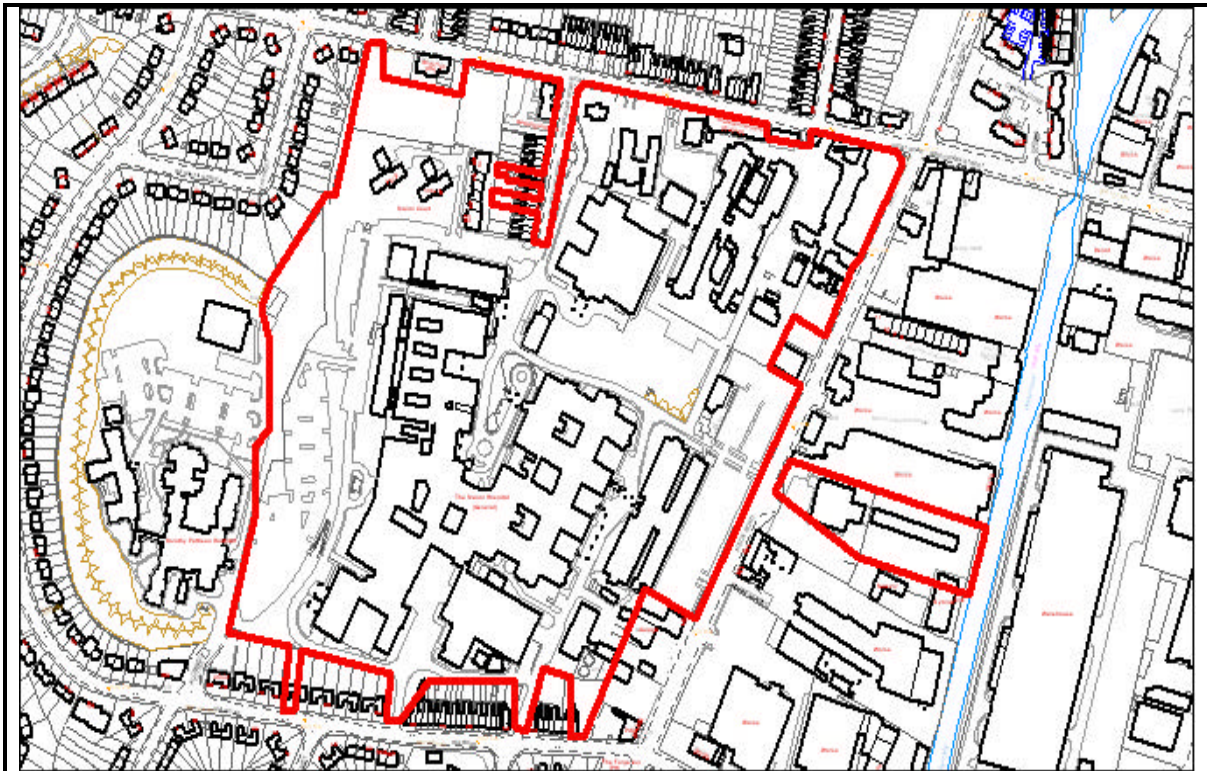
Agent: Paloo Doshi

Proposal: Reserved Matters to Planning Application No. 06/0227/FL/W1 for partial redevelopment of the Hospital to improve healthcare facilities, educational and administration facilities, roads and car parking, demolition of older building and a range of submissions addressing (in whole or in part) the requirements of 15 of the conditions on the outline permission

Location: MANOR
HOSPITAL, MOAT
ROAD, WALSALL, WEST
MIDLANDS

Ward: Pleck

Recommendation Summary: Approve Reserved Matters with Conditions



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Reason for bringing to Committee - Major application

Application

Outline permission was given in 2003 for substantial extensions to the hospital. A new outline permission was given in 2006. You are now considering the associated application for Reserved Matters.

It includes:-

1. demolition of a range of buildings
2. erection of a range of replacement buildings
3. new access to the site from Pleck Road
4. 683 visitor car parking spaces
5. 690 staff car parking spaces
6. rationalisation of on-site circulation and parking

The public will generally arrive at the main car park (on foot, by bus and by car) on the corner of Pleck Road and Moat Road (the bulk of the demolished buildings to be demolished are in this area). The main public entrance is immediately adjoining the car park. This opens into the core of the new building, which in turn leads to two main arms serving outpatients and other areas. These areas are intended to be welcoming as well as functional (as indeed are the rest of the areas in the new complex).

Accident and Emergency will continue to be accessed via Wilbraham Road. There is a car park / landscaped area serving this part of the site.

Wilbraham Road also gives access to the staff parking on the west of the site.

Servicing continues to be from Ida Road (as at present) but this is improved inside the building complex by segregated service corridors (separating visitors from service movements).

The new building is close to Pleck Road and the design of the external envelope is particularly significant on this prominent site and for such an important building. The proposal creates an imposing new entrance to the hospital, for visitors.

Responding to the internal demands of hospital organization, the Pleck Road frontage has a spine of corridors and similar space, crossed by areas needing more space. This results in a complex built shape, and the choices of materials and colours emphasises this complexity.

The building has to fit between the other buildings (being retained on the site). It also has to connect to them and connect all the relevant parts of the hospital. The proposed design makes a range of changes on different elevations, to achieve these things.

In addition, the application includes submissions relating to a number of the conditions on the outline.

Relevant Planning History

The hospital complex comprises a number of very old buildings (predating the planning system).

There have been a series of new buildings erected at various times over the last 50 years (with the relevant permissions from the Council).

More recently, there have been proposals for widespread redevelopment, culminating in the outline planning permissions for the present scheme, as already touched on.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

Regional Spatial Strategy

This is now part of the Development Plan, with the UDP. It seeks to promote sustainability by controlling the location of uses, to implement the strategy that all parts of the Region should meet their own needs sustainably. It also seeks to reduce the need to travel and to promote an awareness of the implications of travel on the environment.

It also seeks to manage car parks to control the adverse effects on the highway network at peak periods.

Unitary Development Plan

2.1 the overall strategy for the UDP seeks sustainability, urban regeneration and social inclusion

2.2, GP2, 3.6, ENV32, ENV33 promote the creation of high quality environment

GP1, GP2 seek to locate proposals where they are accessible and minimise the need to travel, it also seeks to make efficient use of community facilities to minimise the need for additional infrastructure

GP3 supports the use of section 106 agreements for developments

ENV22 on protected species

ENV25, ENV26 ENV27, ENV28 on archaeology (study and protects as necessary), Listed Buildings and the local list of buildings

7.3 on the need for Transport Assessment on proposals

7.4, T12 on promoting accessibility

T7, T13 on parking, provision, amount and design

8.1, 8.7 seek to safeguard and enhance health facilities

National Policy

PPS1 emphasises the importance of design, sustainability, and inclusive development.

PPG13 seeks to promote sustainable travel accessibility, and reducing the need to travel. It seeks maximum parking standards, guided by the developers needs. Car parking charges should be used to encourage alternative modes of travel.

Consultations

Transportation

No objections subject to conditions being imposed on any approvals.

These relate to:- confirmation of an acceptable impact on Moat Road, the imposition of a traffic regulation order on Moat Road (in the vicinity of the access), agreement to the location of the car park control barriers and the operation / control of the car parks, regulation of the maintenance only access from Pleck Road, appropriate visibility splays on all accesses and an acceptable safety audit on the highway changes and approval to the construction management statement.

The applicant is also asked to consider the investigation and funding of an area wide residents parking scheme and possible dual use of the car park by residents outside the times required for hospital visitors.

The application has been supported by a Transport Assessment and although at the time of writing, some information is still outstanding, sufficient detail has been provided to assess the proposals.

The traffic generated by the existing facilities on site is already on the local highway network. The amount of car parking provision within the complex will not significantly change. The capacity of the hospital is not proposed to increase as a result of these proposals. A fall in the total number of out-patients visiting the hospital is forecast as more people access local facilities. This is partly off-set by an increase in the number of day patients. (The TA forecasts the post development patients visiting the hospital will be 310,500 per annum, an overall decrease of 4,500, although, for the purpose of the assessment, it has been assumed that the trips to and from the site will remain the same, making the assessment more robust.) People visiting in-patients are likely to be more variable and difficult to estimate, and are not included in the above figures. Visitors arriving by car however would have been included in the traffic surveys that have been undertaken.

The traffic generated by the hospital would have been included in the survey and modelling work for the design of the Town Centre Transport Package scheme, currently being implemented on site. Consequently, assessment of the impact of the proposals, in traffic terms, relates to changes in traffic patterns resulting from the rationalisation of car parking

spaces and changes in use of the accesses.

At present, there are 9 vehicular access points to the site. The location and purpose of each is described in the TA, as is the location and designation of the existing 1361 car parking spaces. At present, these are designated as 717 mixed use (staff and visitors), 29 visitor only and 615 staff only.

The proposals indicate that the redeveloped site will be accessed via 5 main vehicular points and that car parks will be designated for either staff or visitor use. A total of 1373 spaces are shown within the redeveloped site, with 683 spaces for visitors and 690 for staff.

The main change in access arrangements will be the widening of Pleck Road to provide a right turn lane into the access to the main public car park. This will reduce the potential delays to traffic on Pleck Road. (To reduce delays in the car park, the right turn out onto Pleck Road will be prohibited.) Additionally, there will be increased use of an existing access onto Moat Road. This will now become one of the access/ egresses to the main visitor parking areas. This is required because the layout and design of the hospital has necessitated the deletion of the previously proposed signalised cross-roads on Pleck Road and to preserve the capacity of the ring road, more traffic will use Moat Road. The blue light route will continue to be via Wilbraham Road. The revised access arrangements are detailed in the TA.

The TA concludes that overall, the proposals will have a negligible impact on the adjacent highway network. In general terms, this is accepted but there is likely to be an impact on Moat Road. While this is expected to be acceptable, additional information has been sought to confirm this. Members will be updated at the meeting.

(The issue is addressed, at present, by the additional condition.)

Public transport penetration of the site will be improved. It is proposed that the 999 service enters the site, from Pleck Road, stops in a lay-by outside the main entrance and exits via Moat Road. However, this will necessitate the prohibition of some on street parking in Moat Road, opposite the access. A traffic regulation order will be required to facilitate this. Further public transport penetration is also being investigated. The proposed 5Ws metro route runs along Pleck Road, in front of the site. These proposals do not jeopardise the construction of the tram and, if constructed, this will increase the accessibility of the site.

Pedestrian access to the main entrance will be improved. Pedestrian crossing facilities will be provided in the Moat Road / Pleck Road junction (via the TCTP scheme) and a pedestrian route is being provided from this junction to the main entrance. (The route to the site from the town centre will be improved via other proposals.) Cycle storage

facilities on site will be improved.

Pollution Control - supports the application.

Centro

Generally supportive. However, there are accessibility issues that need to be addressed before Centro-WMPTA is willing to accept the development.

Bus Services

The hospital site is bounded by three roads - Moat Road, Pleck Road and Ida Road - and bus services operate along each of these roads. However, the development site is currently outside PTA minimum standards for accessibility by public transport. During the peaks and daytime Monday to Saturday there are several frequent bus services, but there are only hourly services in the evenings and on Sundays. Whilst the developer has shown a commitment to public transport improvements in the Transport Assessment, no mention has been made of the inadequacy of the evening and Sunday services, and this issue should be addressed. The developer should be required to investigate the possibility of increasing the frequency of bus services and fund any improvements by way of a section 106 contribution.

Bus Infrastructure

The nearest bus stops are currently outside the development very close to the hospital entrances. However, there will be changes to the entrances as a result of this development. Centro-WMPTA recommends that existing bus stops on Ida Road are relocated to ensure that they are as close as possible to the two access points into the hospital site, and upgraded from poles to shelters if possible. This would be subject to highway approval and consultation, and the developer would be expected to bear all associated costs. Whilst the bus shelters on Moat Road are in acceptable positions for access to the hospital entrances they could also be upgraded.

Travel Plan

The hospital is already affiliated to TravelWise but this Reserved Matters planning application is an ideal opportunity to update the Travel Plan and encourage staff and visitors to the site to travel by sustainable modes where possible.

5Ws

The development does not present a conflict with the proposed Metro 5Ws route planned to run in Pleck Road, to the eastern edge of the main part of the site. At the time the Metro alignment was prepared it had been envisaged that there would be a need for a traffic signal controlled crossroads so that traffic emerging from both the hospital and the HSDU premises (east of Pleck Road) could share a traffic signalled junction with both Pleck Road and the Metro tracks. The plans now submitted

show only a pelican crossing across Pleck Road near the two entrances, which are now shown to be staggered, rather than any signal controlled junctions. Provided it will not be a requirement of the highway authority that these junctions are signalised, then the Metro scheme can be implemented along the lines envisaged in due course. However, Centro-WMPTA would hope that when the traffic implications of this development are considered by the Highway/Planning authority, both medium term (without Metro) and long term (with Metro) traffic scenarios are considered for Pleck Road and that the Highway Authority will be able to satisfy itself that there will be an achievable means of implementing both the hospital and Metro projects. In the event that reasonably practicable changes may be required to signalisation arrangements for the Metro alignment at this location from that currently shown on the Metro route drawings, then Centro-WMPTA and consultant Faber Maunsell would look forward to working collaboratively with Walsall MBC highway officers towards a mutually acceptable highway/junction/Metro layout.

Conclusion

The development site currently does not meet PTA standards for accessibility by public transport. Therefore, Centro-WMPTA recommends the following:

- The developer should be required to upgrade their Travel Plan to allow for changes in staff numbers/visitor numbers to the site and changes in travel patterns;
- The developer should be required to provide section 106 funding to upgrade bus infrastructure;
- The developer should be required to investigate the possibility of improvements to the frequency of bus services and fund any proposed improvements by way of a section 106 contribution; and
- The developer should be requested to work with Centro-WMPTA and their consultants to ensure compatibility with the 5Ws Metro route.

British Waterways - no objection. They define their role as excluding any drainage function, that there is a need to prevent pollution entering the canal and that they have a direct interest in works to the towpath. They seek the use of a section 106 agreement to secure towpath works.

Inland Waterways Association - no comments.

Technical Services –

No objection. Street furniture on towpath along Waterfront needs repair and maintenance. Some wheelchair users may not have the RADAR access key to the motorcycle barrier. The ramp to Bridgman Street may be too steep and not surfaced in wheelchair suitable materials. Signs could be improved / provided for route finding. Street lights are needed on the route.

A light controlled pedestrian crossing is needed at Pleck Road / Bridgman Street.

(The TCTP package makes arrangements for that junction.)

Representations

A resident of Ida Road supports the principle, but seeks assurances about security, fencing and related issues. Parts of the hospital currently attract loitering youths. Improved fencing is needed.

(The application specifies that no changes are proposed at this point on the boundary – the extreme south-west corner of the site.)

All representations are available for inspection upon publication of this committee report.

Determining Issues

- Principle
- Design
- Accessibility / highway issues
- Listed building
- conditions on the outline

Observations

Principle

An improved hospital is desirable. The existence of the outline confirms this. There are no issues of principle to address in the Reserved Matters application.

Design

The core of the application is a single building, creating a new elevation to Pleck Road. It also links several of the remaining buildings on the site. It creates a new range of spaces for the functions accommodated in the new building.

Resolving all of this is a challenging requirement for the design of the new building. The designers have allowed the functional needs of the interior spaces to define the general form of the proposal. They have then designed an envelope to create the facade that is exposed to view.

The approach is simple, but the result is complex. It suits itself to the needs of the site by creating a new and effective main entrance, and realistically allowing the space it occupies to connect several disparate architectural styles in the existing buildings to be retained.

The proposal is effective, and attractive. It is supported.

Accessibility / Highway issues

PPG13 advocates selecting a site for a new hospital having regard to the access issues. In this case, a large investment has been made in the present site. Despite the fact that it is not on the edge of the town centre, and is therefore theoretically less accessible than other locations, there is no realistic prospect of moving this hospital. This was a key issue at the outline stage, but the decision to grant the outline essentially settles that issue.

A condition was imposed on the outline requiring a Green Travel Plan, to further support this issue. The current application seeks to vary that condition to defer submission of the Travel Plan until 9 months prior to the development being brought into use. That deferment is acceptable.

Accessibility and in particular pedestrian access to the hospital was also addressed in the outline. The creation of a good pedestrian link to the town centre from the Hospital has been allowed for. Within the hospital site there is an attractive frontage to Pleck Road containing a direct footpath link to Bridgeman Street. The pedestrian route then uses a short length of Bridgeman Street to the canal bridge. A package of works are envisaged but it has not been defined. Access is then by the towpath to Gallery Square and the town centre. Elsewhere on this agenda is an application for Waterfront South. That scheme is proposing changes to the towpath. The hospital have agreed with that developer that the whole of the towpath to be amended will be treated by the developer, with a financial contribution from the hospital developer. This provides a good scheme and importantly continuity of treatment.

British Waterways seek the use of a section 106 agreement to secure this work. While that is an option in such situations, it would generally be necessary to require this at the outline stage and this was not done. However, the condition on the outline adequately controls such matters being delivered (though costs and maintenance etc are matters to be negotiated between the hospital, the Waterfront South developer and British Waterways, a debate which is well advanced).

In relation to highways, the layout of the site is simplified (in the interests of legibility of place, and way finding). Staff parking is on the west of the site. Accident and Emergency continues to be accessed from Wilbraham Road (for both staff and visitors). The main car park for the public will now be on the corner of Moat Road and Pleck Road. The main access is from Pleck Road, and there is a secondary access point on Moat Road. The route between the two defines the edge of the car park.

The arrangements are supported.

Centro have commented on bus services. These issues were not raised at the outline stage. Off-site works such as bus shelters, increases in bus services and so on should properly be required at the outline stage. That opportunity

was not taken, however, a Travel Plan is required by condition. Some of the issues raised may be addressed in this way.

Centro's references to Metro require clarification. The proposed Metro route through the town runs along Pleck Road. The precise location and arrangements are not finalised. Centro have identified that the main car park access was originally further south, but is now proposed at a different location. It is their preference that this will not interfere with the provision of Metro and they look to the Council's Transportation officers to ensure this. At this early stage in the development of the Metro scheme, no assurance can be given, but there is equally no reason to assume there are insuperable problems. Transportation concur.

Transportation have raised a number of detailed issues. These grow out of the details submitted, and a new condition is proposed to address them.

Transportation also raise issues of residents parking schemes and related matters. These would be fundamental considerations which should be addressed at outline stage. There were not, and can not be added now. However, officers will seek to negotiate solutions. One specific issue, in this range, is the need for the scheme to alter the TROs in Moat Road around the site entrance. Residents parking will be relocated. That disturbance is essential for the proper functioning of the hospital access. Mitigation for residents should be explored, but for the reasons set out above, can not be required.

An additional condition is proposed to a range of more detailed issues that still need to be finalised.

Listed building

There is a Listed Building on the Pleck Road frontage (outside the application site). It is known as the Board of Guardians building.

At present the immediate surroundings of this building are visually poor. A well designed building having proper regard to the Listed Building would improve the position. That is what is proposed.

Conversely, the rear of the Listed Building is not its best feature. It is likely that the rear of the Guardians building will detract from the new hospital. This is unavoidable, unless extensive works are carried out to the Guardians building, but that is outside the scope of this scheme. The proposed works, by setting the building on the edge of the walkway and landscaping works for the hospital make the best practical arrangements. This aspect of the scheme is supported.

Conditions on the outline

Submission are made under conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, and partial submissions are made under 13, 15 and 21.

The submissions are generally acceptable (the remaining matters being the later submission of later, more detailed information).

Matters are set out in full below. The text of the conditions on the outline is set out, interspersed in **bold** with the conclusion on the submissions. Conditions not needing action at this time are in *italics*.

Conclusion

The scheme is well designed and fits well on this important site. Compliance with a range of conditions is also proposed in the application and is satisfactory.

The scheme is supported.

Recommendation: Approve Reserved Matters with Conditions

1. Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:

i) 2 years from the approval of the Reserved Matters or in the case of approval on different dates the approval of the last reserved matter.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The siting of the building(s);*
- b) The design of the building(s);*
- c) The external appearance*
- d) The means of access to the building(s),*
- e) The landscaping of the site*

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

3. The Reserved Matters submission will be accompanied by full details of:
site dimensions;
existing and proposed levels of the site;
all existing and proposed underground services;
levels of floors, footpaths, roads and landscaped areas;

any retaining structures required to ensure stability of the development or adjoining land.

Reason: To ensure the proper design of the Reserved Matters and subsequent development of the site.

Agreed

4. The Reserved Matters submission will include a green transport plan for this development. The plan shall be approved by the Local Planning Authority and shall identify a package of proposed measures, including a programme of implementation, consistent with the aim of reducing reliance on the car for travel to this site.

Reason :To ensure the satisfactory functioning of the development.

Agreed

5. The Reserved Matters submission will include a scheme of works for the improvement of the pedestrian links to the town centre, including off-site works, unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented and completed before the development hereby permitted is brought into use.

Reason: To promote the use of walking as a means of access to the site.

Agreed subject to more detailed submission

6. The Reserved Matters submission will include a study identifying whether there are bats present on the site. If the study shows the presence of bats, the Reserved Matters submission will include a scheme for mitigating the effects of the development on the bats, and the development shall be implemented in accordance with the approved scheme.

Reason: To ensure the welfare of a protected species.

Agreed

7. A) The Reserved Matters submission will include a scheme of archaeological work. The scheme will provide for:-

- i) an archaeological assessment of the site; (see Notes for Applicant on this issue)
- ii) the "preservation by record" of any significant features and / or buildings identified by the evaluation which can not be preserved within the development; (see Notes for Applicant on this issue)
- iii) a watching brief during all demolition work and sub-surface operations carried out as part of the development, unless otherwise agreed in writing by the Local Planning Authority;

- iv) the salvage recording of significant finds, features or deposits identified during the watching brief;
- v) the timing of preservation by record work;
- vi) any phasing of the work.

B) The archaeological assessment will be carried out in accordance with the archaeological scheme approved under Part (A) of this condition. Copies of all documents, drawing photographs and other material produced as part of the archaeological assessment of the site will be deposited with the Local Planning Authority prior to any construction excavation on the site.

C) In the event that salvage recording under part (A)(iv) of this condition is necessary, the finds, features and / or deposits shall not be destroyed until details of their salvage, relocation, or suitable disposal have been agreed by the Local Planning Authority.

D) Preservation by record work will be carried out in accordance with the timetable agreed under part (A)(v) of this condition.

E) Single copies of the reports or other documents or plans resulting from any "preservation by record" will be submitted to the Local Planning Authority, not later than the opening of the first retail unit.

Reason: The site is in an area of archaeological interest, and an appropriate study etc. is necessary to safeguard the historic significance of any finds.

Agreed, subject to compliance as scheme progresses.

8. The Reserved Matters submission will include details of:-

- the traffic generation of the site,
- the number and distribution of vehicles entering the site at peak periods
- the design of the entrances to the site and any necessary junction works on the public highway to accommodate the proposed vehicle movements
- a timetable for the implementation of the works.

The approved works will be carried out in accordance with the agreed details.

Reason: To ensure the proper design of access to the site and any necessary junction works.

Agreed

9. The Reserved Matters submission will be accompanied by full details of the materials to be used to surface proposed accessways, vehicle parking and manoeuvring areas. The areas shall be constructed in the approved materials before the development is brought into use, and shall thereafter be retained and used for no other purpose. The parking spaces shall have been clearly marked out.

Agreed

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

10. The Reserved Matters submission will be accompanied by a Flood Risk Assessment appropriate to the scale and nature of the development. The risk associated with the development and proposals to mitigate any increase in flood risk shall be included in the assessment. The construction of the development shall be in accordance with the recommendations of the assessment. Thereafter mitigation measures shall be maintained in working order, as appropriate.

Reason: To avoid the increased risk of flooding elsewhere, in line with Planning Policy Guidance 25: Development and Flood Risk.

Agreed

11. The Reserved Matters submission will be accompanied by details of measures to improve the sustainability of the development, such as the use of sustainable urban drainage systems, green roofs, or other appropriate technology.

Reason: To enhance the sustainability of the development.

Agreed

12. Prior to any development on the site

(a) A ground contamination survey and site investigation approved in writing by the Local Planning Authority shall be undertaken having regard to current advice. [Note: Ground contamination and site investigation surveys shall assess the likely hazards of all identified contamination to the proposed development (and its future occupants) and any surrounding development resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. Landscaped areas will need to have an adequate depth of clean cover.]

(b) the approved survey and investigation shall be undertaken in accordance with the approved details

(c) the results of the ground contamination survey and site investigations, together with a report setting out proposed remedial measures to deal with any identified and potential hazards arising from any land contamination, and a timescale for their implementation in relation to the development of the site, have been submitted to and approved in writing by the Local Planning Authority.

(d) The approved measures shall be implemented in accordance with the approved timetable.

NOTE FOR APPLICANT

The ground contamination survey and phased site investigation carried out on the site shall be made in reference to current standards and best practice such as British Standard BS10175:2001 'Investigation of potentially contaminated sites - Code of Practice'; British Standard BS5930:1999 'Code of practice for site investigations'; Waste Management Paper No. 27 'Landfill Gas'; Environment Agency, NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' R and D Publication 66, 2000; and the Contaminated Land Exposure Assessment Model (CLEA) 2002. Please note that this is not an exhaustive list.

Reason: To ensure the satisfactory development of the site.

Agreed, subject to compliance as scheme progresses.

13. No development shall be carried out until a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

Agreed, subject to more detailed submission.

14. No development shall be carried out until full details of the proposed boundary treatment of the site have been approved in writing by the Local Planning Authority. The submitted scheme shall include any internal site divisions. The approved scheme shall be implemented before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority, and shall be thereafter retained.

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

Agreed, subject to details of bollard design to be agreed.

15. This development shall not be carried out until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

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

Agreed

16. A) No construction, demolition or engineering works (including land reclamation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only

take place between the hours of 0700 to 1800 weekdays and 0800 to 1300 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operated on the site outside of these permitted hours.

B) A schedule of works to include the phasing of the proposed construction and demolition activities at the proposed development shall be submitted for the written approval of the Local Planning Authority prior to commencement of development. This document shall include details of the methods to be employed to prevent or minimise emissions of dust, noise and vibration from development or demolition activities. The approved works shall be complied with at all times during construction.

Reason.

To safeguard the amenity of surrounding residents.

17. Before work commences on site, the following shall be given the opportunity of making internal and external inspections for the purposes of making a record and identifying any artifacts or documentation meriting preservation:

** Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);*

** Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).*

** Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).*

Reason: To secure an adequate record of the site's archaeology.

18. (A) No part of this development will be commenced until details of proposed litter and refuse facilities for that part of the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities will be installed before that part of the development is brought into use, and will be thereafter retained as approved.

(B) No materials, goods or refuse 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.

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

Agreed, subject to compliance as scheme progresses.

19. *For the duration of the construction works, access from any part of the development site to the public highway, will include wheel washing equipment (or such other arrangements as may be agreed in writing by the Local Planning Authority) to prevent mud and other material being deposited on the public highway.*

Reason: To prevent the deposit of mud on the highway.

20. *All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:*

- (a) grassed areas shall be maintained in a tidy condition by regular cutting and any areas that fail to establish shall be reinstated;*
- (b) planted areas shall be maintained in a tidy condition by regular weeding and litter collection;*
- (c) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;*
- (d) any damage to protective fences shall be made good.*

Reason: To ensure the satisfactory appearance of the development.

21. No external lighting will be installed on the site at any time until details have been approved by the Local Planning Authority and the lighting will be implemented in accordance with the Institute of Lighting Engineers Guidance on the Reduction of Light Pollution, and thereafter retained as approved.

Reason :To safeguard the amenities of the occupiers of adjoining premises.

Agreed subject to submission of details of lighting.

22. *No external public address or music equipment shall be installed or used in the premises or in the open without details being submitted to and approved in writing by the Local Planning Authority .*

Reason :To safeguard the amenities of the occupants.

ADDITIONAL CONDITION

No development shall be carried out until further details of the arrangements to be made to secure the following list have been submitted to and approved in writing by the Local Planning Authority:-

1. confirmation of the level of impact of traffic on Moat Road
2. the arrangements for a traffic regulation order on Moat Road (in the vicinity of the access
3. details of the location of car park control barriers and the operation / control of the car parks

4. regulation of the maintenance only access from Pleck Road
5. appropriate visibility splays on all accesses
6. a safety audit on the highway changes
7. approval to the construction management statement.

Reason. To ensure the satisfactory detailing of these issues.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

The proposed development is considered to comply with the relevant policies of the development plan, in particular policies **2.1, GP1, GP** and, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's website at www.walsall.gov.uk.
