



**DEVELOPMENT CONTROL COMMITTEE**

**Report of Head of Planning  
and Transportation on  
25th August 2005**

**Contents Sheet**

<b><u>Item</u></b>	<b><u>Page</u></b>	<b><u>App No</u></b>	<b><u>Site</u></b>	<b><u>Proposal</u></b>	<b><u>Recommendation</u></b>	<b><u>Committee Decision</u></b>
1	2	04/0431/FL/W2	Land Bounded By Dudley Street, George Street And High Street, Walsall Town Centre	Redevelopment comprising supermarket, retail and multi storey car park	Grant Permission Subject to Conditions and a Section 106 Agreement	
2	34	05/1264/FL/W2	Site Of J Sainsburys Car Park, George Street, Walsall, West Midlands	41 Apartments	Grant Permission Subject to Conditions and a Section 106 Agreement	



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
on 25 August 2005

**REASON FOR BRINGING TO COMMITTEE: Major application**

**Application Number:** 04/0431/FL/W2

**Case Officer:** Marilyn Kowalski

**Application Type:** Full application

**Telephone Number:** 01922 652488

**Applicant:** Norton & Profitt Developments Ltd

**Agent:** Brownhill Hayward Brown

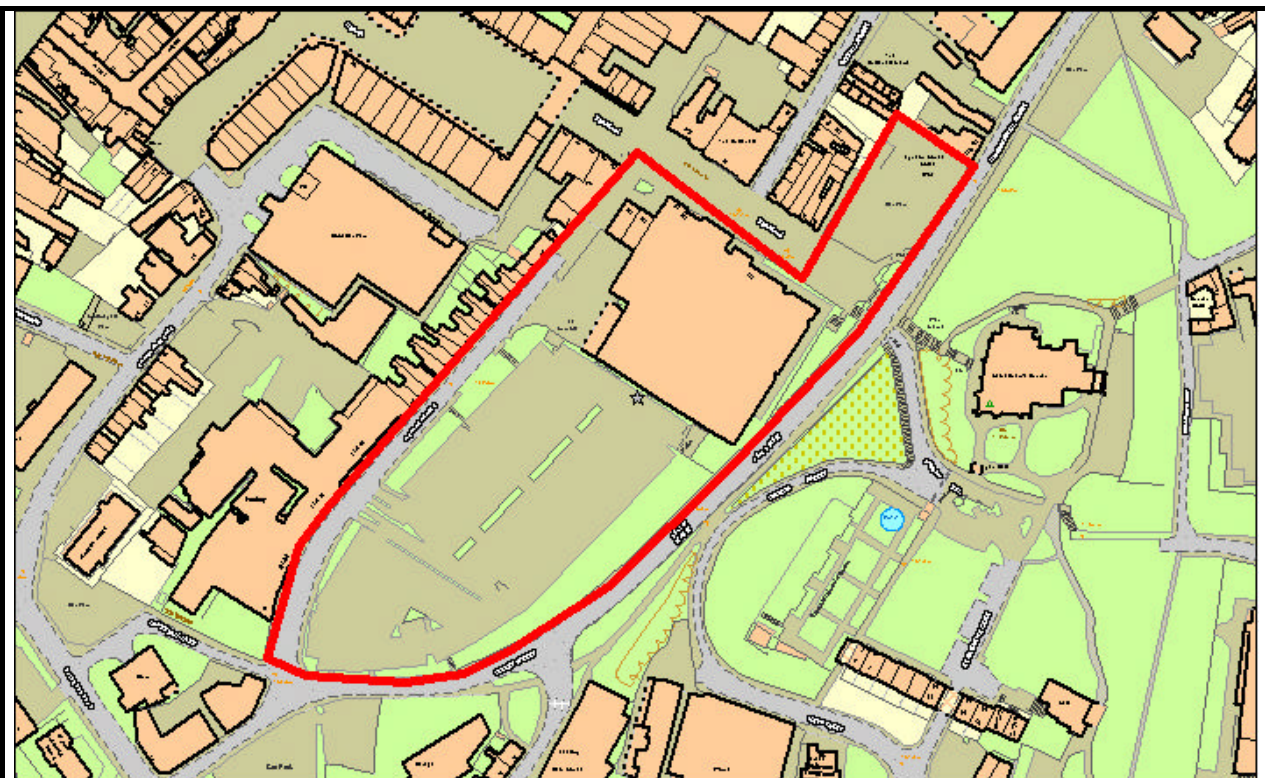
**Proposal:** Redevelopment comprising supermarket, retail and multi storey car park

**Location:** LAND BOUNDED BY DUDLEY STREET, GEORGE STREET AND HIGH STREET, WALSALL TOWN CENTRE

**Ward:** Walsall Central

**Expired:** 15 June 2004

**Recommendation Summary:** Grant Permission Subject to Conditions and a Section 106 Agreement



**Crown Copyright.** Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

## **Status**

You considered this application in September 2004. You resolved to approve it, subject to a section 106 agreement. Negotiations have proceeded, and signing of the agreement is imminent.

In the interim, the scheme has evolved. The revised application is brought to you for determination, reflecting the revisions made, and the very significant nature of the proposals.

It is also relevant to note that you have considered the following related applications.

You approved the associated road works in connection with Shannons Mill, in September 2004. These include the construction of a new road at the bottom of Church Hill from The Ditch linking Ablewell Street to Upper Rushall Street. There is no change to the approved road works as a result of the applications before you.

In November 2004, you considered an application for 32 flats, to be built on one side of the car park. You resolved to approve that subject to a section 106 agreement. That was not signed, and the application has been superseded by a revised application for 41 apartments, which appears elsewhere on this agenda.

A new factor in this situation is that Shannon's Mill has been Listed, recently. That carries with it certain publicity issues, and the need to consider the scheme against that new situation.

## **Application and site details**

The application is for the demolition of the existing Sainsbury's supermarket. (conservation area consent ref. no. 04/1299/CA/W2 has already been granted) and for the re-development of the site for a new retail store, including the erection of a multi storey car park.

The principal elements of the proposed development are as follows (with the exception of the car park, and some minor revisions to elevations and floor plans, the application is identical to that you previously considered):

Redevelopment of Sainsbury's site:

Ground level:

- foodstore 6,968 sq.m. (75,000 sq ft);

First floor:

- foodstore mezzanine 1,486 sq m (16,000 sq ft)
- 279 sq m (3,000 sq ft) marshalling area
- 438 sq.m warehouse (4715 sq.ft.)
- 480 sq m (5,165sq ft) Staff area, fronting High Street
- void over ground floor sales area and checkout area

- service yard accessed from Upper Rushall Street across the car park adjoining the Lyndon House Hotel into a gated entrance off High Street (I have recommended a condition requiring details of how this is to operate to prevent HGVs queuing onto the High Street.

#### Level 3

- Upper part of the staff area fronting High Street 112 sq m (1,208 sq ft)
- Upper part of warehouse/storage mezzanine 593 sq m (6,384 sq ft)
- Upper part of mezzanine

In total, the food-based store will be 10,355 sq m. (111,470 sq ft) gross. The existing Sainsbury's store, according to Council figures, is 4,501 sq.m. gross.

#### Car park element

The application also includes the construction of a multi storey car park on the site of the existing Sainsbury's car park. That existing car park comprises 350 spaces at ground level. This will be replaced by 924 spaces on 4 levels (this is the key amendment compared to the scheme you saw last year, reducing the previous design of the car park from 6 storeys with 1460 spaces).

Supporting the reduced car park size, the applicants advise:-

1. changes in the UK market, and competition, mean the outlet centre is unlikely to go ahead  
*1 (this raises complex implications, which are touched on in some of the Consultation responses, but addressed fully in the Observations)*
1. PPG13 sets a maximum for the food store, 5 shops and flats of 784 car spaces
2. the developers have agreed with the store operator to restrict car use of the store to 450 spaces (reflecting its town centre location, bus access etc) plus some for the 5 shops and the flats
3. to support comprehensive development of the area, 474 further spaces are proposed
4. PPG13 also sets a maximum of 511 car spaces for the Shannon's Mill retail proposal
5. significantly more parking than proposed would raise issues of planning policy
6. significantly less than proposed would prejudice the potential for development of the area around the site
7. food store use will be limited to two floors of the car park
- 10.

The car park was part of the outline approval BC57512P/C, for the redevelopment of Shannons Mill (see history section). It has now also been submitted as part of this application, but is still integral to the Shannons Mill development as well.

The main vehicle access/egress to the car park is via George Street. Additionally, there is an exit, restricted to left turn only, on the third level, emerging onto Peel Street, opposite Bath Street.

Road widening is needed to support the car park. This has been approved by your Committee, as part of the roads applications.

The plans for the car park also show 5 small shop units on the ground floor facing George Street. These units stand forward of the main car park.

There was a glazed footbridge at third floor linking the car park with Shannons Mill (towards the Caldmore Road end of George Street) in the earlier version of the development. That has now been deleted, reflecting the revised design of the car park.

A condition of the outline approval was for the provision of a 'percent for art' within the development. Two areas have been defined, one at the top of the market at the foot of Church Hill, and one between the foodstore and the shops within the multi storey, fronting George Street. The latter has been indicated as some form of water feature. No formal details have been submitted of either at this stage. This would feature as a condition of any approval.

In support of the original version of the application submissions have been received from the applicant. These are still largely relevant to the present version and include:

'Supporting Statement' - as a town centre redevelopment, the proposal is in accordance with national, regional and local planning policy, introducing a mix of uses in a high density development. It will lead to an increase in overall town centre jobs as well as being required for the Shannon's Mill development, which is important for the overall success of the town centre and will enhance its sub-regional role.

'Retail Assessment' submitted in accordance with Government guidance. The development is within the town centre, and in scale with the size and role of the centre of Walsall, so it accords with national, regional and local retail planning policies. Therefore, Government policy statements do not require the need for the development to be demonstrated, and the proposal is in the preferred location in terms of the sequential approach, with the consequence that it will fulfil the policy requirements in terms of accessibility and the likely effect on the need to travel. In terms of retail impact, it is stated that the impacts of a town centre development will be a matter of competition; in terms of impact in Walsall the main effect would be likely to be the recapturing of trade from out-of-centre stores; and there should not be adverse impacts on other centres.

'Transport Assessment' submitted in accordance with Government guidance. Predicted levels of traffic generated from the foodstore will operate at capacity for the robust levels of generated traffic assessed and are considered acceptable with the improvements proposed.

### **Relevant Planning History**

There have been a number of applications for elements of the scheme. In summary, the outline permission for Shannon's Mill also approved the development of a large multi-storey car park, of 1,400-1,500 spaces on this site. Whilst the outline permission provided for retail floor space up to 23,226 sq.m. gross, the first phase of the development (which has reserved matters approval) is for 13,000 sq.m..

The permission was primarily for the sale of comparison goods, but also allowed up to 1,500 sq.m. for convenience goods.

The key permissions, in detail, are:-

BC55640P/C Outline: Retail development including designer outlet centre and multi storey car park granted October 2000 (the Shannon's Mill scheme)

BC57512P/C Reserved Matters: Retail development, including designer outlet centre granted August 2001 (part of the Shannon's Mill scheme)

02/2096/RM/W2 A1 Retail development including designer outlet and multi storey car park (also Reserved Matters, as it was amendment to BC57512P) granted February 2003 - this is what is referred to as Phase 1

03/0927/FL/W2 Road works in connection with Shannons Mill, including construction of a new road at the bottom of Church Hill linking Ablewell Street to Upper Rushall Street, granted October 2004.

04/1299/CA/W2, Conservation Area Consent to demolish the existing Sainsburys foodstore granted June 2004.

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

### **Unitary Development Plan**

The Unitary Development Plan is based upon sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion. Town centres are recognised as playing an important role in this, including as the locations for facilities that will attract large numbers of trips.

Developments in centres - defined for shopping proposals as being within or adjoining the defined 'primary shopping area' (which includes the existing Sainsbury's store - are encouraged to enhance the range of shopping provision, but they should be in-scale with the centre and carefully integrated in functional and visual terms.

Walsall town centre is to be sustained and enhanced in its sub-regional role, for shopping, whilst it is also recognised the centre has an important local role.

The Town Centre Chapter of the UDP defines 'development / investment opportunities' and the largest of these covers 'Lower Hall Lane / Digbeth / Old Square', including the Sainsbury's store and the car park. The Policy for this, includes:

- The identification of this area as the main location for investment in comparison shopping, in Digbeth ('Shannon's Mill') and the Old Square;
- Support for the provision of retail premises to meet modern requirements;
- The retention of 'at least one quality food supermarket' in the area;
- Improved restaurant / café facilities;
- Improved security;
- The promotion high quality design and townscape improvements;
- The provision of car parking to serve the centre as a whole; and
- The requirement that developments generating significantly greater amounts of traffic should be supported by necessary infrastructure improvements.

The UDP also contains policies that:

- Expect all developments to make a positive contribution to the quality of the environment, especially in Conservation areas (with Church Hill recognised as an especially important area in townscape terms);
- Seek to safeguard the archaeology of the Borough;
- Seek transport improvements where necessary, including to support investment in the town centre;
- Recognise the accessibility of town centre locations, but seek to improve provision for pedestrians, cyclists and disabled people; and
- Seek to provide an appropriate level of short-stay parking, managed to serve the centre as a whole, but sensitively-integrated in townscape terms; and
- Promote safety and security.

## Regional Policy

Regional Spatial Strategy for the West Midlands (embodied in RPG11) promotes the regeneration of the metropolitan area (including Walsall in the Black Country), sustainable development and investment in town centres, in accordance with National Government guidance (see below). It is also seeking an urban renaissance, with the Black Country continuing its renewal around improved centres, including Walsall. Walsall town centre is identified as one of a strategic network of centres in policy PA11, to be the focus for major development including major retail developments of more than 10,000 sq.m.

## National Policy

Government guidance through PPS6 seeks to sustain and enhance the vitality and viability of town centres and to focus developments in town centres. Paragraph 1.4 states that to promote centre vitality and viability the following objectives need to be taken into consideration;

- enhancing consumer choice by making provision of a range of shopping, leisure and local services, which allow genuine choices to meet the need of the entire community, and particularly socially-excluded groups;
- supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and
- improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport

Town centres are the preferred location for retail development, and such development should sustain and enhance existing centres.

Following the previous Committee decision on this application, it was referred (as required) to the Secretary of State (GOWM). The decision was made not to intervene.

## **Consultations**

.

## **Transportation**

On balance, there are no objections. This reflects a complex series of judgements, set out in some detail below.

In summary, the proposed food store and the associated Shannon's Mill factory outlet centre represent a major regeneration opportunity for this area of the town centre. The proposed

road improvements associated with the development will provide a significant increase in highway capacity and substantial improvements in facilities for pedestrians and cyclists.

However, the site is a constrained site within the urban area. It is not economically or environmentally feasible to increase highway capacity to a level that would eliminate the possibility of congestion. Consequently, it is necessary to accept that there is a need for a compromise and that for periods during the day and particularly on Saturday afternoons, it is possible that there could be congestion on roads surrounding the site.

In detail, consideration of the traffic impact of a proposal of this scale is complex and inherently includes a considerable number of assumptions. Issues involved include predicting the volume of traffic that will be generated by the development (and in this case the proposed Shannon's Mill proposal), the extent to which customers will already be in the town and therefore on the highway network, the distribution of the journeys, the times people will visit and the extent customers will use other modes of travel (public transport, walking and cycling). The mitigation measures that have been proposed also have to be considered.

The normal method of estimating the traffic that will be generated by a particular type of development is based on surveys of similar developments in other areas. Knowing the size of the surveyed developments leads to an indication of trip generation rate expressed in relation to the gross floor area. Using the proposed gross floor area, the estimated trip generation and therefore traffic levels can be calculated. These surveys of similar stores also indicate the peak activity periods. These are Saturday afternoon and the weekday evening peak. However, it must be stressed that it is not a precise science.

The proposed size of the store has increased since the original assessment was carried out, Consequently, it is recommended that a condition is imposed limiting the trading floor area (not the gross floor space) to that supported by the transport assessment.

An agreed allowance has been made for visits by people already on the highway network. These effectively reduce the overall volume of generated traffic, although the capacity of the junctions has to take into account different movements as a result of visiting the development. The distribution of trips is discussed in the TA and has been agreed with the applicant's agents.

This section of the highway network is already congested at certain times, and the existing network could not in its current form accommodate the predicted traffic generated by the development. The original approved Shannon's Mill scheme included proposals for road improvements to mitigate the adverse impact. These became the starting point for additional measures necessary as a consequence of the current application.

The final scheme has now been approved in principle by your committee and includes the construction of two one-way gyratory systems, one on either side of the site.

The introduction of a gyratory system increases the highway capacity and spreads out the conflicts inherent at road junctions. The one-way gyratory to the east of the site comprises sections of Upper Rushall Street and Ablewell Street, connected by a new link road. Each junction will be controlled by traffic signals and facilities for pedestrians and cyclists will be included, where appropriate.

On the west of the site, the gyratory consists of a section of Dudley Street, Vicarage Place, an improved Mountrath Street and an extended, re-aligned Upper Hall Lane. Again, the

junctions will be controlled by traffic signals, and facilities will be provided for pedestrians and cyclists, where possible.

Bus priority measures on the new link road between Ablewell Street and Upper Rushall Street were included in the original design requirements. However, to increase the capacity and reduce the potential for congestion on this critical link, these had to be deleted. As an alternative, a contribution of £100,000 has been embodied in the section 106, to finance bus priority measures in travel improvements in the Springhill Road / Ablewell Street area.

However, since that was negotiated, the Council, as part of the Route 51 Showcase scheme, has developed a different version of the road works design. By minor revision to the junction of the new link road with Ablewell Street, the overall capacity of the gyratory has been increased to the extent that bus priority measures will not be necessary. As the costs of both schemes are estimated to be comparable, the section 106 agreement allows either option to be implemented but it is understood the developer is intending to implement the revised scheme under a Section 278 agreement.

In approving the road works, you accepted the conclusions set out in the associated report, notably that the proposed highway improvements and associated traffic management measures, although providing benefits in existing morning peak and at other times, are not completely capable of accommodating the additional traffic in the week-day evening peak or Saturday afternoon, which could result in congestion during these times.

However, in recognition of the potential for traffic congestion that may occur if both the food store and the Shannon's Mill development are completed in their entirety, the applicant has undertaken to implement only phase one of the factory outlet scheme at this time. The completion of the Shannon's Mill Scheme will be subject to further consideration of the traffic situation. This undertaking is to be formalised via a Section 106 agreement. That is the agreement which you authorized on the last occasion you considered this application.

As part of the agreement, additional mitigation is proposed. A system of Variable Message Signs could be used to inform drivers of congested roads and availability of spaces on the Shannon's Mill car park and other town centre car parks. Thus assisting drivers to avoid congestion and still visit the town centre. The applicant has offered a contribution of £20,000 towards a feasibility study into the possible benefits of such a system. This offer was accepted and appears in the agreement. However, the level of traffic currently expected from the development of the food store and the restricted Shannon's Mill retail development does not in itself justify the implementation of such a scheme.

Servicing of any development of this scale in any town centre site will always be problematical. For this development the only possible options for service accesses are George Street (as the existing store), Peal Street directly into the store or, as proposed, from Lower Rushall Street, across High Street and into the development. The latter has been chosen for the main foodstore.

The proposal also includes the construction of a multi-storey car park. There is a single entrance from George Street and two exits. One is onto George Street, which will allow drivers to travel in any direction, (via the George Street junction) and the second is onto Peal Street, which will be restricted to left turn only. Any queuing of exiting traffic would be contained within the car park and not create delays on the highway network.

It is clear that a development of this scale could at times create traffic congestion. This must however, be balanced against the considerable improvements to the existing network that will create improvements to the current traffic situation.

The emerging possibility that the factory outlet centre may not proceed, does not detract from the need to assess the present application against the background that the larger scheme could proceed. As set out above, that is a satisfactory situation.

However, in recognition that the larger scheme may not be implemented the developer proposes to reduce the size of the multi-story car park to 924 spaces. The developer has submitted documentation to justify this in terms of national planning policy guidance. The completion of the Shannon's Mill development is prevented until such times as the developers has undertaken a study into traffic conditions following opening and proposals for further mitigation measures has been approved, if these prove necessary. A similar clause has been inserted in the Section 106 agreement requiring a parking survey to be undertaken before the Shannon's Mill development is completed.

(For the Committee's information, the Council is in the process of commissioning a study to develop a parking strategy to include both the town and district centres.)

### **Pollution control**

No objection.

There is potential during demolition and construction for hours of operation, noise, vibration and dust to generate adverse comment in view of the close proximity of the general public, other commercial units, and nearby residents. We are minded to control these through a section 60 notice pursuant to the Control of Pollution Act 1974, though the applicant may seek to obtain prior consent under section 61 of this legislation.

### **Walsall Regeneration Company**

Supportive of the scheme in general and the contribution it can make to the sustainable regeneration of Walsall. Do not consider that the design meets their design aspirations for a major development in a key town centre location.

### **Centro**

No objection in principle. Developer should be required to affiliate to Travel Wise and develop a Travel Plan.

*(These requirements have not been included as conditions or other requirements, as they are not part of the larger Shannon's Mill permissions. However, the applicants will be encouraged, separately, to pursue these suggestions.*

### **Environment Agency**

Objection on grounds that it has potential to generate significant volumes of surface water runoff and constitutes a primary flood risk issue. Several conditions are suggested in connection with surface water limitation, contamination, remediation measures, disposal of foul and surface water.

*The site is already almost completely surfaced. There is little scope to increase flooding issues. However, techniques exist to reduce outflow from sites. A condition controlling the discharge of surface water is recommended. Improvements to flood risk issues can be anticipated as a result, addressing these concerns.*

**Severn Trent Water**

No objections subject to the imposition of conditions relating to drainage and no development within 5 metres of a sewer on the site.

.

**Cannock Chase Council**

No objections

.

**Wolverhampton Council**

No objection is raised.

**Sandwell M. B. C.**

Support the strengthening and regeneration of town centres and accept that this occasions increases in floor space within them. As this falls within a defined centre it requires neither an assessment of need nor impact.

The reduced car park, and the reduced likelihood of the Mill proceeding suggest the car park is too large for the proposed development (store, 5 shops and flats). Degree of developers commitment to other development which would use up the 'surplus' is not clear.

Overprovision of spaces is unacceptable, as it threatens the relationship between town centres such as Walsall and Sandwell.

**Lichfield District Council:**

It is appreciated that this application is in a town centre location and that the multi-storey car park element relates in part to the adjacent existing permission at Shannons Mill. The application however includes a significant increase in retail floorspace on the site and major leisure development. (The development does not include any leisure now). The information that the Council has been given consists only of the application form itself, which gives some information on floorspace, and accompanying layout plans. This is insufficient information to assess whether there would be any unacceptable impacts arising from the proposals.

Government policy is that Local Authorities should require applicants to demonstrate that there are no unacceptable impacts on centres and that these can arise in town centre developments and through cumulative impacts. Therefore ask that this additional information is provided in order that the Council can make an adequate assessment of the proposals and comment in the knowledge of an impact assessment. *The information has been sent and I have not received a response.*

**Birmingham City Council**

No objection.

**Staffordshire County Council**

No objection but seek to promote waste handling and recycling (as provided for by policies).

**Wildlife Trust for Birmingham and the Black Country**

Comments relating to sustainability, existing flora and fauna, and nature conservation

.

**Fire Service**

Access agreements have been agreed in earlier versions of plans. No further comment.

**Police**

Stand by previous comments which were:-

The Police would welcome:

1. The use of 'Secured Car Parks' standards.

2. The provision of CCTV, which is seen as necessary, and the system should meet the necessary standards for crime control.
3. Good visibility in and around the scheme, security for service yards, and good natural surveillance.
4. Safety by good design, which can be enhanced by careful choice of the routes to, from and through public areas, by care in detailed design of such areas, by avoiding the use of narrow alleyways and areas of poor natural surveillance.
5. Simplicity of layout, which tends to promote such issues.
6. Footpaths used by the public having good lighting.
7. Landscaping design considering the needs of security, by avoiding concealed areas, and promoting surveillance of public areas.
8. Cycle racks should be sited in prominent and busy locations, for the security of the cycles
9. Consideration could also be given to the use of cycle lockers rather than cycle racks.

Following an enquiry as to whether or not it would be possible to have an additional pedestrian access from the multi storey onto Peal Street, for convenience and ease of access to the top of Church Hill and the church itself, the developer sought further advice from the Police liaison officer. His response was as follows:

*'It is my opinion that the security of the car park and its users would be compromised unnecessarily by such an exit. I fully accept that there needs to be a fire exit, though this should be controlled by magnetic locks. All fire escape doors should be connected to an alarm system on a 24 hour circuit. (I have suggested a condition to this effect). Should this proposal become a Planning issue I would make a formal objection to a pedestrian exit at this location as I am of the opinion that vehicular and pedestrian entrances and exits should be kept to an absolute minimum.'*

### **Black Country Archaeologist**

The proposed work lies within the historic core of Walsall. Previous development may have already removed much but there is a good chance of survival in the area of High Street and to the north. These areas have already had preliminary archaeological assessments which have confirmed the possibility of survival of buried archaeological deposits. If planning permission is granted a condition requiring the undertaking of a scheme of works ahead of and during development should be included, in accordance with an agreed brief. Condition suggested.

### **Drainage**

Satisfactory, public sewer crosses the site, Ford Brook tunnel passes site. (This information has been passed to the applicant).

### **English Heritage:**

Identified a wide range of issues on the last occasion. However, in relation to the amended plans they do not wish to make any representations.

### **Victorian Society:**

The concept is admirable.

Concern about the elevation to High Street, the height to the top of High Street could be increased. (This has now been amended). The opportunity should be taken to insert some residential units in the High Street frontage. This would provide an exciting place to live and help to reduce crime in the area.

Would support an art feature which comprises a fountain of intermittent jets.

### **CABE (Commission For Architecture & The Built Environment):**

Welcome the ambition of the project on the edge of the town centre, scheme is moving in the right direction. Given slope of site, context of Guildhall, High Street, Church and views of the Art Gallery more of this character should be expressed in the design of the scheme. Welcome the way the scheme attempts to work with the levels on the site although a model would assist understanding of the scheme. Care should be taken with roof design and any plant should be dealt with properly and kept to a minimum. The proposed square on George Street could be an attractive Civic Space which could be improved if the bridge from the upper level of George Street delivered pedestrians to the retail and leisure units rather than just the car park. This would help enhance the importance of the square as pedestrians would have a view over the square and to the entrance of the retail and provide a continuous retail circuit. (These comments have been passed to the applicant.)

In relation to the reduced height of the car park, they have no comment.

### **Access Officer**

Details of bollards and water feature are required. (I have suggested conditions)

### **Safety And Access**

Co-ordination necessary with Markets; Pollution Control; Environmental Health (control of works & rodent control) local traders etc. regarding demolition. Recommend a condition regarding demolition work.

### **West Midlands Regional Assembly**

In the context of Regional Planning Guidance for the West Midlands the location within the designated Walsall Town Centre inset means there is no reason for the Regional Planning Body to intervene.

### **Representations**

This section is complicated by the series of amendments made over the life of the application. There have been a range of procedural comments, as well as comments on the scheme.

I have simplified this material, merging some parts, and excluding elements that have ceased to be relevant, in order to concentrate on the issues which remain relevant. I have interpolated comments in italics on some of the issues, others are dealt with in the Observations.

The comments immediately following relate to the originally submitted plans (subject to my comments about continuing relevance). Comments on the latest amended plans dated 18th June 2004 follow.

I received letters from 9 individual objectors. Some of these individual objectors wrote several letters. The objectors fall into three categories: immediate neighbours adjoining the car park next to the Lyndon House Hotel; traders in the vicinity of the site, interested parties from elsewhere in the borough. I have also received a petition containing in excess of 900 signatures. In addition to the above I received letters from the representative of the UK Independence Party and Councillor Rose Martin.

The petition expresses opposition to the idea of HGV access across Church Hill.

The immediate neighbours:-

- a) object in the strongest terms to the treatment of the High Street area in the Conservation Area;
- b) already losing one car park as a consequence of the development (*Upper Rushall Street - affected by the approved road works*), to lose another (*adjacent to the Lyndon Hotel*) would destroy the livelihoods of many people; (*the car park adjacent to the Lyndon is not removed, though it is reduced in capacity*)
- c) the town will now end at the corner of George Street with no design consideration for businesses beyond that point; (*see observations section*)
- d) if 2 articulated lorries meet entering and exiting from the service area who is going to back up and where to? (*there is ample manoeuvring space within the service area and only 10 vehicles a day are predicted*)
- e) not all design options have been explored, the developers are invited to have a meeting with local traders and planners;
- f) the level of the service yard could be increased to make it easier to access direct from Peal Street without entailing the loss of the Car Park adjacent to the Lyndon Hotel; (*this is not viable due to levels differences*)
- g) this would allow more space for retail, warehousing, leisure or car park facilities, It would improve the view of the service yard also.
- h) not against the redevelopment of the area, but wish to be involved;
- i) this shop sells bulky goods (*Comment from Hole in Wall*) and it would be devastating to lose the car park; (*some spaces remain in this car park*)
- j) the listed buildings would be overshadowed and hidden by the development;
- k) concern about access to service area in this sensitive location;
- l) the demise of the car park would mean this historical area will become run down again;
- n) the car park is potentially a valuable development site and could be a sought after asset whilst still providing the same amount of parking; (*see comments in observations section*)
- o) in inclement weather the car park can be rendered unusable, articulated lorries turning on what could be an ice rink could be disastrous;
- p) do Walsall people want the area at the top of the market used for lorries crossing and parking? (*Lorries would not park on the top of the market but within a defined service area to the side, the limited number of HGV's anticipated would mean only occasional vehicles through the day.*)
- q) the elevation of the new building to High Street is awful, and is in effect two large sheds - at least present building blends in;
- r) no walkway is shown from the car park to the top end of High Street, therefore rendering it almost useless to local businesses; (*See Observation section and Consultation response from Police Architectural Liaison.*)
- s) new car park offers a different type of parking, governed in a different way to existing car park;
- t) High Street is a focal point of the town and must be given more consideration, therefore a group called 'Save Church Hill Group' based at 10 High Street is being formed and has virtually unanimous support locally.
- u) Welcome the scheme in principle but object to the treatment of the High Street area.
- v) Interested in purchasing the Upper Rushall Street Car Park (*this letter, from Prints and Bedding adjoining the site, has been copied to the Estates Division*);
- w) Ruination of view in a Conservation Area;
- x) HGV trailers are noisy and listed building could be damaged by vibrations.
- y) It should be considered who Members represent in this matter, the electorate or a single developer.

Trader in vicinity of site:-

- a) concerned about the link bridge;

- b) concerned about amenities during construction request refusal;
- c) Market Traders Association strongly object to the area at the top of the market and loss of car park next to the Lyndon Hotel: -
  - will mean reduction in footfall at this end of town;
  - great concern as to how Traders are to carry on;
  - appreciate Sainsburys redevelopment, but losing car park would be a complete disaster;
  - HGV crossing top of High Street would be dangerous and will discourage the public on foot.

Interested parties from elsewhere in the borough:-

- a) concern about the access to the service yard,
- b) erosion of the pedestrianised market area and add a barrier to the eastern approach to the market
- c) buildings adjoining the access to the service area will be vulnerable to lorries manoeuvring close by;
- d) conservation status seems to mean little;
- e) panoramic views over Walsall and George Street will be destroyed by the multi storey car park;
- f) this is reminiscent of the 'Overstrand' which obscures views of St. Matthews Church;
- g) could photographs be taken of this view and George Street and placed in the Local History Library? *(This has now been done.)*
- h) Friends of the Earth welcome the redevelopment of Sainsburys, however:-
  - concerned about lorry access arrangements;
  - it does not appear to interfere with views of St Matthews from High Street and Market but not sure;
  - could act as a disincentive to people wishing to walk down into town this way;
  - there will likely be a general reduction in the permeability on this side of town for access by foot;
  - appreciate that there are difficulties for lorry access but comparison with Tesco does not bode well;
  - lorry access, if accepted here, should be as unobtrusive as possible, and use of this should be minimised during times when pedestrians are likely to be about;
  - proper arrangements should be made for the disabled.
  - Car parking charges should be in line with the rest of the town centre and the condition on Town Wharf. *(A similar condition is proposed.)*
  - What is intended in relation to the current recycling point?  
*(The scheme requires its removal. There is no obvious location for a replacement, given the need that most people would identify for people to drive to it to drop off items, but also the need for considerable headroom for collection vehicles. I have not required a replacement, in the recommended conditions.)*
- i) the footbridge from car park to Mill would damage the Mill which has just been listed *(the present plans have deleted the footbridge)*

Black Country Chamber:

Welcome the principle of the development in terms of job potential, town centre development and parking provision;

The development needs to be done in a way that effectively complements the area and does not bring conflict between parking and servicing;

HGV's will still have to cross oncoming traffic and go through the middle of a parking area;

The additional parking spaces on the car park adjoining the Lyndon Hotel are welcomed

although 8 of the spaces are still on what could be termed the wrong side of the HGV line;

The overall aesthetics of the building fronting on to the High Street remain out of character with the other older buildings and the market area - further improvements could be made to this part of the building.

UK Independence Party:-

Removal of the parking spaces adjacent to the Lyndon Hotel will not only have a detrimental effect on the businesses at this end of town but also disfigure an historical part of Walsall due to the HGV access. Object to the plans and question the need for the road widening scheme which will also adversely affect other parts of the town. The plans should be reconsidered even though it is late in the day rather than wreck what is left of Walsall's historic heritage. All through traffic should be urged to use the outer ring road by reinstating 40 MPH along the Broadway after various safety measures have been implemented to make this already wide road a feasible alternative.

Councillor Rose Martin: -

The scheme would require the Council to sell a large area of land to the developer, without the Council being able to advertise its disposal and so obtain the best market price. *The sale of the land, and revenue referred to, is not a planning matter.*

Note Walsall Regeneration Board (WRC) have received a presentation from developers and are generally supportive of the scheme. The WRC ethos is for high quality in building and materials, are the ones proposed compatible with the Conservation Area? The roof of the existing building comprises a collection of service plant. Detailed drawings of the proposed roof will be important. No mention is made in the report of road widening need for pedestrian safety. No mention of revenue from the proposed multi storey to compensate for the loss of revenue from the 2 car parks needed for roads. As existing service vehicles use George Street, why is it necessary to construct another highway which will curtail access from High Street physically and visually. Are there proposals to re-route Old Square service vehicles? English Heritage (*in their earlier comments*) express concern at use of High Street as a lorry manoeuvring area. Victorian Society recommend residential units in High Street frontage. If current proposals proceed, the opportunity to provide these will be lost. The top of the High Street will have two highways side by side, both with two way traffic which will cut off the church from the town. The service access is not a new highway as such, as it is for service vehicles only. It is envisaged that a limited number of vehicles will use this access (*a maximum of 10 a day is the anticipated figure*). The developer has tested other access routes to the service area but these have proven to be unviable.

I have also received 2 further representations from a local trader. One of these encloses a plan showing his preferred treatment to the top of Church Hill. This has been distributed to the developer, his agent, transportation and conservation officers and the transport consultant for the developer, at the request of the objector. *My comments on that alternative plan are as follows, and these also reflect the responses from consultees:*

*As much car parking as possible has been retained. However, the line of the road would create a 1 in 14 fall on an adverse camber. It would have a detrimental affect on the top of the market and detract from the linearity currently shown on the recently amended plans. In addition it entails raising the level of the service yard which would not be feasible. It has not been adopted by the developer as part of the scheme.*

That trader also comments:-

- a) Questions posed regarding the form of demolition and works to the car park; (*I have forwarded these to the developer for a response*). Issues about the sale of the car park adjoining the Lyndon House Hotel raised (*I have passed these to the appropriate department*)
- b) Pleased to see improvements relating to the car park adjoining the Lyndon House;

- c) Still object to loss of 55 car parking spaces;
- d) Will the car park adjoining Flan O'Brien's PH be saved? (*This is within the proposed road works, as already approved*)
- e) Can there be an entrance from either the new supermarket or car park that would exit opposite the listed buildings nos. 10 - 14 High Street to give some footfall in this area;
- f) Consultation with an expert has revealed that the overall development will have an adverse effect on this area;
- g) Object to 5 planters parallel with no 14 High Street unless low level;
- h) Note the area adjoining Lyndon House appears to be a seating area at the cost of 3 parking spaces, why is this significant;
- i) The emphasis should be on maintaining public parking;
- j) Prints and Bedding/Hole in wall have traded here for 40 years and have custom from all over the world attracting more customers per sq. foot from outside the area than any supermarket or designer outlet ever will;
- k) Hope that the decision on the application will be sympathetic to this gem.

Walsall Cultural Society have objected on the basis that:-

- a) the scheme ignores the CA and the policy guidelines on development in CAs
- b) Ablewell Street - building to be demolished is a former 18<sup>th</sup> century coaching inn and has group value - it will be demolished
- c) Proposed road on Church Hill will threaten any surviving remnants of a possible hill fort and the WCS disagree with the Black Country Archaeologists conclusions that only a desk top study is needed
- d) Changing levels at the top of High Street will obliterate the old street and hill side levels patterns
- e) They seek the creation of design guidance for High Street / George Street which would require brick, pitched slate roofs, sash window designs recreating or respecting the remaining buildings in the area

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

### **Determining Issues**

- Compliance with retail planning policy
- Traffic / Transportation issues;
- Servicing arrangements;
- Access matters;
- Satisfactory compliance with the relevant conditions of the outline approval;
- Design of car park
- Mixed development design;
- Conservation Issues
- Sustainability and regeneration issues.

### **Observations**

Underpinning many of these issues is the issue of context.

Whilst this is a full application, it is part of the wider Shannon's Mill development, which already has outline and reserved matters approvals. The outline permission has already established the principles for, and context of much, of the development - notably the creation

of a multi-storey car park. In considering this application the issues raised have taken account of those implications.

The emerging possibility that the factory outlet centre may not proceed complicates this situation. However, planning policy seeks the development of this part of the town centre. If the factory outlet centre does not proceed in the short term, the likelihood exists of other projects coming forward. They will require parking. Any over provision in this scheme can be seen as simply creating the scope to bring forward other schemes.

### **Compliance with retail planning policy**

This is a town centre development. The proposed foodstore including the internal café would be located substantially within the defined main / primary shopping area in the UDP. The (modestly-sized) shop units in the car park frontage onto George Street are outside this area, but they will function as an integral part of the Shannon's Mill development and they will also be part of the existing George Street group of shops, and help to create a functional link across the narrow street to the main mill building. They will also be important terms of the design and character of the street scene.

In addition, the whole of the site is located within the town centre development / investment opportunity that is promoted for development under Policy WA10.

The development is also in scale with Walsall town centre, given its size and sub-regional role. Walsall is one of a limited number of strategic centres identified for major retail and leisure development in the regional planning strategy.

On this basis, the proposal is generally to be supported, but the development plan strategy is also important. These strategies relate to a range of matters, including such things as transport, access, design etc. (addressed elsewhere in the report), but in terms of retail and leisure development I see the following as relevant.

- The is part of a larger scheme ('Shannon's Mill') that takes in a development opportunity. The site is entirely within an area where development is promoted in the UDP (WA10) and accords with the strategy in this respect.
- Policy WA10 of the UDP promotes comparison retail development in the area, including through the 'Shannon's Mill' scheme. The applicant's submissions make clear the value of the present application to that wider development. Again, this supports the UDP strategy.
- Policy WA10 also promotes investment in the Old Square, primarily for comparison shopping. Previous proposals have relied on the relocation of Tesco, but there is currently no scheme to do this. Thus, I cannot see a basis to argue that the current application could be shown to necessarily undermine a hypothetical future scheme for Old Square, and I do not think the consequences for a scheme that has not taken shape could outweigh a proposal that is otherwise acceptable and is supportive of the implementation of Shannon's Mill - presently the most important retail investment in the town centre.
- I do not consider the present application would have an adverse impact on other development opportunities in the town centre. In any event, it is arguable that impacts between development proposals within the town centre are a matter of competition.
- In retail terms, the application would comply with the requirements (in WA10 of the UDP Review) to provide more modern retail accommodation and to retain at least one quality foodstore.

Considering all the issues in context, I consider the acceptability and benefits of the present proposal accord with and outweigh any possible future conflicts in terms of the strategy of Walsall's UDP.

It is arguable that, provided it is an in-centre development and in scale with the centre, the proposal does not face any further planning policy tests arising from Government guidance (as these relate to edge-of-centre and out-of-centre developments). The decision of the Secretary of State not to intervene when it was referred following your last meeting confirms that assessment. As there has been no change in the retail component of the scheme, there is no need to refer the matter again.

I see no grounds for concern in terms of the likely retail impacts.

With regard to the other tests in Government Guidance, as this is a town centre development of an appropriate scale:

- Government statements have made it very clear there is not a requirement to demonstrate need (although in this case there is a need for a store to replace Sainsbury's): and
- It is in the first choice of location under the sequential approach and is in the location that is most accessible and most likely to help limit car use (because of its accessibility and because one trip can fulfil a number of purposes).

Thus, I consider the application is to be supported in principle.

### **Traffic / Transportation Issues**

An appraisal of the Transport Assessment has been carried out.

It is clear that the estimated traffic generated by the combined developments, i.e. the original, large, Shannons Mill outline application (ref: BC555640P/C, renewed by 03/2110/FL/W2) and this development proposal would, at peak times, result in considerable congestion on the adjacent network. The Reserved Matters approval ref. 02/0296/RM/W2 was for a reduced floor space, proposed to be 'Phase 1' of the Shannon's development.

Reflecting the potential for traffic generation in the large Mill development, the developer has proposed that only 'Phase 1' of the Shannons scheme, granted under reserved matters permission 02/2096/RM/W2, combined with the supermarket development now proposed, be built in the first instance. (The emerging possibility of a restricted development of this project does not detract from the need to weigh it in judging the current application.)

The Transportation Assessment is done on this basis.

Clearly, it is important to ensure that the level of retail development matches the road works and the Transportation Assessment. Equally, the implementation of the retail scheme envisaged in the outline permission, together with the current proposal, maximises the role of the town centre in terms of the location of retail floorspace. For that reason, it is important to maintain the ability to complete the approved development, as well as this current proposal.

In order to secure this position, a legal agreement is suggested (under section 106). This will set a maximum floorspace to be developed at the present time, and a requirement for further traffic studies once the scheme is operational. These would include the identification of any

further necessary road works to support the larger development. The agreement would also include provisions to review it and keep it up to date in relation to retail trends.

The Section 106 Agreement will include the requirement for the applicant to finance a feasibility study into the possible benefits of a system of Variable Message Signs to inform drivers of congested roads and availability of spaces on the Shannon's Mill Car Park. There is some loss of a series of limited bus priority measures with the approved road works. When you last considered this, you sought a contribution to alternative measures as compensation. That was to be part of the section 106 agreement. In the interim, the developers have agreed with your officers that a small change to the road works proposed has benefits similar to the envisaged alternatives. That small change is expensive in terms of services relocations. The bus measures are included in the section 106, together with the newer road design. The 106 requires one or other approach to be implemented. That is a satisfactory position.

Transportation have stated that the trip generation rates in the Transportation Assessment are acceptable if a condition limiting the trading floor area is imposed. I have suggested a condition.

The alternative scenario of this application being implemented and a lesser retail development proceeding in the Mill also needs to be considered. If that happened, the proposed roadworks will be under less pressure, at the time of completion of the developments. However, substitute developments are almost certain to come forward in such a situation. The prospect of over-provision of road works, or of car parking should not be seen as an impediment to granting this permission. Instead, it should be seen, should that situation arise, as an investment in future alternatives.

### **Servicing arrangements**

This has been the source of objections to the application ranging from damage to the historic fabric of this end of town, to fears for the stability of adjoining buildings and damage to local business due to the loss of the car park.

There has been no change to the scheme in this respect. Your earlier decision to approve the application made a decision on this issue, and I have not re-iterated the comments I made in my earlier report.

### **Accessibility matters**

The scheme now meets the requirements of the access officer. Details of the design of the bollards would be required. I recommend a condition which requires a scheme of street furniture to be agreed. The police liaison officer has given sound security reasons why a pedestrian access point onto Church Hill would not be supported. I concur with this view.

### **Satisfactory compliance with the relevant conditions of the outline approval**

Conditions will need to be re-imposed on the supermarket development application in order to ensure compatibility between this application and the outline planning permission. They appear in the recommendation.

Conditions suggested by statutory bodies are also recommended.

### **Design of the car park**

The car park is unreservedly modern in concept. The scheme you previously supported was approximately the same height as the existing mill. The revisions are lower. The cladding materials will contribute towards its design and help to dissolve the mass of the structure. The main materials alternate between louvers and perforated steel panels. On the body of the car park they are in silver.

The stair and lift towers are glass blocks set within exposed structural steelwork. The ramp is in the shape of a 'drum' at the Peal Street and Upper Hall Lane end of the site, this will be clad in perforated steel cladding panels, powder coated in light blue. As a result of the reduced height of the car park, this is lower, but it will still meet the design needs of this elevation.

Relating the footprint of the building to the 'curved' boundaries of the site is advantageous and will help to add interest and give an organic feel to the building.

The car park is designed to give an impression of openness and transparency. I feel it has evolved into a good design. This will be enhanced in the evenings by strategically placed lighting. (A condition is recommended.)

The car park will be to 'Secure by Design' standards, and I recommend a condition to this effect. The comments of the Police Liaison Officer regarding disabled parking have been incorporated into the internal revisions of the Car Park and 10% of the spaces are designated for the use of the disabled. Cycle parking is intended.

The retail units along the side of George Street are welcomed because they add an interesting and functional feature.

### **Supermarket Design**

There have been no significant changes in this respect.

The building is generally three stories in height. The ground level of the new building will be 2.5m approx. lower than the existing supermarket. The entrance will be very close to the corner with George Street, there will be level access from High Street to the Store at this point, though the levels are such that there will also be access via a small flight of steps.

The external appearance of the building constitutes a clean, modern style of architecture with a simple variety of cladding materials. The building line steps in and out creating a varied eaves line from street level. The high roof against Peal Street conceals views of the roof from Church Hill and Peal Street. This provides a good balance for the listed buildings that remain opposite this site. It now acts as a piece of framing townscape for St Matthew's Church as it builds in height up towards the Church.

The roof plans of the development and the car park are important regarding St Matthew's Church in order to relate these elements to the topography of High St and also to accommodate plant which may be sited here. The plans show the prospective tenants plant layout. The roof of the marshalling area against Peal Street has been raised locally to prevent views onto it and to prevent unauthorised access. A section of the gable elevation also extends along the top of the existing retaining wall to prevent access onto the roof of the service yard canopy. These measures also serve to prevent views onto the main foodstore roofs from Church Street. I have also suggested a condition requiring details of the

supermarket development, and the top floor of the multi storey car park, showing materials to be used, samples where necessary, and perspective views from vantage points on Church Hill,.

## **Conservation Issues**

English Heritage had concerns over the service yard area, on the last occasion. They have now confirmed they wish to make no representations..

The deposited plans for the supermarket application show bollards to either side of the service road. I have suggested a condition requiring details of works to prevent vehicles using the service yard access route from Peal Street to travel to or from the rest of High Street (including revised details of the suggested bollards as necessary, or their deletion in favour of other works).

Since the last report, the Mill building has been listed. This introduces a duty for the Local Planning Authority to carefully judge planning applications that affect the setting of a listed building. Additional publicity is required, and has been done.

The car park in this application, and the flats in the companion application, are the elements that influence the setting of this Listed Building. The front elevation of the proposed store affects the setting of The Guildhall, also listed.

I have assessed the building design, as a design, in the relevant sections of this report, above. Having concluded that they are examples of good modern design, the issue for this passage of the report is whether that is compatible with the Listed Buildings.

In recommending approval on the last occasion, I had judged the new buildings against their impact on their surroundings. While the legal status of one of those buildings has changed, my conclusion that these are good proposed buildings, and that they suit their location still stands. The recognition of the quality of the Mill by its listing does not detract from the assessment the proposal was subjected to previously. I continue to support the building in the prevailing situation and consider that the character and integrity of the Mill (nor the other buildings around the site) will not be prejudiced by the proposed development.

## **Sustainability / Regeneration issues**

The development is sustainable in terms of revitalising this part of the town centre and perpetuating trade across the core of the town. The creation of the built spaces is robust, in that they will be adaptable/ reusable from a design perspective. The existing Mill building which is an existing semi-vacant structure, will have new life injected into it supported by this proposal.

In excess of 800 jobs will be generated by the combined developments. The developer is keen to enhance the quality and quantity of job opportunities available to local people and it is intended that training will be provided where possible to enable a high percentage of the local workforce to benefit from the additional employment opportunities. The developer has set out their recruitment objectives in a statement and they intend to develop partnerships and work with the WRC, Regeneration Zone and other key players to secure any necessary extra funding.

Once again, the issue of the Mill proceeding on a restricted basis arises. In this context, alternative ideas would need to be found, to recreate the gains envisaged.

## **Conclusion**

This is a town centre development that is to be supported in itself and is important for

- the implementation of Shannon's Mill retail scheme
- strengthening this area of the town centre
- strengthening Walsall town centre overall.

It is to be supported in principle and, I believe, in terms of the economic benefits it should bring. It does raise issues in terms of traffic, access and design, which have been carefully considered. I consider the scheme strikes a good balance between the problems, the solutions and the achievements it offers.

The section 106 agreement would cover the following heads of terms:-

1. a transport assessment to be implemented before the larger retail scheme is implemented
2. payment to be made to enable VMS study
3. bus measures to be provided for OR revised road works implemented

## **Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement**

1. Where appropriate to allow flexibility in detailed application of the conditions, all of the following conditions, and all parts of those conditions, will be taken to include the wording '... unless otherwise agreed in writing by the Local Planning Authority ...'.

*Reason.* To define the permission, and allow a sensible degree of flexibility in the interpretation and application of the conditions.

*Note for applicant - the range of approvals which can be given under this condition will be treated cautiously by the Local Planning Authority, to exclude amendments that should properly be advertised / publicised to involve the public. Amendments which require that treatment will need to be the subject of a planning application.*

2. This development must be begun not later than 5 years after the date of this decision.

*Reason* Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

3. No built development will be commenced until details of CCTV cameras giving substantial coverage of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details will provide that the installation will be part of the wider Town Centre CCTV system, and be of a quality and arrangement suitable to be used as evidence in a court of law. The design of the CCTV installation will have regard to the lighting installations to be made on the site. The approved details will be implemented concurrently with the relevant part of development to which they are attached, and will thereafter be retained in working order.

*Reason.* To create a secure and safe environment, and contribute to the control of crime in the town centre.

*(Note for Applicant - The Local Planning Authority would recommend that in preparing the submission under this condition, the developer consult with the West Midlands Police.)*

4. A) No built development will be commenced until details of the proposed boundary treatment of the development (including measures to control use of paved areas by skateboarders etc.), have been submitted for the approval of the Local Planning Authority. The development will not be brought into use until the approved scheme has been implemented and completed. The approved scheme will thereafter be retained.
- B) At no time will there be any barrier or gate on the access from Peal Street to the car park at the top of the market.
- C) For the avoidance of doubt, this condition does not apply to any activities during or associated with demolition or construction on the site.

*Reason.*

A) To ensure the satisfactory appearance and functioning of the development.

B) To ensure the availability of the car park for the use of users of the commercial properties at this side of town.

5. The development hereby permitted shall not commence until a strategy showing details of the following aspects of the construction works hereby approved has been submitted to and approved in writing by the Local Planning Authority:-

- Hours of construction for demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation).
- Plant, machinery or equipment associated with the works-
- Location maintenance and servicing of plant or equipment used in connection with liquid pumping and the provision of compressed air or electricity.
- Noise, vibration and dust control.
- Temporary parking for construction staff.

The agreed strategy should be implemented and complied with during the construction period.

*Reason* To protect the amenity of users of the town centre, to minimise traffic and environmental impact, and control the working area and worker parking.

*(Note for applicant - In preparing the submission under this condition the applicant must take into account the proximity of residential properties, general public and market trading in the vicinity of the site. In addition, the Council's Pollution Control Division is minded to control these issues through a section 60 notice pursuant to the Control of Pollution Act 1974, however, the applicant may seek to obtain prior consent under section 61 of this legislation. The Local Planning Authority recommends that in preparing the submission under this condition, the developer consult with Ian Rathbone of the Pollution Control Division tel. no. 01922 652236).*

6. Notwithstanding the notation on the deposited plans, no built development will be commenced until details of works to prevent vehicles using the service yard access route from Peal Street to travel to or from the rest of High Street (including revised details of the

suggested bollards as necessary, or their deletion in favour of other works) have been submitted to and approved in writing by the Local Planning Authority.

*Reason* To ensure that these works are consistent with others within the Conservation Area and the needs of disabled people and the town centre generally, and that they are located in the most appropriate place.

7. Notwithstanding the notation on the deposited plans, the car park adjoining the Lyndon House will not commence until revised details, to comply with highway standards, have been submitted to and approved in writing by the Local Planning Authority.

*Reason* To ensure the satisfactory functioning of the development.

*Note for applicant. See also condition 10 in relation to this work.*

8. No built development will be commenced until fuller or revised details of the roof plan of the supermarket development, and the top floor of the multi storey car park, showing materials to be used, samples where necessary, and perspective views from vantage points on Church Hill, to maximise the interest of the roofscape from that direction, 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 when viewed from Church Hill.

9. No built development will be commenced until details of a schedule of facing materials to be used in the development has been approved in writing by the Local Planning Authority.

*Reason* To ensure the satisfactory appearance of the development.

10 (A) No development will be commenced until details of surfacing materials and means of surface water drainage to all areas of the development, including car and lorry parking, servicing, and manoeuvring areas have been submitted to and approved in writing by the Local Planning Authority. The details shall include a means of delineating the swept path of HGV's to the service yard from Peal Street, and restricting vehicles to that route. The approved scheme will be implemented and completed in accordance with the approved details, and all parking spaces will have been clearly marked out, before the part of the development served by that vehicle area is brought into use. The vehicle areas will thereafter be retained as approved and used for no other purpose.

(B) There will be no parking of vehicles (other than service or delivery vehicles awaiting loading or unloading) in the service yard. The access to the service yard across the car park at the top of the market shall be kept free of any obstructions at all times, and no vehicles servicing the site shall be parked on that area at any time.

*Reason.* To ensure the satisfactory appearance of the development and to ensure the satisfactory functioning of the service yard

11. No built development will be commenced until a detailed hard and soft landscaping scheme for the site has been approved in writing by the Local Planning Authority. The submitted scheme will include details of plants and planting techniques, measures for protection of the planting, including the provision of protective fencing while the landscaping is established, the arrangements to be made for the disposal of surface water from the

landscaped area where those areas are sloping and likely to lead to surface water run-off, hardsurfacing, paving, hard landscaping details, etc., and a programme of implementation. The work will be carried out in accordance with the details as approved.

*Reason.* To ensure the satisfactory landscaping and appearance of the proposed development.

12. (A) No built development will be commenced until details of proposed litter bins in public areas and siting of refuse facilities have been 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 other than in the compactors shown on the deposited plans 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. For the purposes of this condition, the area under the canopy is classed as being in the open.

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

13. No built development will be commenced until details of how the proposed development will conserve and make efficient use of energy have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the construction of the building, and thereafter retained, as appropriate.

*Reason.* Conservation of energy in building design is an important element in environmental protection.

14. No development will be commenced until the applicant has secured the implementation of a programme of archaeological work in accordance with a brief written by the Black Country archaeologist (Mike Shaw tel no: 01902 555493) , and a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

15. No development will be commenced until a plan showing the location of protective fencing to prevent access beneath any tree to be retained has been approved in writing by the Local Planning Authority. The minimum distance of protective fencing from the stem of the tree during the course of development shall be no less than that stated in BS5837 1991 Table 1. Protective fencing around trees shall be at least 1.2m high comprising vertical and horizontal framework of scaffolding well braced to resist impacts. The scaffolding framework will support cleft chestnut pale fencing in accordance with BS 1722 Part 4. The fencing shall be erected on site before any site preparation or construction work is undertaken and be retained until the development is completed and all other equipment and installations have been removed from the site.

*Reason.* To protect the trees to be retained on the site.

16. Unless otherwise agreed in writing by the Local Planning Authority, no construction will be commenced until either

- a scheme for the provision and implementation of surface water limitation or
- details of why such work is not necessary

have been submitted to and agreed in writing by the Local Planning Authority. If works are necessary, and approved, the works shall be constructed and completed in accordance with the approved details.

*Reason* To prevent the increased risk of flooding in accordance with Planning Policy Guidance Note 25 Development & Flood Risk (PPG25)

17. No built development will be commenced until a Green Travel Plan for the development, which shall include staff parking, and include timing and methods of implementation has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved.

*Reason.* To encourage the use of means of transport other than the private car.

18. Following the demolition of existing structures and buildings and prior to any other development on the site

- (a) a specification for a ground contamination survey and site investigation to assess the likely hazards of all identified contamination on the site to the proposed development (and its future occupants), resulting from the presence of potentially toxic materials and the emission of toxic, flammable and asphyxiant gases. and having regard to appropriate advice and guidance shall be approved in writing by the Local Planning Authority
- (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.

*Reason.* To ensure the satisfactory development of the site.

19. Prior to remediation works commencing, details of plant required for any crushing and / or grading of brick / concrete shall be submitted to the Local Planning Authority for written approval. The machinery shall be operated in accordance with the approved details.

*Reason.* To control the environmental impact of the remediation of the site, to protect nearby occupiers.

20. No demolition or construction will be commenced until a protocol has been submitted to and approved in writing by the Local Planning Authority to ensure that the immediately surrounding highways are not adversely affected by the deposition of materials from vehicles leaving the site. All operations on the site shall comply with the provisions of the approved protocol.

*Reason.* To prevent mud etc. being deposited on the public highway.

*(Note for applicant - the Local Planning Authority has a preference for a submission under this condition showing the use of a long internal roadway with a surface hard enough to allow the mud to fall off - with a wheel washer / spinner for example there is a tendency for wet mud to be thrown onto the bodywork of the lorry, falling off later, often on the road.)*

21. Before the development hereby permitted is brought into use, details of the operation of the gated entrance to the service yard shall be submitted to and approved in writing by the Local Planning Authority.

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

22. All tree surgery carried out on trees to be retained on the site as part of the development, and undertaken during the construction of this development will be carried out by a contractor approved by the Local Planning Authority, or a person who is appropriately insured and competent in such operations. All such tree surgery shall be completed in accordance with British Standard B.S. 3998.

*Reason.* To protect the trees to be retained on the site.

23. Wherever necessary, building foundations shall be designed and constructed to withstand any damage that any retained trees, and trees in the landscaping proposed as part of this development may potentially cause in the future

*Reason.* To avoid damage to the building, and thereby avoid the need to remove trees in the landscaping.

24. Before the development is brought into use, a scheme to comply with the Council's percent for art policy in the Unitary Development Plan, shall be submitted to and approved in writing by the Local Planning Authority. The art work shall be implemented within 12 months of either application no. 04/0431/FL/W2 or the development hereby approved, being brought into use.

*Reason.* To secure compliance with this policy, and promote the quality of design in the scheme

*Note for applicant, the Local Planning Authority recommend that in preparing the submission under this condition, the developer consult with the Environmental Regeneration team telephone no. 01922 652543. The art work proposed for the area at the top of the market should not be tall or otherwise detract from views of the church.)*

25. Before the development is brought into use, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years, for all landscape areas shall be submitted and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

*Reason.* To ensure the success of the landscaping and planting scheme, and the establishment of the plants.

26. Before the development is brought into use, details of a scheme of decorative and functional external lighting for the development, and for the interior of the multi storey car park, shall have been submitted to and approved in writing by the Local Planning Authority and shall have been implemented and completed in accordance with the approved details

*Reason* To ensure the satisfactory appearance of the development.

27. Before the development is brought into use, details of a scheme of street furniture for the development, shall have been submitted to and approved in writing by the Local Planning Authority and implemented and completed in accordance with the approved details.

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

28. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the prior written approval of the Local Planning Authority. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

*Reason.* To protect the trees to be retained on the site.

29. No public address facility or tannoy system shall be installed on the construction site without the prior written approval of the Local Planning Authority and thereafter it shall not be modified from any approved details.

*Reason.* To safeguard the amenity of neighbouring occupiers.

30. At all times during construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) for the development of the site, audible vehicle reversing alarms shall not be operated without the prior written approval of the Local Planning Authority.

*Reason.* To safeguard the amenity of neighbouring occupiers.

31. Noise levels generated by construction, demolition or engineering works (including land reclamation stabilisation, preparation, remediation or investigation) and any associated operations or activities shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(1 \text{ hour})}$ , of 60 dB, together with a maximum instantaneous noise level of 75 dB(A)F. Noise level limits shall apply as measured at or within 1 metre of the facade of any occupied residential premises and at a microphone height above ground level of not less than 1.2 m or greater than 1.5 metres. Sound level measuring instrumentation shall conform to 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' (or any superseding standard(s) 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.

*Reason.* To safeguard the amenity of neighbouring occupiers.

32. A) Levels of ground and structure-borne vibration attributable to any construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) and any associated operations or activities shall not

exceed a peak particle velocity (PPV) of  $1.12 \text{ mms}^{-1}$  in vertical and horizontal planes respectively at the boundary of any vibration sensitive building as determined in accordance with the main procedural requirements of British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1Hz to 80Hz)', or any superseding standard.

- B) Instrumentation used for the determination of compliance with any vibration condition shall accord with requisite components of British Standard BS 7482: 1991 'Instrumentation for the measurement of vibration exposure of human beings' where applicable or any superseding standard, and shall have a performance frequency range of not less than 1Hz to 80Hz.

*Reason.* To safeguard the amenity of neighbouring occupiers.

33. At all times during construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) for the development of the site, there will be no bonfires, nor any other burning of materials on the site.

*Reason.* To safeguard the amenity of neighbouring occupiers.

34. The multi storey car park hereby approved shall be completed in accordance with 'Secured Car Parks' standards.

*Reason* To ensure the car park is user friendly and is designed to deter crime.

35. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or succeeding Orders, no gates, fences, walls or other means of enclosure which significantly affect the appearance or functioning of the public areas of the development, shall be erected without the prior approval of a planning application relating to that work. For the avoidance of doubt, this condition does not apply to any activities during or associated with demolition or construction on the site.

*Reason.* To ensure the satisfactory appearance of the development, and to control the erection of new fencing etc.

36 (A) The development will operate a scheme of parking controls to:-

- i) prevent use of the car parks on the site by long-stay commuters; and
- ii) maintain the use of the car parks on the site as short-stay parking for shoppers on the site, shoppers in the town centre and other non-commuter uses on the site and in the town centre. Short-stay is defined as up to 4 hours, but for levels 1 and 2 of the car park the maximum permitted stay may be limited to 2 hours.

(B) The scheme will have a pricing structure similar to that of the Council's short-stay car parks, with the following qualifications:-

- i) charges shall never be less than the charges applicable to the Council's short-stay car parks; and
- ii) on levels 1 and 2 only, charges may be up to, but never more than, twice the charges applicable to the Council's short-stay car parks
- iii) if in any one year the Council reduces the charges applicable to the Council's short-stay car parks compared to the preceding year, the site operator shall have the right to submit for the approval of the Council a revised pricing structure and / or parking control scheme for the car park, consistent with the objectives of part (A) of this condition but the site operator may submit a revised pricing structure at any time regardless of a change in the Council's parking charges.

iv) the site operator may offer customers of the development a limited period of free parking (up to a maximum of 2 hours free parking on levels 1 and 2 of the car park or up to 4 hours on the remainder of the car park).

(C) The site operator will consult the Council on initial proposals for, and any subsequent changes to, the management scheme, and have regard to any representations made.

*Reason.* Planning policies, in particular national in PPG6 and PPG13, and local in the Walsall M.B.C. UDP and UDP Review, intend that:-

- town centre developments should be functionally integrated;
- parking should support the Council's strategy of enhancing the centre;
- parking should serve the centre as a whole, to provide for shoppers and visitors, through management and pricing arrangements;
- parking controls should discourage commuters.

An inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre. Levels 1 and 2 of the car park are intended to serve the proposed foodstore and it is accepted, in this case where a town centre development is served by a multi-storey car park, that food retail does have special needs, which if not reflected within the condition could impact upon the vitality and viability of a major attractor to the town centre and thereby impact upon the vitality and viability of the town centre.

37. There shall be no vehicular access to the site other than as shown on the approved plans.

*Reason.* To control access to the site in the interests of highway safety.

38. Before the multi storey car park hereby permitted is brought into use details of an access management system, for the car park shall be submitted to and approved in writing by the Local Planning Authority.

*Reason* To ensure the satisfactory functioning of the development.

39. No electrical or electronic sound amplification equipment will be installed in the building hereby approved within 50 metres of any dwelling existing at the time of installation 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 will be carried out before the amplification is brought into use.

*Reason.* To safeguard the amenity of the area.

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

*Reason.* To prevent pollution of the water environment.

41. Installation of lights on the site shall accord with the recommendations issued by The Institution of Lighting Engineers for the reduction of light pollution.

*Reason.* To control light pollution, and the safety of users of roads etc. around the site.

42. No built development shall be commenced until details of a mechanism for ensuring that the road works approved under planning permission no.03/0927/FL/W2 are completed once the construction of the foodstore development has commenced have been submitted and approved in writing by the Local Planning Authority.

*Reason.* To ensure completion of the package of road works for the development.

43. The development proposed will comply with one of the following timing provisions:-

EITHER

The development will proceed in accordance with a timetable / sequence of event which has been approved in writing by the Local Planning Authority prior to the commencement of development and which will provide for the implementation and completion of the entire car park and the all of the road works approved under planning permission 03/0927/FL/W2 before either the Shannons Mill development or the foodstore hereby approved are brought into use

OR

The development will proceed in accordance with such other arrangements as may have been approved in writing by the Local Planning Authority prior to the commencement of development.

*Reason.* To ensure that parking and access is provided before the development is brought into use.

44. The fire exits from the multi storey car park shall be controlled by magnetic locks. All fire escape doors should be connected to an alarm system on a 24hour circuit.

*Reason* In the interests of fire safety.

45. The net retail floorspace within the store shall not exceed 8,185 sq. m. (88,107 sq. ft.)

*Reason* In the interests of highway safety

46. This permission relates to drawing numbers :-

1906/51/K

1906/63/O

1906/64/M

1906/67/M

1906/68/M

1906-70/F

1906/71/J

1906/72/D

1906/74/D

1906-75/C

1906-80/G

1906-87/A

1906/88/B

and the un-numbered 1:2500 location plan

*Reason* To define the permission.

**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, 3.6, 3.13, 3.14, ENV25, ENV325.2, 5.4, S2(a), WA7, WA10 of Walsall's Unitary Development Plan, 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 web site at [www.walsall.gov.uk](http://www.walsall.gov.uk)

---



To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning  
and Transportation  
on 25 August 2005

**REASON FOR BRINGING TO COMMITTEE: Major application**

**Application Number:** 05/1264/FL/W2

**Case Officer:** Marilyn Kowalski

**Application Type:** Full application

**Telephone Number:** 01922 652488

**Applicant:** Norton & Proffitt Developments Ltd

**Agent:** Brownhill Hayward Brown

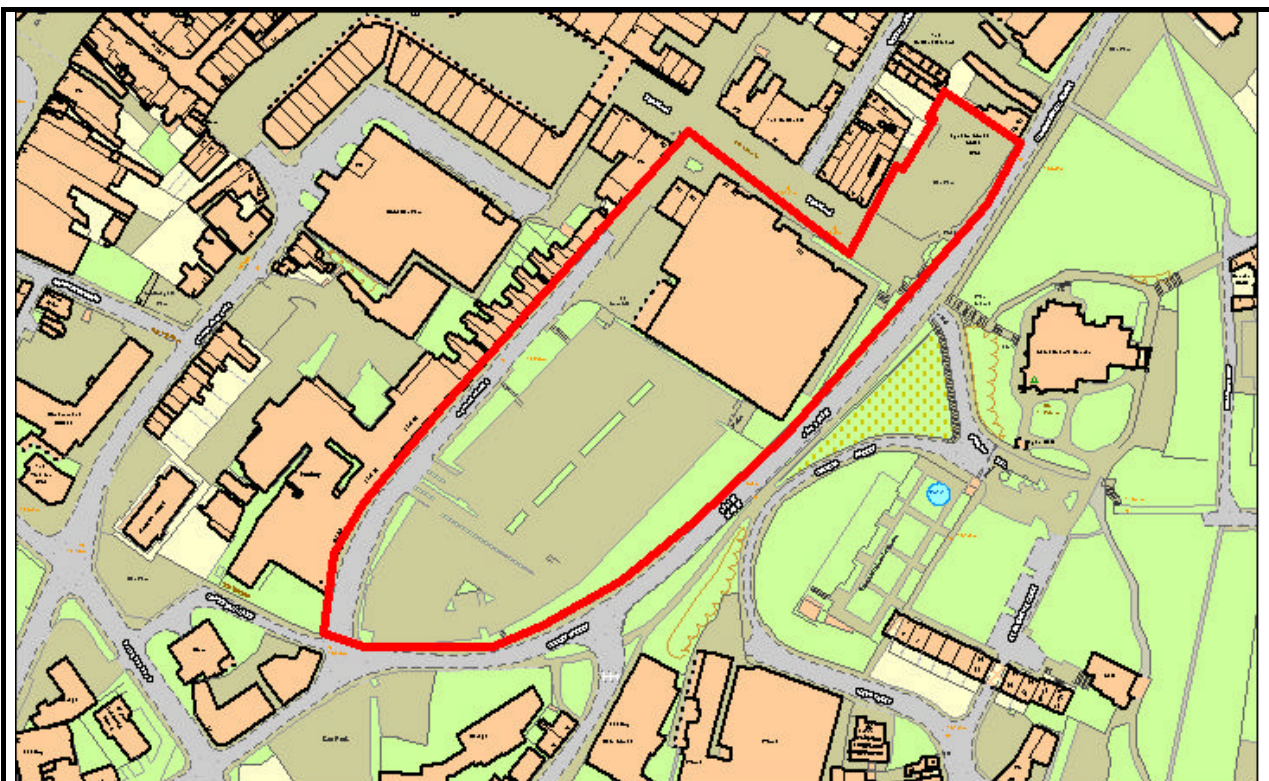
**Proposal:** 41 Apartments

**Location:** SITE OF J SAINSBURYS  
CAR PARK, GEORGE  
STREET, WALSALL, WEST MIDLANDS

**Ward:** Walsall Central

**Expired:** 21 September 2005

**Recommendation Summary:** Grant Permission Subject to Conditions and a Section 106 Agreement



**Crown Copyright.** Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Walsall MBC. Licence Number LA 076414.

## **Status**

You considered an application for the redevelopment of the existing Sainsbury's store, in September 2004. You resolved to approve it, subject to a section 106 agreement. A revised version of that scheme is elsewhere on this agenda.

In November 2004, you considered an application for 32 flats, to be built on one side of the car park associated with the proposed store car park. You resolved to approve the flats, subject to a section 106 agreement (for contributions to open space - that is no longer an issue as there have been policy changes on that issue in the interim). That was not signed, and the application has been superseded by this revised application for 41 apartments.

## **Application and site details**

The existing Sainsbury's supermarket is to be re-developed as a new retail store, including the erection of a multi storey car park on the site of the existing Sainsbury's car park. One of the elements of the application is the inclusion of 5 small shop units on the ground floor facing George Street. These units stand forward of the main car park.

That application (ref: 04/0431/FL/W2) has your support, from September 2004, and is also on this agenda, for further consideration.

This application is for the erection of 41 one and two bedroom apartments, on five floors, over the five shop units.

There is a corridor which runs the length of each floor of apartments at the rear.

Parking is proposed at 1 space per flat.. The developers expect to allocate car park passes or similar arrangement, so residents can use the multi-storey.

The flats are now two storeys taller than the multi-storey car park. A lift is proposed.

## **Relevant Planning History**

There have been a number of permissions for the retail scheme. However, they are, in themselves, not relevant to the current application beyond providing a setting.

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

## **Unitary Development Plan**

GP1 (sustainable development); GP7 (community safety); ENV32 (design); H2 (windfalls); H9 (density, layout and design); S8 (housing in town centres); WA3 (encourages residential development on upper floors); WA5 (Conservation areas in the town centre), H4 (affordable housing).

The UDP is based upon sustainable development, urban regeneration, economic revitalisation, environmental improvement and social inclusion. Town centres are recognised as playing an important role in this.

The Town Centre Chapter defines 'development / investment opportunities' and the largest of these covers 'Lower Hall Lane / Digbeth / Old Square', including the Sainsbury's store and the car park. The Policy for this includes the promotion high quality design and townscape improvements.

It also contains policies that:

- Expect all developments to make a positive contribution to the quality of the environment, especially in Conservation areas (with Church Hill recognised as an especially important area in townscape terms);
- Promote safety and security.

## **National Policy**

Planning Policy Guidance Note 3 encourages the re-use of previously developed sites within the urban area for residential development, and allows flexibility to be shown in the application of standards in order to achieve this.

## **Consultations**

**Transportation:** No objection. Parking provision at one space per unit is in line with other town centre developments. No comment to make on refuse collection by contractor.

**Pollution Control:** support the application with the following comments:

Noise

Activities / machinery in the commercial development may generate adverse comment from the occupants of the apartments. *(This issue is addressed directly by the Building Regulations, and a Note for Applicant is proposed.)*

Construction and Demolition

There is potential during demolition / construction to generate adverse comment in view of the close proximity of the general public, other commercial units, and nearby residents. Recommend the applicant submits a method statement on these issues. Minded to control some of these issues through a section 60 notice (Control of Pollution Act).

Air Quality

The development is not within an Air Quality Management Area (AQMA). However Upper Rushall Street/Peel Street are significant sources of air pollution.

The introduction of a major new development into this area, such as that outlined in the submitted application, would significantly increase traffic flows in and around the locale. This, in turn, may increase levels of certain air pollutants. An Air Quality Assessment is required.

## **Walsall Regeneration Company**

1. no major objections to external appearance of the flats
2. would prefer a different mix of types of flats
3. would like to see a model of the scheme
4. is affordable housing proposed?

**Drainage:** Satisfactory

**Severn Trent Water:** No objection subject to conditions regarding details of drainage.

**Centro** - no objection.

**Energis** - not affected.

**Education Walsall** - no contributions necessary to education provision.

**Housing:** Confirm the provision of affordable housing is appropriate.

**Fire Service:** Only satisfactory with specific installations.

(Access for fire appliances is required to within 45 metres of all flat front entrance doors. This is not possible, taking measurements from George Street highway. Therefore, dry risers should be provided within one of the staircase enclosures. The bottom inlet should not be more than 18 metres from the point of access for the fire appliance. *These comments have been forwarded to the applicant, and are addressed in the proposed conditions.*)

**Lifelong Learning & Community:** The application has no impact on green space or on any other of their areas of responsibility. Therefore no comment.

**Central Networks** - advise of installations and the need for care in construction.

### **Representations**

None.

### **Determining Issues**

The determining issues are

- compliance with policy
- parking
- design issues
- noise
- traffic / transportation issues
- affordable housing

### **Observations**

#### **Compliance with planning policy**

This is a town centre development. The site is located within the town centre 'development / investment' opportunity area that is promoted for development under Policy WA10 of the UDP. This policy encourages the fullest use to be made of development opportunities in these areas. It can also be described as a 'windfall' site and thus, in principle, if a satisfactory residential environment can be provided, the development of the site for residential use can be supported where there is no overriding need for other uses.

The new shop units on George Street will be an integral part of the 'Shannon's Mill' development and help to create a functional link across the narrow street to the main mill building.

This development, above these shop units, is important in terms of the design and character of the street scene. Residential development above these units will contribute towards the vitality and viability of the Shannons Mill development and the town centre as a whole.

The proposal is therefore supported in principle.

## **Parking**

National policy concludes developers should only be required to provide what parking they regard as necessary, where there are no over-riding planning reasons for allowing reduced parking levels.

Council standards call for 1.5 car spaces per flat, against a background of seeking to meet operational needs with the smallest number of car spaces (to try to minimise use of the car, and the use of land for redundant parking where this is the case). Alternatives to meeting the standards are recognised, in relation to sites in Town and District centres. The policy on parking expressly recognises the potential to negotiate a satisfactory level of parking in such centres. I regard one space per flat as acceptable, as do Transportation.

A condition to define the mechanisms for this provision is proposed.

## **Design issues**

There are a range of issues which featured in my report on the last application for this scheme. I have set them out as sub-headings below.

### *Design / Materials*

The earlier scheme included distinctive wooden louvers, and balconies, on the George Street elevation. There was concern about how the louvers would affect the interior of the flats (by reducing the entrance of light etc).

The scheme, as now before you, has been revised. The louvers and balconies have been deleted.

The elevations are simpler as a result. Much was made, in the assessment of the scheme, of this feature. It controlled overlooking, and added interest to the elevations. The simplification of the design is only an issue if it results in a building of poor design.

The proposal is an attractive modern building. Its simple shape suits the development of which it is part. At the same time, the choice of details, and the palette of materials proposed give interest.

I support the design.

### *Balconies*

With the deletion of the louvers and balconies from the main elevations, the only flats that have a balcony / terrace are the top floor, and the level above the shops. These fit neatly into the elevations.

### *Bins / meters*

There is a need to protect the internal environment of the development. The developers consider this has been done, and advise:-

1. A refuse store is provided at level 1 behind the main staircase and lift enclosure.
2. Residents will have responsibility for carrying their own refuse to the store where it will be collected by private contractors.
3. A service charge on each apartment will cover the cost of this along with cleaning and maintenance of shared areas.

I consider the scheme is comparable to many modern flat developments in many ways. The management of the corridor space will be important, but I see no reason to doubt it will happen.

### **Noise**

The pollution control officer has expressed a view that there may be noise from air conditioning plant, also potential disturbance during construction and concerns about air quality. He has suggested conditions to mitigate against these issues.

Overall, the environment here is comparable to other locations where approvals have been given for flats in the town centre. I therefore feel that the development can be supported.

### **Affordable housing**

Unitary Development Plan policy requires developments to make provision for affordable housing at 25% of units proposed. That is relevant to the present scheme. It requires to preparation of a section 106 agreement, and this is reflected in the recommendation.

### **Conclusion**

This is a town centre development that is in line with Unitary Development Plan and Government policy. It will enhance the Shannon's Mill development and help to strengthen this area of the town centre and Walsall town centre overall. It is to be supported.

The heads of terms of the 106 are simply the provision of the affordable housing element.

### **Recommendation: Grant Permission Subject to Conditions and a Section 106 Agreement**

1. This development must be begun not later than 5 years after the date of this decision.

*Reason:* Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority:-
  - a) no development shall be carried out until details of parking for the flats, in the multi-storey car park proposed under planning application 04/0431/FL/W2 have been submitted to and approved in writing by the Local Planning Authority
  - b) the submitted details will provide for one space per flat, access direct from the flats to the car park at level 4, and suitable measures to reserve those parking spaces for residents and to secure the car park at periods when public use will be low.

c) the approved details shall be implemented and completed before the flats are brought into use, and thereafter retained.

*Reason:* To ensure the provision of satisfactory parking.

3. This development shall not be carried out until a schedule, with brochure details as necessary, of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority. The development shall be constructed using these approved materials.

*Reason:* To ensure the satisfactory appearance of the development.

4. Before commencement of development the applicant shall submit a method statement covering issues of demolition and construction works for hours of operation noise, vibration and dust.

*Reason:* To safeguard the amenity of the occupiers of the dwellings near to the site.

5. 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.

6. Any plant or equipment used in connection with heating, ventilation, air conditioning, chilling and freezing systems for the commercial element of the application shall be situated either within the main building structure, purpose designed enclosures or otherwise at suitable locations to mitigate the effects of noise, as approved in writing by the local planning Authority.

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

7. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted and approved in writing by the local planning authority.

*Reason:* To ensure the satisfactory drainage of the site.

8. The development will make provision for dry risers, to meet the needs of the Fire Service.

*Reason:* To make satisfactory provision for fighting fires.

#### NOTES FOR APPLICANT

A) Central Networks have been consulted in connection with this application, and attention is drawn to the attached letter.

B) In connection with the Building Regulations, the development will need to pay particular attention to noise attenuation, in view of the proximity of the flats to commercial operations.

#### **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, ENV32, H9, WA5, and H4 of Walsall's Unitary Development Plan, 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. If the application was approved by the Development Control Committee, the report can be viewed on the Council's web site at [www.walsall.gov.uk](http://www.walsall.gov.uk)

---