



Walsall Council

Planning and Building Control

Planning Committee 05 Sep 2024

Plans List Item 4

Report of Head of Planning and Building Control

Reason for reporting to the planning committee.

1. Partial Council owned land and the Council is the applicant.

Application details.

Application reference: 23/1287

Site location: WALSALL TOWN ARM CANAL BRIDGE SOUTH OF, WOLVERHAMPTON STREET, WALSALL

Application proposal: New pedestrian and cycle bridge over Walsall Town Arm Canal with ramp, steps, planting and lighting

Application type: Regulation 3: Minor Application (SI 1992/1492)

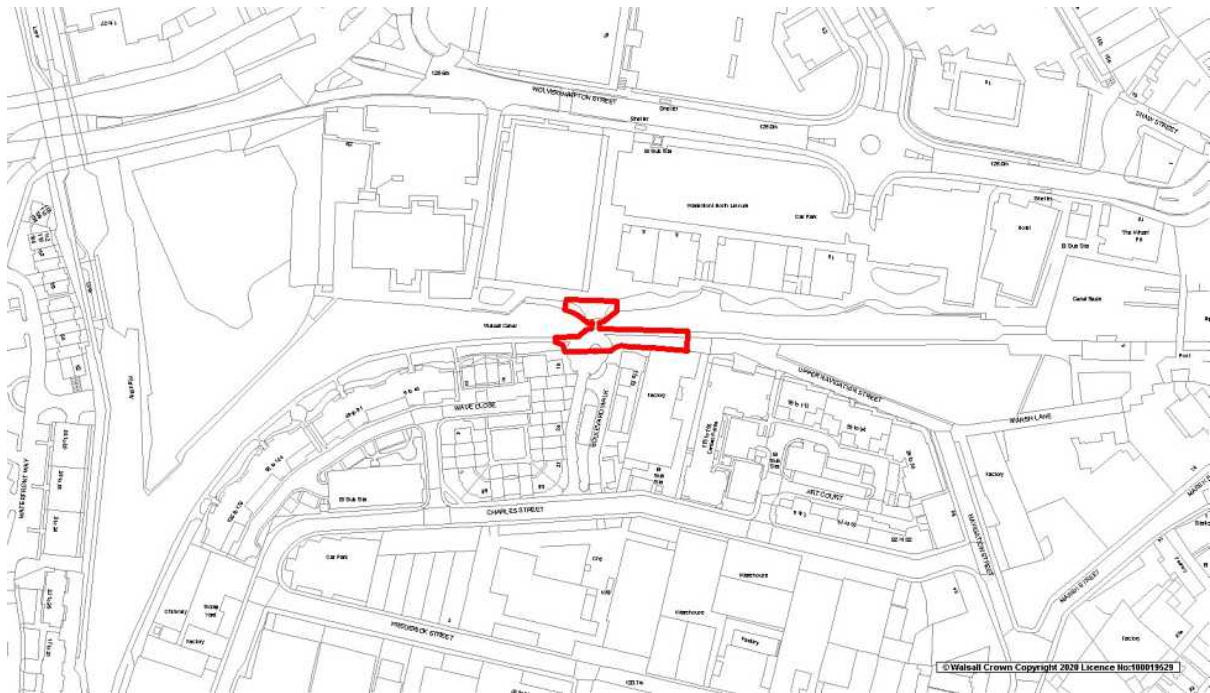
Link to application documents: <https://go.walsall.gov.uk/planningapps?id=23/1287>

Applicant: Richard Ackerley, Mr Richard Ackerley Walsall Council, Construction Director (Town Centre) Regeneration and Economy, Walsall Council, Civic Centre, Walsall, West Midlands, WS1 1TP

Planning agent: Mark Martin, Mr Mark Martin ONE Creative environments Ltd., Unt 5, Wildwood Drive, Worcestershire, WR5 2QX

Ward: St Matthews

Red line location



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Recommendation

1. Planning Committee resolve to delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions, and subject to
 - a. No new material considerations being received within the consultation period;
 - b. The amendment and finalising of conditions;

Site and surroundings

The application site is level and comprises a mix of towpath and footway either side of the Walsall Town Arm Canal, where the canal narrows at Boulevard Walk and Crown Wharf, approximately 0.5 mile from Walsall Town Centre. To the north of the site is a mix of leisure and retail uses (the Crown Wharf Retail Park) whilst to the south are residential apartments. To the east and west of the site is the canal.

1. The site is located within the Walsall Locks Conservation Area.

Relevant planning history

1. No relevant planning history.

Relevant policies

1. National Planning Policy Framework (NPPF)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "presumption in favour of sustainable development". The NPPF is a material consideration in the determination of a planning application.

2. Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

3. Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

1. Archaeology

No objection, there are no archaeological implications for this proposal.

2. Canal and River Trust

No objection subject to conditions in relation to a method statement and detailed specifications in relation to ramp alignment, the design of the underside of the bridge, the ground level understorey hard landscaping layout and materials, and the means of collecting surface water from the bridge deck and ramps.

3. Coal Authority
No objection, the site lies within the Coal Authority's defined Development Low Risk Area. On this basis there are no specific comments.
4. Conservation Officer
No objection subject to conditions in relation to details of the materials and the street furniture.
5. Ecology Officer
No objection subject to conditions in relation to the submission of a Construction Environment Management Plan and a lighting strategy.
6. Environmental Protection
No objection subject to conditions in relation to the submission of an Environmental Construction Management Plan.
7. Historic England
No objection, no further comments.
8. Local Highways Authority
No objection.
9. West Midlands Fire Service
No objection.
10. West Midlands Police
Concerns about anti-social behaviour and an additional escape route for criminal behaviour from the north commercial side and Crown Wharf Retail Park.

Neighbour and interested parties' comments (planning officer's summary)

1. One comment received in support of proposal for the following reasons:
 - a. 'Please support this development'.
2. Three comments received objecting to proposal support for the following reasons:
 - a. Additional noise disturbance
 - b. Vandalism
 - c. Litter
 - d. Anti-social behaviour
 - e. No need for a bridge

Determining issues

1. Principle of development
2. Heritage assessment
3. Design, layout, and character
4. Amenity of neighbours and future occupiers
5. Ecology

Assessment of the proposal

1. Principle of development

The proposed pedestrian and cycle canal bridge forms part of a wider Walsall public realm design proposal for Gallery Square, Park Street, the Connected Gateway and beyond, known as the Active Public Spaces (APS) project. The Walsall Canal pedestrian and cycle bridge project consists of identifying and delivering a new bridge that will assist in improving connectivity, active travel and economic prosperity within the town centre. The route of the new bridge is along an area of the canal known as the “Walsall Town Arm”. Funding for the bridge is part of the successful bids by Walsall Council for Future High

Streets Fund (FHSF) and the Towns Fund which form the Town Investment Plan (TIP). As such the principle of development would comply with Walsall Town Centre Area Action Plan 2019 - Policy AAPLE4: Walsall Canal.

2. Heritage assessment

The proposed development would have less than substantial harm to the significance of Walsall locks Conservation Area, the scale of harm would be weighed as low. The proposal would need to be weighed against public benefits and optimum viable use.

The proposed works would link the town and provide a safe mode of transport for pedestrians. The design of the proposed bridge is acceptable and would not detract from the character and appearance of the Walsall Locks Conservation Area. Subject to conditions in relation to details of the materials and the street furniture, there are no objections from a heritage viewpoint and the scheme would comply with policy ENV29 (Conservation Areas) of the Saved Walsall Unitary Development Plan.

3. Design, layout, and character

The proposed pedestrian bridge is a “fixed” bridge following consultation with the Canal and River Trust (CRT). The bridge design has been developed to reflect the industrial heritage of Walsall and the basin, and the scheme has been revised following feedback from CRT and other stakeholders to cater for both pedestrians and cyclists, but not vehicles.

The bridge would allow narrowboats to pass below with a minimum clearance of 3.09 metres above water level for this section of canal. The minimum clearance between the towpath and the bridge base would be 2.4m. Working to this specification requires a large ramp proposal to both the North and South and includes a curve to accommodate the length needed to keep the scheme accessible to all users.

A bridge span of seven metres has been allowed for to ensure clearance can be achieved and foundations sit away from canal wall. Following site investigation it was determined that the foundations will be a minimum of 750mm away from the canal edge. The width of the bridge will be

approximately 2.5 metres to allow users to pass each other comfortably and the design would be inclusive and allow for full accessibility including ramp and step access from the south bank.

Lighting would be incorporated to increase use and functionality. As well as feature lighting within the bridge handrail, two lighting columns, with the ability to attach CCTV have been introduced following response from the police liaison officer.

The arced design of the bridge adds visual impact to the scheme, whilst improving clearance for canal boats to pass underneath, creating a gateway for entering and exiting the Walsall Canal Basin. The railings to the bridge would have a natural branch-like appearance to reflect the natural environment the bridge is located in. Proposed LED lighting would be integrated within the bridge handrails to help wayfinding at night-time, extend the use of the bridge in the evenings as well create a focal point.

The proposed development is considered to accord with ENV32, Design and Development Proposals of the Saved Walsall Unitary Development Plan.

4. Amenity of neighbours and amenity of future occupiers

There are residential apartments to the south of the proposed bridge structure with the nearest apartments sited approximately 2.5m away from the ramped element of the structure. There would be a landscaped buffer provided between the residential development and the ramp to help mitigate the potential impact on amenity. On balance, whilst undoubtedly the ramp/bridge would be viewable from nearby apartments it is considered residential amenity would not be unduly harmed by the proposed scheme. The bridge would be a positive feature within the streetscene and would enhance the residential environment for the surrounding residents. The bridge would be visually permeable which would help it to integrate with its surroundings and decrease impacts in terms of light and shading on nearby areas.

Given the proximity to the canal and nearby apartments, a condition is recommended for Environmental and Construction Management Plan to ensure that local impacts, noise, dust, debris, construction working hours, and other impacts during construction of the bridge can be agreed and controlled. The proposed development is considered to accord with ENV32, Design and Development Proposals and GP2, Environmental Protection of the Saved Walsall Unitary Development Plan.

5. Ecology

A revised planting plan was submitted to include the greater use of native species and there are no ecology objections subject to conditions relating to the submission of a Construction Environment Management Plan and a lighting strategy.

The proposed development is considered to accord with Black Country Plan policy ENV1, Saved Unitary Development policy ENV23, National Planning

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. The bridge has been designed to be inclusive and accessible and would promote sustainable active travel through walking and cycling and would improve connectivity, active travel and economic prosperity within the town centre.

Taking into account the above factors it is considered that the application should be recommended for approval.

Recommendation

1. Planning Committee resolve to delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions, and subject to
 - a. No new material considerations being received within the consultation period;
 - b. The amendment and finalising of conditions;

Conditions and reasons

1.The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2.The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

Drawing No P1324-ONE-ZZ-XX-DR-L-0001 P08 – Bridge Design
Drawing No P1324-ONE-ZZ-XX-DR-L-0002 P15 – Bridge Masterplan
Drawing No P1324-ONE-ZZ-XX-DR-L-0006 P03 – Planting Plan
Drawing No P1324-ONE-ZZ-XX-DR-L-0007 P04 – Location Plan
Drawing No P1324-ONE-ZZ-XX-DR-L-0008 P03 – Block Plan
Drawing No P1324-ONE-ZZ-XX-DR-L-0009 P03 – Existing Site Plan
Drawing No P1324-ONE-ZZ-XX-DR-L-0010 P02 – Sections
Drawing No P1324-ONE-ZZ-XX-DR-L-0011 P02 – Section/Elevation
P1324-ONE-ZZ-XX-RP-L-0006 P04 – Revised Design and Access Statement

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

3a. Prior to the commencement of the development hereby permitted, Method Statement to demonstrate that any construction operations within 15metres of the canal will not impose additional loading onto the canal bank and as a result adversely affect its stability or structural integrity, shall be submitted in writing to and agreed in writing by the Local Planning Authority. The statement shall include:

- a. detailed cross sections of the proposal in relation to the canal wall,
- b. details of the foundations of the proposal,
- c. details of surface water disposal (during and following construction),
- d. arrangements for undertaking mitigation measures as may be necessary to ensure that the risk of damage to the canal structure is adequately minimised (for example, vibration monitoring if piled foundations are proposed, or works to strengthen the existing canal bank to accommodate increased loads).
- e. details of where materials will be stored demonstrating that they are at least 15m away from the canal wall.

3b. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: In the interests of minimising the risk of creating land instability arising from earthmoving, excavations or any other construction works which would adversely affect the structural integrity and/or water quality of the adjacent Walsall Canal in accordance with Policies EN4 and LC5 of the Walsall SAD 2019; Policy ENV4 of the Black Country Core Strategy, the advice and guidance on land stability contained in the National Planning Policy Framework and in the National Planning Practice Guidance: Land Stability.

4a. Prior to the commencement of the development hereby permitted full details of the design of the bridge shall be submitted in writing to and agreed in writing by the Local Planning Authority. The design shall include details of:

- a. the ramp alignment as it lands (below landing level +125.71) adjacent to the canal towpath.
- b. the design of the underside of the bridge, ramps and steps.
- c. the ground level understorey hard landscaping layout and materials.
- d. the means of collecting surface water from the bridge deck and ramps.
- e. the proposed lighting and CCTV.

4b. The development shall not be carried otherwise than in accordance with the approved details.

Reason: In the interests of protecting existing users/ecology of the adjacent Walsall Canal in accordance with Policies EN1, EN4 and LC5 of the Walsall SAD 2019; Policies ENV1, ENV3 and ENV4 of the Black Country Core Strategy, along with the advice and guidance contained in the National Planning Policy Framework and the Walsall Town Centre Area Action Plan 2019 - Policy AAPLE4: Walsall Canal.

5a. Prior to the commencement of building operations of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces, including the furniture, shall be submitted in writing to and approved in writing by the Local Planning Authority.

5b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

6a. Prior to the commencement of the development hereby permitted, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall correspond with the planting plan (P1324-one-zz-xx-DR-L-0006 P03) and shall include the following.

- a. Description of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule.
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured for 5 years by the developer with the management body(ies) responsible for its delivery.

6b. The development shall not be carried out otherwise than in accordance with the approved details agreed.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

7a. Prior to the commencement of the development hereby permitted a Construction Environment Management Plan (CEMP) shall be submitted in writing to and approved in writing by the Local Planning Authority. The plan should include:

- a. Risk assessment of potentially damaging construction activities; including piling location and frequencies;
- b. Pollution Prevention measures;
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. Sensitive Lighting scheme to avoid light spill to protect bats, detailing the provision of lighting across the site, in accordance with guidance outlined in Note 08/18 bats and artificial lighting in the UK, Bats and the Built Environment Series, BCT, 2018;
- e. Responsible persons and line of communication.
- f. The role and responsibilities onsite of an ecological clerk of works (ECoW) or similarly competent person;
- g. Use of protective fences, exclusion barriers and warning signs.
- h. Construction working hours
- i. Loading and unloading of materials
- j. Parking and turning facilities for vehicles of site operatives and visitors
- k. Measures to prevent flying debris
- l. Dust mitigation measures

- m. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- n. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

7b. The development shall not be carried otherwise than in accordance with the approved details.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23, National Planning Policy Framework and Supplementary Planning Document Conserving Walsall's Natural Environment.

8a. Prior to the commencement of the development hereby permitted a lighting strategy for the operational and construction phase of the development should be submitted in writing to and agreed in writing by the Local Planning Authority, detailing the provision of lighting across the site, in accordance with guidance outlined in Note 08/18 bats and artificial lighting in the UK, Bats and the Built Environment Series, BCT, 2018. It should include:

- a. Details of foundation;
- b. Lighting specification;
- c. Height luminance;
- d. Hours of operation; and
- e. Angling and cowls used to direct the lighting.

8b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

Notes for applicant

Canal and River Trust

1. The applicant/developer is advised to contact the Canal and River Trust's Estates Team to discuss the use of our land adjacent to the canal with the Trust as this would require a commercial agreement with the Trust. Please contact Jeff Peake, Estates Surveyor, at Jeff.Peake@canalrivertrust.org.uk or by telephone 0303 040 4040.

2. The applicant/developer is advised to contact the Canal & River Trust in order to ensure that any necessary consents are obtained, and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal and River Trust". For further advice please contact Shomsur Khan, Works Engineer in the first instance on Shomsur.Khan@canalrivertrust.org.uk or by telephone 0303 040 4040.

End of report