



Walsall Council

Regeneration Directorate – Planning and Building Control

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 07/03/2013

Plans list item no: 18

Reason for bringing to committee: Major Application

Application Number: 12/1553/FL
Application Type: Full application

Case Officer: Norman Hickson
Telephone Number: 01922 652601
Email: planningservices@walsall.gov.uk
Agent: Stephen George & Partners

Applicant: Norton & Proffitt Developments Ltd

Proposal: Proposed retail parade with provision for upper floor space together with associated secure rear servicing, access and relocated substation. Enabling works include the demolition of the existing retail parade along Digbeth and Lower Hall Lane, the decked car park accessed from Lower Hall Lane and ancillary workshop building from the former Shannons Mill site.

Location: 41-43 HIGH STREET, 10-30 (EVEN) DIGBETH & CAR PARK AND 1-10 LOWER HALL LANE, WALSALL

Ward: St. Matthews

Expired Date: 18/02/2013

Recommendation Summary: Grant Permission Subject to Conditions

Application Number: 12/1554/CC
Application Type: Conservation Area Consent

Case Officer: Norman Hickson
Telephone Number: 01922 652601
Email: planningservices@walsall.gov.uk
Agent: Stephen George & Partners

Applicant: Norton & Proffitt Developments Ltd

Proposal: Conservation Area Consent: To demolish existing buildings fronting High Street, Digbeth and Lower Hall Lane and Former Multi-Storey Car Park to allow for redevelopment for retail development.

Location: 41-43 HIGH STREET, 10-30 (EVEN) DIGBETH & CAR PARK AND 1-10 LOWER HALL LANE, WALSALL

Ward: St. Matthews

Expired Date: 14/01/2013

Recommendation Summary: Grant Conservation Area Consent

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
© Crown copyright and database rights 2012 Ordnance Survey 100019529



Reason for urgency

Negotiations with the developer have taken place however the applicant has now confirmed any further delay in determining the significant major retail application could put the project and major investment in the town centre in jeopardy as the pre-let agreements may fall away.

Application and Site Details

The application relates to the redevelopment of 41-43 High Street, the even numbers of 10-30 Digbeth, the multi-storey car park and 1-10 Lower Hall Lane. The development also seeks Conservation Area Consent for the demolition works under reference 12/1554/CC and this is considered also within this report. .

Demolition of existing 2 and 3storey buildings built in the late 1960s which are of modernist design. The total gross internal floorspace offered by the retail element of the existing buildings totals approximately 3,715m. The site area is 0.95Ha (2.35 Acres).

It is proposed to replace these buildings by the following:

Construction of a two storey retail units (Use Class A1) fronting Digbeth and High Street

The current proposals outline the provision of 11 individual units. However, where site levels allow, some may be combined to create larger units.

Unit 1 (uses A1 A2, A5) - 156sqm – mezzanine – 156sqm

Unit 2 (use A1) - 474sqm – mezzanine 237sqm

Unit 3 (use A1) - 511sqm - mezzanine 255.5sqm
Unit 4 (use A1) - 511sqm - mezzanine 255.5sqm
Unit 5 (Use A1) - 985sqm - mezzanine 613sqm
Unit 6 (Use A1) - 789.5sqm - mezzanine 492sqm
Unit 7 (Use A1) – 511sqm - mezzanine 255.5sqm
Unit 8(Uses A1, A3, B1a, D1, D2) - 827m - mezzanine 827sqm
Unit 9 (Uses A1, A2, A3, A5, D2) – 139sqm - mezzanine 139sqm
Unit 10 (Uses A1, A2, A3, A5) – 139sqm - mezzanine 139sqm
Unit 11 (Uses A1, A2, A3, A5) 139sqm - mezzanine 139sqm

Total Ground Floor – 5,181.5sqm
Proposed Mezzanine – 3,508.5sqm
Total Floorspace – 8,690sqm

As clarification Members are reminded of the following use classes:

A1 – Retail

A2 – Financial and Professional Services

A3 – Restaurant/Café

A4 – Drinking Establishment

D1 – Non-residential institutions (including clinics, health centres, crèches, day nurseries, day centres, libraries, and training centres).

D2 – Leisure (including Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating, rinks, gymnasiums)

Supporting the application are the following Documents

Planning Statement concludes that the site is currently occupied by a poor quality terrace of two storeys along the Lower Hall Lane frontage and three storeys to the Digbeth frontage. This terrace consists of retail units at ground floor level and associated offices above. Also within the site boundary there is currently a vacant multi-storey car park and an outbuilding associated with a factory lost to fire in 2007. The development will provide a net gain of comparison retail floorspace of 4,975sqm, based upon the removal of 3,715m² (40,000ft²) of existing retail floorspace, and the development of up to 8,690m² (88,880ft²) of new retail floorspace in the Primary Shopping Area.

Design and Access Statement concludes that Front of house' entrances are provided to all units along High Street, Digbeth and Lower Hall Lane, contributing to the creation of an active frontage. Challenging site topography has driven the location of front entrances, with doors grouped together where the proposed finished floor levels meet the existing street level.

Archaeological Assessment highlights that there is a potential for the presence of archaeological features within the site, especially related to the medieval and post medieval occupation and industrial activity, as the site lies within an area known to comprise the medieval core of Walsall. Although the potential for the presence of archaeological features may have been reduced by modern development, the extent of this disturbance is unknown and the fragmentary survival of archaeological resource cannot be ruled out, especially within the footprint of the existing service road, which is thought to have suffered limited modern damage.

Noise Assessment recommends that further assessment may be required later in the development process, to see that plant associated with each individual retail unit does not cause the cumulative noise level to exceed these limiting values but that the development should not give rise to adverse noise conditions.

The submitted *Drainage Strategy* concludes that adopting the methods and proposals outlined in the submitted strategy, a suitable drainage solution can be provided which will not lead to an increase in flood risk. Due to the nature of the redevelopment proposals the proposed site will remain 100% impermeable it is calculated the existing 1 year run off rate which equates to 104 lit/sec and restricted the proposed discharge rate to 73 lit/sec. This new discharge rate provides the minimum 30% betterment.

The submitted *Transport Statement and Travel Plan* conclude that the site is accessible by foot, cycle, bus and rail, and car parking is available nearby. The traffic generation falls well within the agreed traffic envelope associated with the ongoing regeneration of St Matthews Quarter, and in real terms will have no noticeable impact on the network. In summary access to this site is safe, convenient, and it can be serviced without constraint. It is clear that in transport terms, this is an excellent site for redevelopment.

A submitted *Technical Note* on electricity supply highlights the site has a number of electrical supplies crossing it servicing the existing units and adjacent properties. A substation is located within the fabric of the multi store car park that sits behind the units. As part of the demolition works and subsequent construction, the substation will need to be removed and all the cables crossing the site decommissioned. Some adjacent units are serviced from the site network and alternative temporary supplies will be required. Once the demotion is complete and construction commences a new substation will be constructed near the rear entrance. This will act as the main substation for the site and for any adjacent properties that need to be reconnected. The supply to adjacent units will be maintained except for brief period while supplies are switched. Western Power Distribution has been contacted regarding this scheme and preliminary diversions and resupply estimate has been provided.

The Contaminated Land Assessment submitted highlights that the site has been heavily developed over history, housing a range of residential and commercial units. The site is currently occupied by a range of retail units to the north and northeast of Lower Hall Lane. A derelict former market store building with rooftop car park and a derelict annex of the former Shannon's Mill are located to the south. An existing sub-station is indicated on the east, within the former market store. The site slopes generally from south/southeast to north/northeast. The derelict mill annex in the southern corner of the site is elevated higher than the rest of the site. An allowance should be made for the demolition of onsite buildings. It is recommended an allowance be made for a full site asbestos survey prior to demolition. Consideration will need to be given to providing appropriate access to the new development.

Relevant Planning History

The planning applications for the area has been numerous and diverse ranging from the approval of the original St Matthews master plan (now defunct due to the Shannons Mill Fire), and a now expired outline planning permission for redevelopment of the Old Square and operational requirements and permissions for the former Tesco Store (signs, storage, and gates). The demolition of the Overstrand is the most recent related application.

Shannons Mill

04/0431/FL/W2 - Redevelopment comprising supermarket, retail and multi storey car park at Land Bounded by Dudley Street, George Street and High Street, Walsall. Granted 21 September 2005

Vine Trust

09/0081/FL and 09/0083/LB - Proposed erection of a learning centre with performance space for Vine Trust with first floor link to 15 and 16 Lower Hall Lane (Grade II Listed

Buildings). Proposals include refurbishment and part demolition of 15 and 16 Lower Hall Lane and inclusion of consulting rooms to existing office use. Granted 2 April 2009

Old Square

BC57770P/C – Outline – proposed retail redevelopment scheme – Granted – 30 January 2002.

11/0560/FL - Demolition of existing buildings and construction of a two storey retail unit (Use Class A1) fronting Digbeth; a four storey unit fronting Bridge Street (ground floor Use Class A1, upper floors Use Classes A2, A3, A4, B1a, D1 and/or D2) and a new retail unit (Use Class A1 and/or A2) within the Old Square Shopping Centre together with service yard and new service access from Bridge Street including alterations to Greybury House and associated highway and landscape works. Granted 21 September 2011

11/0561/CC - Conservation Area Consent for demolition of existing buildings to allow for mixed use retail-led development under reference 11/0560/FL. Granted 25 August 2011

12/1605/FL - The conversion of the existing frontage of the former Tesco Metro building (to the same footprint as approved under 11/0560/FL). The proposals would alter the shopfront and frontage to the building but not include offices above the existing shop as previously approved.

12/1666/FL - Variation to Condition 2 of 11/0561/CC which relates to linking the demolition to redevelopment of the site to include reference to the above planning application (12/1605/FL).

The Overstrand

11/0161/FL - Demolition of the Overstrand and associated works. Granted 11 March 2011. Demolition now complete.

The Market

09/1277/FL – Relocation of existing Walsall Town Centre Market (100Stalls) to new temporary location (trading from 8am to 5pm, seven days) – option to include 8 stalls in Park Street). Temporary 12month permission – Granted 28 October 2009

10/1181/FL – Application for temporary permission for a further 12months for Walsall Town Centre Market (100Stalls) in Lower Hall Lane (only to be used if redevelopment requires future relocations) and removing 5 stalls from Bradford Place, The Bridge and elsewhere in Digbeth – Granted 22 October 2010

11/1118/FL - Variation of Condition 1 of planning permission 10/1181/FL to extended for a period of 18 months until April 2013. Granted 14 October 2011.

Relevant Planning Policy Summary

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*".

It is based on 12 **core planning principles**; the relevant principles in this case are to:

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants

- Reuse land that has been previously developed
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case:

Paragraphs 18-21 encourage Planning Authorities to support and put significant weight on economic growth.

23. Decisions should support and develop strong and vibrant town centres with community and cultural development identified as town centre uses

30. LPAs should support a pattern of development that facilitates the use of sustainable modes of transport.

58 developments should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

61 Address the connections between people and places and the integration of new development into the natural, built and historic environment

123 seeks to ensure that development mitigates against pollution, including noise.

131 In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

132 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

On planning conditions the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Regional Spatial Strategy for the West Midlands (RSS 11)

The NPPF confirms that the Regional Strategy remains part of the development plan, until / unless it is abolished by order of the Secretary of State.

A major challenge for the Region is to counter the unsustainable outward movement from the Major Urban Areas of people and jobs (3.4(a)). Relevant policies include:

Policies UR1, UR1b, UR1c and UR3 which seek to regenerate urban areas and in particular the major urban areas.

Policies QE1, QE2, QE3, QE4 and QE5 which seeks to improve the quality of the environment whilst preserving quality and historic buildings and locations. The policies also aim to enhance public spaces and urban green space.

Policies T2, T3, T4, T5 and T7 seek to reduce the need to travel and promote sustainable modes of transport.

Black Country Joint Core Strategy (JCS)

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

- 1. Sustainable Communities* - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.
- 2. Environmental Transformation* - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.
- 3. Economic Prosperity* Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following policies:

CSP1 – sets out the targets for sustainable regeneration of the Black Country including enhancement of the town centre.

CSP4 – develops the need for high quality place making and design

CSP5 – sets out the need to develop and manage movement and ensure that sustainable modes of transport are promoted.

CEN1, CEN2, CEN3 – Strategic Centres provide the focus for comparison shopping, office employment, leisure and culture in the Black Country.

CEN4 – Seeks to regenerate the strategic centres - Retail capacity in Town Centres will largely be met by existing commitments, planning permissions and allocations, and any redistribution of floorspace between Centres to meet strategic priorities.

TRAN1 sets the priorities for the development of the transport network and promoting sustainable transport modes.

TRAN2 requires development proposals to manage transport impacts of new development

TRAN5 Sets out the requirement for development to focus on moving away from the reliance on the private car.

ENV 1, ENV 2 and ENV 3 set out the criteria for nature conservation, the historic environment and design quality.

Although Diagrammatic – Walsall Town Centre is shown on the Walsall Strategic Centre Diagram. These are supplemented by the following policies

SC3.1 By 2026 Walsall town centre will have been regenerated as a sub-regional focus for the local economy and the community. It will provide its catchment area with an attractive choice of comparison shopping and leisure, entertainment and cultural facilities, as well as supporting a thriving office market. Walsall will also support modern town centre living. The centre will bring all of these activities together in a vibrant, safe, attractive and accessible environment that combines local heritage with modern design.

SC3.5 highlights

- Growth in convenience floorspace for the strategic centre is likely to be delivered through existing commitments
- The Primary Shopping Area will remain the preferred location for retail development in the town centre and the town centre boundary will continue to provide opportunities for development which can extend and complement the role of the centre.

Saved policies of the Unitary Development Plan

GP2 – Environmental Protection – seeks to ensure that pollution impacts from development are designed out.

ENV10 – Seeks to prevent pollution, including noise and drainage and prevent uses that would have an adverse effect on neighbouring land uses and/or restrict the types of development that could be permitted in the locality.

ENV14 – seeks appropriate redevelopment of derelict and previously developed sites.

ENV29 – seeks to preserve and enhance the quality of the Conservation Areas in the Borough and their setting

ENV32 – seeks to ensure high quality design from developments.

ENV33 – seeks to secure high quality landscape design from developments.

5.8, S1, S2, S3 – Defines town centre uses, the town centre hierarchy and the boundaries of town centre. (in-centre is within Inset Map boundary, except that retailing must be within or directly adjoining the defined PSA)

S4 – Sets the general principles for town centre development including:

- (a) The Council will seek to sustain and enhance the range and quality of shopping, leisure and other town centre uses which these centres provide, consistent with the role and function of a centre within the hierarchy defined in Policy S2, in order to meet the needs and aspirations of all who use the centres.

(f) The Council will seek to further improve the environment of these centres, with particular stress on maintaining and enhancing their individual character.

Improvements will be sought both through new investments and developments and through the Council's own actions.

- I. Development proposals will be required to have a high standard of design (in accordance with Policies ENV32 and ENV35 in Chapter 3) with special regard to Conservation Areas and commercial frontages and fascias.

T2- seeks to promote bus services and accessibility to their service.

T7 – seeks to ensure high quality car parking design

T13 – seeks to ensure an appropriate level of car parking is provided.

WA1 – defines the Primary Shopping Area for Walsall Town Centre.

WA3 – sets out guidance with regard to town centre uses.

WA10 - (a) Major comparison goods retail investment in Walsall Town Centre over the next 5-10 years will be concentrated in the Digbeth / Old Square area in order to strengthen the position and role of this area within the centre.

b) Both developments, whether carried out separately or in tandem, should take a comprehensive approach, to make the fullest use of the development opportunities in each area. In particular, they will be expected to connect and integrate - in terms of internal mall entrances and shopper circulation – with each other as well as the rest of the shopping centre, and generally contribute to improved pedestrian and shopper circulation in the Digbeth area. The provision of urban design guidelines will be introduced to achieve this.

(d) The developments should provide more modern retail accommodation to meet the requirements of retailers not currently represented in the town centre and those existing retailers who wish to occupy more suitable accommodation.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

Seeks to guide development and deliver high quality design through local distinctiveness and sustainable design.

Consultations

Transportation - Objects to the current proposal regarding the development has failed adequately demonstrate that the servicing arrangements can cater for the potential level of HGV vehicles accessing the service yard and their associated movements in and out of the service yard, i.e. Articulated HGVs. No HGV parking/waiting area has been shown should more than one vehicle arrive at any one time therefore this may result in a number of HGV's waiting on the public highway to the detriment of free flow of traffic and highway safety.

Having reviewed the Auto Track plan and consider that it does not demonstrate that the servicing arrangements can cater for the needs of the development. Therefore the potential for a number of service vehicles waiting on the public highway to the detriment of free flow of traffic and highway safety still remains of a concern. However a Servicing Management Strategy, if submitted, would allow the Highway Authority to remove the objection. Request that should this be provided we have sufficient time to provide any conditions appropriate to be included within any planning permission.

Pollution Control

Contaminated Land Team – No objection subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the various former uses of the site as recommended by the “*St Matthews Quarter, Walsall Phase 1 Desk Study*” (dated 29th October 20120 reference E12/098) submitted as part of the application. Conditions to address these concerns have been provided.

Scientific Team – No objection subject to odour and noise mitigation measures are undertaken prior to any businesses commencing.

English Heritage - The site is within the setting of the Bridge Street and Church Hill Conservation Areas and development would be likely to affect the character and appearance of those areas. It is proposed to demolish existing buildings and to redevelop the site for retail use. The Council will seek to consider the merits of the proposal in the light of its own local plan policies and of national guidance in the National Planning Policy Framework. In this case English Heritage has no objection to the principle of the proposal but urges further consideration of the design of the rear elevations of the proposed buildings.

Built Environment Team (Conservation) - Concerns over detailed designs. Further details/conditions to be attached to any approval.

Western Power – Apparatus is located in the area. The proposals appear to block up a walk way which has High and Low Voltage cabling installed within it. *[The applicant has submitted further evidence of discussions with Western Power]*

Natural England – No objection however ecological enhancement should be sought, wherever practicable.

Natural Environment Team (Ecology) - No objections in principle to the proposals. However, consideration should be given to the provision of habitat for black redstarts.

Fire Officer – No objection

Access Officer – No objection however the scheme will need to meet its legal and good practice requirements for access and use by disabled people, set out the guidance and reliable standards that will be applied and set out any reasons for departing from the guidance and the rationale for the design approach adopted.

WM Police - Palisade fencing is to be utilised for the rear perimeter security, bearing in mind the amount of crime in the area. The 2.4m height is acceptable but would recommend that a Secure By Design standard fencing product is used instead, such as Expamet close welded mesh fencing. Palisade fencing is easily by passed by offenders, if it is to be used then to improve its security element it should be of the tamper proof variety with the bottom 12" of the fence concreted into the ground, which will stop offenders pulling up the bottom of the fence and climbing under.

Centro – No objection - The existing proposal does not affect any of Centro's infrastructure or services. Centro believe that the developer should ensure that its town centre location favours access by sustainable means of transport and that information regarding public transport is available for staff and visitors alike.

Severn Trent – No objection subject to details of drainage being submitted.

Public Participation Responses

2 letters of objection/comment have been received raising the following comments:

- All this new development will do is create another load of empty shops (adding to what we already have), in the age of the giant store.
- The units are far too big for existing small business operators and would have an adverse impact on those existing operators who have been in the town for many years.
- Developers ignoring small independent businesses that do not allow the developers to attain maximum profit on the future sale of the development.
- Welcome any renovations and expansions to the town centre - simply wish to be a part of these plans and continue to trade where we always have.

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

Determining Issues

- Principle of retail redevelopment
- Impact of demolition works
- Proposed layout and design
- Impact on Listed Buildings
- Servicing and access
- Impact on the Market

Observations

Principle of the development

The principal retail elements of the proposals are located in the Primary Shopping Area of Walsall Town Centre and is largely a replacement of the existing retail units and ancillary accommodation. The creation of a large footprint unit is especially welcomed and would strengthen the town centre.

The use of the upper floors for alternative and ancillary uses (e.g. Non-Residential Education, Leisure and Restaurant) is also welcomed in adding diversity to the town centre environment.

The lack of commercial space or additional upper floors is noted, and is a lost opportunity.

The proposals are designed to attract budget operators (of which Walsall has many) not the middle or high end of the market (in which Walsall is lacking). A higher end development relies on a “retail experience” would require significant improvement to the proposed designs.

The proposals are however in accordance with the overarching aims of national and local planning policy in seeking to deliver retail development in the Primary Shopping Area and therefore are acceptable in principle.

Impact of demolition works

The existing buildings are a prominent feature on the Digbeth frontage. None of the buildings however are of particular architectural merit that would warrant their preservation. The decay and lack of maintenance of these buildings, especially on the upper floors is noted, with the buildings needing substantive investment if they were to remain.

The safety of users of the market and town centre users are also taken into consideration, and could be designed around to reduce any concerns of public safety.

Noise and dust suppression is recommended by condition and any asbestos in the existing buildings would need to be removed in accordance with appropriate legislation.

As such, the demolition of the existing buildings does not raise significant environmental concerns and their loss is not considered significant in the context of the proposed replacement buildings. The proposed demolition should not be commenced without replacement development being secured.

Proposed layout and design

Officers agree with Conservation Officers and English Heritage that the proposals are not aspirational in quality. The acceptability is balanced against the investment and economic element of the proposal.

The proposals do not offer connectivity to the remainder of the site or the existing Vine Trust building and Victorian Arcade.

The redevelopment of this area, within and, adjacent to the Church Hill Conservation Area is a welcomed project as vibrant commercial activity is key to any town centre conservation area. The design responds to what is a negative and harmful buildings on this important historic area.

It is questionable why the profile of the building still requires a series of irregular roof gables, parapets and mono-pitch spans. Moreover, these do not clearly relate to the shop fronts applied to the structure below.

It is unusual for a buildings profile to follow the gradient of a hill in the design shown. A better quality solution would be to group short strips of frontage together and then step down the hill, retaining stretched of horizontal profile.

With regards the shop fronts, it is suggested that the masonry sections are taken up further to meet the height of the main entrance surrounds. This would reduce the section of cladding (which is a poor material choice) above and not only improve the overall composition, but introduce more robust material to frame sections of elevation.

The first floor '*solid to void ratio*' could be improved by introducing three windows in each section rather than two. Not only does this balance better architecturally, but if their height were increased to meet that of adjacent glazing and a two-third recessed coloured panel introduced, the overall amount of masonry could be reduced.

Overall the choice of materials is not of high quality and could be significantly improved and secured through an appropriate condition.

The limitations of the development are noted but it is the view of the Head of Planning that the investment in the town centre retail core is considered to outweigh the concerns raised.

Impact on Listed Buildings and Conservation Area

The site is closely associated with the mediaeval extent of the town, including the market area that was granted by charter in 1220. The site also impacts on the setting of two highly significant Grade II* listed buildings, that of the parish church of St. Matthew and the Guildhall.

The application will result in the comprehensive redevelopment of a large portion of the area and the design clearly attempts to respond to the individual plot rhythm that traditionally would have defined individual parcels of land.

The two principal concerns relating to the impact on listed buildings are the new substation and the service yard.

It is understood that a substation needs to be introduced on the Lower Hall Lane frontage. This is adjacent to the historically significant limestone wall and grade II listed houses. The design and position of the substation could be improved by locating it square onto the street adjacent to the wall/houses so as not to terminate the street and using a more contemporary design.

These improvements would also take the structure out of the way of vehicles entering the site and would utilise the retained section of land that would not serve as a useful access to the George Street development parcel.

The second issue is the presence of a large service yard, and the choice of materials. The use of industrial styled materials on the service yard would detract from the setting of listed buildings and would detract from the character of the

Servicing and access

In respect of this application Transportation Officers considers that in principle the impact of the development is not severe however therefore raises concerns/objections to the current proposal regarding:-

From the proposals the applicant has failed adequately demonstrate that the servicing arrangements can cater for the potential level of HGV vehicles accessing the service yard and their associated movements in and out of the service yard, i.e. Articulated HGVs. No HGV parking/waiting area has been shown should more than one vehicle arrive at any one time therefore this may result in a number of HGV's waiting on the public highway to the detriment of free flow of traffic and highway safety.

This is particularly concerning with regard to the nearby Vine Trust and Victorian Arcade and focus that this has on pedestrian activity and the town centre retail environment which could be compromised by queuing HGVs. A suitable condition, akin to that on the Primark development, requiring details of management of the service yard is therefore imposed.

The concern of Western Power and the proposed substation are noted. Notwithstanding the design of the proposed substation, the sequence of the required electrical work will be as follows:

- All existing connections to on site properties will be isolated
- The substation will then be isolated from the network and temporary diversions instigated that ensure continuity of supply to all other users in the area.
- The substation will be removed
- Demolition will take place and the site regraded.
- A new substation will be constructed as part of the Works and connections made to the new development and any temporary connections to other units re-established.
- The substation will be energised and all connections made live.

A budget estimate of the works has been submitted. It is considered that this and the Technical Note submitted gives satisfactory comfort with regard to the concerns raised by Western Power.

Impact on the market users

The proposals involve the demolition of significant buildings in the town centre which are adjoined by the temporary location of the market. The proposals would have an impact on the market if it were to remain in the current location. However with the demolition of the Overstrand the position of the market, with expiry of the temporary permission in October 2011, will be resolved naturally and in full knowledge of the application in the coming months before the start of works on site.

As such the proposals would have no material impact on the market that has not been programmed within the extant temporary permission and cannot be accommodated within the programming of the development and existing regeneration projects.

Impact on Protected Species

The main ecological issue in this location is the presence or not of black redstarts. Since the species is migratory, survey work at this time of the year will have no benefits. Since the site is not near to transport corridors the risk of the species is not high. Peregrine falcons also nest in the town centre, although the buildings in this application are probably too low for this species. The risk of these bird species being present can be dealt with through the imposition of a planning condition.

Positive and Proactive working with the applicant

Officers have met with the applicant's agent and in response to concerns raised to enable support to be given to the scheme

Reasons for Approval

The proposals are for the redevelopment of existing 1960s buildings fronting Digbeth and High Street. The loss of the existing buildings is not considered to raise significant environmental issues.

The impact of the proposed service yard and gates are noted and the concerns of Transportation Officers are noted. It is considered that this is a balance between the improvement to Digbeth and the Primary Shopping Area.

The proposals represent an investment in the retail core and the removal of poorly designed buildings is noted. The proposed designs are not of high quality and the materials shown on the submitted plans and the location and detail proposed substation would need to be improved. The design is not of high quality but the provision of large retail units is noted with regard to the Core Strategy retail needs.

The proposals will need to deliver a minimum level of retail floorspace and subdivision should be resisted. Convenience retail is resisted in the larger retail units.

Having considered carefully all material planning considerations, consultation and public participation responses, the proposed development meets the aims, vision and strategic objectives as well as policies CSP1, CSP2, CSP3, CEN1, CEN2, CEN3, CEN4, ENV 1, ENV 2, ENV 3, ENV7, TRAN1, TRAN2, TRAN3 and TRAN4 of the Black Country Joint Core Strategy and the following saved policies GP2, ENV10, ENV29, ENV32, ENV33, ENV40, S1, S2, S3, S4, T2, T7, T13, WA1, WA3 and WA10 of Walsall Unitary Development Plan, Supplementary Planning Document Designing Walsall, Regional Planning Policy and National Planning Policy Statements and Guidance.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Conditions

1. This development must be begun not later than 3 years after the date of this decision.

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

2i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken as recommended by the "*St Matthews Quarter, Walsall Phase 1 Desk Study*" (dated 29th October 2012 reference E12/098). (see Note for Applicant CL1)

ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of

the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iii) Prior to built development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

iv) The remedial measures as set out in the “Remediation Statement” required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the “Remediation Statement” required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment.

3a) Prior to the installation details of plant, machine and extraction systems shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details shall comply with the recommendations of the Noise Impact Assessment submitted as part of the application (ref 1006795-RPT-00002, by Cundall and Johnston and Partners LLP, dated 25/10/2012).

b) The agreed plant, machine and extraction systems shall be fully installed in accordance with the agreed systems prior to the development being brought into use and retained thereafter.

Reason: In order to ensure that the scheme does not adversely affect

4a) Prior to the commencement of built development, details of flues (including location, height above the roof, external appearance, materials and cleaning and maintenance regime) to serve commercial hot food cooking points shall be submitted to and agreed in writing by the Local Planning Authority.

b) The extraction flues shall be fully installed prior to the systems coming into use and retained thereafter.

Reason: To ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

5a) Prior to the commencement of development a system to control grease, oil and fat discharges to drainage/sewerage systems shall be agreed in writing with the local planning authority

b) The agreed scheme shall be fully implemented prior to use and retained thereafter.

Reason: To ensure that the drainage system is not adversely affected by grease, oil and fat discharges.

6a) Before the development is brought into use, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any External lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution.

b) The agreed scheme shall be implemented prior to the first use of any lighting on the development.

Reason: To ensure satisfactory functioning and appearance of the development and to preserve and enhance the character of the Conservation Area and to safeguard the amenities of neighbouring and nearby residents.

7a) Notwithstanding the detail shown on the submitted plans, prior to the commencement of development a full schedule of materials shall be submitted to and agreed in writing by the Local Planning Authority.

b) The development shall be fully implemented in accordance with the approved details and retained thereafter

Reason: The submitted scheme, in particular the treatment of the service yard and the extent of the use of cladding on the frontage is inappropriate and unacceptable. Significant improvement on the detail submitted is required to preserve and enhance the character of the Conservation Area and to ensure satisfactory appearance of the development.

8a) Prior to the commencement of development a programme of archaeological work shall be submitted to and agreed in writing by the Local Planning Authority.

b) Any significant findings shall be adequately recorded and detailed prior to built development commencing.

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

9a) Prior to the commencement of work on the development hereby approved full details, management and operation of the proposed service yard and gates shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

b) The service yard shall thereafter be operated in accordance with the submitted detail.

Reason: To preserve and enhance the character of the Conservation Area, in the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

10a) Prior to the commencement of development details of a scheme of street furniture for the development, shall have been submitted to and approved in writing by the Local

Planning Authority.

b) The approved scheme shall be fully implemented and completed in accordance with the agreed details prior to the first occupation of any of the buildings.

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

11a) Prior to the commencement of development the details and locations of cycle stores shall be submitted for the approval of the Local Planning Authority.

b) The approved details shall be fully implemented prior to the first occupation of any of the buildings and retained thereafter.

Reason: To ensure the satisfactory appearance of the development, and to promote use of the bike, and minimise use of the car.

12a) Notwithstanding the details on the plans, prior to the commencement of the development the full external appearance, materials and location of the replacement substation shall be submitted for the approval of the Local Planning Authority.

b) The approved details shall be fully implemented prior to the scheme coming into use and retained thereafter.

Reason: The substation shown on the submitted plan is of inadequate design quality and in a poor location and fails to preserve or enhance the setting of listed buildings or the quality of the Conservation Area.

13a) No development shall commence until drainage plans for the disposal of surface water and foul sewage, including sustainable drainage systems and rainwater harvesting detail, shall have been submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and retained thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

14. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and Integrated Transport Authority, after 6 months of operation of any part of the development.

Reason: To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health.

15a) Prior to the commencement of work on the development hereby approved a detailed Construction Phase Method Statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

b) The development shall be carried out in accordance with the agreed Method Statement and retained throughout the construction period.

Reason: In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

16a) Notwithstanding the details submitted as part of the planning application and prior to the commencement of development details of the access and service area surface materials shall be submitted to and approved in writing by the Local Planning Authority.

b) The agreed materials for the service yard and access shall be fully implemented and properly consolidated, surfaced, drained, free of loose stone prior to its first use

Reason: In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.

17a) 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.

b) 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.

18a) Notwithstanding the notation on the submitted plans, 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.

b) The development will not be brought into use until the approved scheme has been fully implemented, completed and thereafter retained.

Reason: The submitted boundary treatment detail is of inadequate design quality and fails to preserve or enhance the setting of listed buildings or the quality of the Conservation Area.

19a) 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 fully 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.

20a) No built development will be commenced until details of how the proposed development will conserve and make efficient use of energy, including liquid pumping, the provision of compressed air or electricity, heating, compacting, mechanical ventilation or air conditioning to be located within the main building structure have been submitted to and

Page 18 of 24

approved in writing by the Local Planning Authority.

b) The approved details shall be fully implemented as part of the construction of the building and thereafter retained.

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

21a) No development hereby approved shall be commenced, until full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be fully implemented in accordance with the approved details and retained thereafter.

Reason: To preserve and enhance the character of the Conservation Area

22. Within the service yard, service vehicles shall not use the audible 'beeping' reversing alarms. Alternative alarms should be sought such as the use of white noise, infrared or visible alarm systems.

Reason: To ensure that the amenities of neighbouring residents or occupiers are not unduly inconvenienced by servicing of the site

23. No public address facility or tannoy system shall be installed within the boundary of the development site.

Reason. To safeguard the amenity of neighbouring and nearby residential occupiers.

24. The businesses, including deliveries and collections, shall only be permitted to operate between the hours of 07.00 and 23.00 Monday to Saturday. 10.00 to 17.00 on Sundays, Bank and Public Holidays.

Reason. To safeguard the amenity of neighbouring and nearby residential occupiers.

25. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason. To safeguard the amenity of neighbouring and nearby residential occupiers.

26. Noise from plant, machinery and extraction systems shall be designed and operated, with due regard to the Noise Impact Assessment submitted as part of the application (ref 1006795-RPT-00002, by Cundall and Johnston and Partners LLP, dated 25/10/2012), to ensure that noise emissions do not give rise to a Rating Level of 5 dB at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 '*Method for Rating industrial noise affecting mixed residential and industrial areas*'.

Reason. To safeguard the amenity of neighbouring and nearby residential occupiers.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the accesses as shown on the deposited plans.

Reason: In the interests of highway safety.

28. All windows and areas of glazing shall be kept free of applied signage or other significant screening which would hinder views into the atrium and/ or the passive surveillance of public areas.

Reason: To aid the security of users of the site and satisfactory appearance of the application site.

29. The proposed development shall deliver units as follows:

i) The approved use classes are as set out below:

Unit 1 (uses A1 A2, A5)

Unit 2 (use A1)

Unit 3 (use A1)

Unit 4 (use A1)

Unit 5 (Use A1)

Unit 6 (Use A1)

Unit 7 (Use A1)

Unit 8(Uses A1, A3, B1a, D1, D2)

Unit 9 (Uses A1, A2, A3, A5, D2)

Unit 10 (Uses A1, A2, A3, A5)

Unit 11 (Uses A1, A2, A3, A5)

ii) Prior to the first occupation of the proposed units a minimum floorspace of 7132.5sqm shall be delivered.

iii) At any one time the minimum floorspace in Use Class A1 use shall be 5181.5sqm.

iv) Units 2, 3, 4, 5, 6, 7 and 8 shall not be occupied by food/convenience retail.

iv) The maximum number of shops shall not exceed 11 individual units and shall not be further sub-divided.

Reason: The proposed development is key to the delivery of retail comparison floorspace in the Black Country Core Strategy, larger units are essential to meet retail needs of the Primary Shopping Area and there is no need for additional convenience retail units.

30. Unless amendment is required under the above conditions, the development hereby permitted shall be undertaken in accordance with the details shown on following drawings and documents submitted to the Local Planning Authority:

Plans and Drawings:

10-131-002 P001 Rev B; 10-131-002 P002 Rev B; 10-131-002 P003 Rev D; 10-131-002 P004 Rev D; 10-131-002 P005 Rev B; 10-131-002 P006 Rev G; 10-131-002 P007

Documents:

Planning Statement prepared by Stephen George and Partners (ref: 00-FM102 v8 20120718)

Design and Access Statement prepared by Stephen George and Partners

Page 20 of 24

Noise Assessment prepared by Cundall (ref 1006795-RPT-00002)
Heritage Statement prepared by Wessex Archaeology (ref: 87360.01)
Transport Statement prepared by Phil Jones Associates (ref: PJA.1022)
Technical Note prepared by Rodgers Leask (ref: D12-188 - Doc 5)
Drainage Strategy prepared by Rodgers Leask (ref: D12/188)
Phase 1 Desk Study prepared by Rodgers Leask (ref: E12/098 Rev B)
Travel Plan prepared by Phil Jones Associates (ref: PJA.1022)

Reason: In order to define the permission.

NOTES FOR APPLICANT

Contaminated Land

CL1) Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

CL2) When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) Model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3) Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Extraction Flues

A) Extract ventilation flues and associated fan and motor units shall be fitted with vibration isolation mounting systems and ductwork shall be de-coupled from fan and motor units.

B) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Rating Level of 5 dB as determined in accordance with British Standard BS 4142: 1997 ‘*Method for Rating industrial noise affecting mixed residential and industrial areas*’.

C) Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Noise Rating Exceeding NR 25 1m from the façade of occupied residential rooms.

S278 Works

No work on the site should commence until any engineering detail of improvements to the public highway have been approved by the Highway Authority, and an agreement under S278 of the Highways Act 1980 entered into. Any agreement for street lighting should be agreed in writing with Walsall Metropolitan Borough Councils Street lighting partner Amey.

A Section 50 notice will be required for any excavation in the highway, if the existing notice has expired or the work is undertaken by a different contractor, and necessary approvals should be obtained for any excavation in the service yard.

Traffic Regulation Orders (TRO's)

The attention of the applicant is drawn to the requirement to modify existing TRO's on Bridge Street at their expense, prior to the development being brought into operation. The applicant is advised to contact the Council's Traffic Manager Mr Stephen Griffiths on 01922 652558 to discuss this matter further.

Mud on Highway

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

Drainage

No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

A) For the purposes of Condition 24 and 25, Bank and Public holidays shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday

Conservation Area Consent Application - 12/1554/CC

Recommendation Summary: Grant Conservation Area Consent

1. This development must be begun not later than 3 years after the date of this decision.

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

2. Demolition shall not take place until a contract for the redevelopment of the site in accordance with planning permission no. 12/1553/FL has been signed and a copy lodged with, and acknowledged by the local planning authority.

Reason: To ensure that the primary shopping area is not compromised by the presence of a vacant site.

3. The applicant or person undertaking the works shall serve notice, in writing, on the Local Planning Authority 14 days before the commencement of any work on site. The developer

Page 22 of 24

shall thereafter afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow him to observe the (building demolition/excavations) and record items of interest and finds.

Reason: To ensure that ample opportunity is provided to investigate the historic past of the site.

4. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place until a method statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include:

- i) Programme and timetable of works
- ii) Control of noise and dust arising from works
- iii) Method of demolition and positioning of equipment
- iii) Method of dealing with asbestos

Reason: In the interests of amenities of nearby residents and public safety

5. Access shall be maintained at all times during the demolition to neighbouring commercial and residential occupiers except for the purposes of public safety.

Reason: To ensure that neighbouring residents or occupiers are not unduly inconvenienced by the works.

6. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To safeguard the amenities of neighbouring and nearby residents

7. Levels of ground and/or structure-borne vibration transmitted to occupied buildings shall not exceed the lowest specified criteria for 'low probability of adverse comment' (0.02 m.s-1.75 for clarity) assessed with reference to British Standard BS 6472:1 2008 'Guide to Evaluation of human exposure to vibration in buildings.

Reason: To safeguard the amenities of neighbouring and nearby residents

8. All hand-held pneumatic machinery used in respect of demolition or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), including breakers and chisels, shall be of an integrally silenced design; breakers and chisels shall only be used with muted steels.

Reason: To safeguard the amenities of neighbouring and nearby residents

9. All plant and machinery in use shall be maintained and silenced in accordance with the manufacturers' and/or supplier's instructions or recommendations. Mobile and portable air compressors, pumps and electricity generating sets shall be of a recognised proprietary low-noise design, and wherever practicable, mains electricity shall be utilised in preference to electricity generating sets.

Reason: To safeguard the amenities of neighbouring and nearby residents

10. No operations or activities incorporating explosive blasting, drop-balling or thermic/thermal lances shall be undertaken.

Reason: To safeguard the amenities of neighbouring and nearby residents

11. All site clearance and building demolition shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey (particularly looking for black redstart and peregrine falcon) shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

Reason: To protect local bird populations.

Reasons for Approval

The proposals are for the redevelopment of existing 1960s buildings fronting Digbeth and High Street. The loss of the existing buildings is not considered to raise significant environmental issues.

The impact of the proposed service yard and gates are noted and the concerns of Transportation Officers are noted. It is considered that this is a balance between the improvement to Digbeth and the Primary Shopping Area.

The proposals represent an investment in the retail core and the removal of poorly designed buildings is noted. The proposed designs are not of high quality and the materials shown on the submitted plans and the location and detail proposed substation would need to be improved. The design is not of high quality but the provision of large retail units is noted with regard to the Core Strategy retail needs.

The proposals will need to deliver a minimum level of retail floorspace and subdivision should be resisted. Convenience retail is resisted in the larger retail units.

Having considered carefully all material planning considerations, consultation and public participation responses, the proposed development meets the aims, vision and strategic objectives as well as policies CSP1, CSP2, CSP3, CEN1, CEN2, CEN3, CEN4, ENV 1, ENV 2, ENV 3, ENV7, TRAN1, TRAN2, TRAN3 and TRAN4 of the Black Country Joint Core Strategy and the following saved policies GP2, ENV10, ENV29, ENV32, ENV33, ENV40, S1, S2, S3, S4, T2, T7, T13, WA1, WA3 and WA10 of Walsall Unitary Development Plan, Supplementary Planning Document Designing Walsall, Regional Planning Policy and National Planning Policy Statements and Guidance.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

Page 24 of 24