



Walsall

Metropolitan Borough Council

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER
1995

NOTIFICATION OF DECISION ON AN APPLICATION FOR PLANNING PERMISSION

Date Accepted: 27th October 1999

● Applicant: Chartwell Land Developments
● Agent: Ian Simpson
Broadway Malyan
85, Tottenham Court Road
London

Site: Town Wharf, Wolverhampton Street, Walsall
Application No: BC55194P

Particulars of Development: Erection of 3no. non food retail units (Class A1) (amendment to Reserved Matters application no. BC52912P/C)

Walsall Metropolitan Borough Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described above, as shown in the plans which accompanied the application, copies of which are attached to this notice.

Subject to the following conditions:

Condition 1.

● This permission shall only be implemented as part of the development of planning permission BC49736P/C and associated Reserved Matters submissions. The development must be begun not later than the dates defined in condition 1 of that permission.

Reason.

A) Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

B) Pursuant to Article 7(1) of the Town and Country Planning General Development Order 1988.

Condition 2.

A) Sales of food from the site shall be restricted to confectionery and refreshments at point of sale, or in ancillary cafes or similar areas within retail units.

B) Notwithstanding part (A) of this condition, units defined on the Reserved Matters submission under planning permission BC49736P/C, or any subsequent planning permission, as being for

purposes within Class A3 of the Schedule to the Town and Country Planning Use Classes Order 1987 are permitted to sell all foods, confectionery, drinks etc, normally sold from such operations.

Reason.

The Traffic Impact Assessment for BC49736P/C has been prepared on the assumption of no food sales on the site. If there were to be significant food sales, there could be major traffic implications. In addition, food sales could impact on retailing in the town centre, which should be assessed, if food sales are to be proposed.

Condition 3.

- i) At no time shall there be more than 30% of the gross retail floorspace constructed under this permission or planning permission BC49736P/C selling fashion goods,
i.e. adult clothing, excluding sports clothing,
jewellery,
adult footwear, excluding sports footwear,
and fashion accessories.
- ii) Apart from any units in A3 use, no retail unit will be less than 465 sq.m. gross floorspace.
- iii) There shall be no occupation of the site or any part of the site by a department store in a unit greater than 4,645 sq.m. gross floorspace.

Reason.

To control the impact on the main parts of the town centre by limiting fashion sales, and the scope for department store occupation, as both elements are more properly part of the traditional town centre.

(See also Note for Applicant C in connection with part (iii) of this condition.)

Condition 4.

This permission grants planning permission for the erection of buildings and associated facilities for retail (non-food) sales. The design of the development shall be as approved under Reserved Matters approval BC52912P/C in relation to building elevations and paving.

Reason.

To define the permission given, and control the development approved.

Condition 5.

Development under this permission will only be carried out in conformity with the submitted documents, and the submissions required to be made under the conditions herein, except as may be required by the conditions attached to this permission, or by any subsequently approved amendment or permission.

Reason.

To ensure that the development undertaken under this permission will 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 require).

Condition 6.

No built development or use of land will be carried out until full details of:-

- site dimensions;
- existing and proposed levels of the site of that development;
- all existing and proposed underground services;
- levels of floors, footpaths, roads and landscaped areas;
- any retaining structures required to ensure the stability of that development, that part of the site or adjoining land;

have been submitted to and approved in writing by the Local Planning Authority.

Reason.

To secure the proper development of each part of the site.

Condition 7.

No building or other structure will be constructed until samples or suitable details of the facing materials to be used for that building or structure have been approved in writing by the Local Planning Authority.

Reason.

To ensure the satisfactory appearance of the development.

Condition 8.

No development will be commenced until details of at least 10 CCTV cameras covering the exterior of the development approved under this permission and planning permission BC49736P/C have been submitted to and approved in writing by the Local Planning Authority. The submitted details will provide that the installation will be part of the wider Town Centre CCTV system, and be of a quality and arrangement suitable to be used as evidence in a court of law. The design of the CCTV installation will have regard to the lighting installations to be made on the site. The approved details will be implemented concurrently with the relevant part of development to which they are attached, and will thereafter be retained in working order, unless otherwise agreed in writing by the Local Planning Authority.

Reason.

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

(N.B. The Local Planning Authority would recommend that in preparing the submission under this condition, the developer consult with the Police Architectural Liaison Officer - P.C. John Smith - 01922 439219.)

Condition 9.

No building to be erected under this planning permission will be commenced until details of the proposed boundary treatment for that part of the development, and its associated site, have been submitted for the approval of the Local Planning Authority. The submitted scheme will include any internal site divisions, and gates. That part of the development will not be brought into use until the details have been approved in writing by the Local Planning Authority and the approved scheme has been implemented and completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason.

To ensure the satisfactory appearance and functioning of the development.

Condition 10.

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, or succeeding Orders, no gates, fences, walls or other means of enclosure which significantly affect the appearance or functioning of the public areas of the development, except those included on the plans approved under Condition 9 herein, shall be erected without the prior approval of a planning application relating to that work. Gates, fences, walls or other means of enclosure erected under Condition 9 will be retained in the approved arrangement.

Reason.

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

Condition 11.

No part of this development will be carried out until a detailed landscaping scheme for that part has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme will include details of plants and planting techniques, measures for protection of the planting, including the provision of protective fencing while the landscaping is established, the arrangements to be made for the disposal of surface water from the landscaped area, hardsurfacing, paving, hard landscaping details, etc, and a programme of implementation. The work will be carried out in accordance with the details as approved or such variations as may be agreed in writing with the Local Planning Authority.

Reason.

To ensure the satisfactory landscaping and appearance of the proposed development, at the earliest time consistent with the development of the site.

Condition 12.

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

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

Reason.

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

(Note. For the avoidance of doubt, the allocation of responsibility for maintenance under this condition is a matter for the parties to the development, although the Local Planning Authority would normally expect liability for maintenance under this condition to rest with the owner or lessee of the part or parts of the site in question.)

Condition 13.

Vehicular access to this site shall be via the service yards and car parks approved under planning

permission BC49736P/C, with the exception of pushbikes, which shall use the cycleway as approved herein.

Reason.

To define the permission, in the interest of highway safety.

Condition 14.

(A) Car and lorry parking, servicing, and manoeuvring areas shall be surfaced and drained in the same way as those approved under planning permission BC49736P/C. Those works will be implemented and completed in accordance with the approved details, and all parking spaces will have been clearly marked out, before the part of the development served by that vehicle area is brought into use. The vehicle areas will thereafter be retained as approved and used for no other purpose.

B) There will be no parking of vehicles (other than service or delivery vehicles awaiting loading or unloading) in any of the service yards on the site, unless otherwise agreed in writing by the Local Planning Authority.

(C) There will be no provision made for staff parking on the site, other than pushbikes.

Reason.

To control parking on the site to minimise and control the use of the car for commuting in accordance with local and national planning policy, and to ensure the satisfactory appearance and functioning of these part(s) of the site.

(NB. This condition does not prevent staff using public car parks on the site, but they would have to pay the relevant charges on those car parks.)

Condition 15.

No development shall be carried out until details of 40 parking spaces for the disabled users of the retail park approved under planning permission BC49736P/C have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development of this unit and the rest of the retail park..

Reason.

To ensure the satisfactory provision of such facilities.

Condition 16.

No development shall be carried out until details of 40 cycle parking spaces for users of the retail park approved under planning permission BC49736P/C have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development of this unit and the rest of the retail park

Reason.

To ensure the satisfactory provision of such facilities.

Condition 17.

(A) The development will operate a scheme of parking controls, in common with the rest of the retail park approved under planning permission BC49736P/C to:-

- i) prevent use of the car parks on the site by long-stay commuters;
- ii) maintain the use of the car parks on the site as short-stay parking for shoppers on the site, shoppers in the town centre and other non-commuter uses on the site and in the town centre.

(B) Short-stay is defined as up to 4 hours, and the scheme will have a pricing structure similar to that of the Council's short-stay car parks, with the discretion for the site operator to allow free parking for customers of the retail park for a short initial period on each visit to the site.

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

Reason.

Planning policies, in particular national in PPG6 and PPG13, and local in the Walsall M.B.C. U.D.P., intend that:-

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

An inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre, and the prospects for leisure investment at Town Wharf. The requirement to create and operate a scheme to control car use is therefore an essential component of the proper planning of the Borough.

Condition 18.

The cycle route connecting Birchills Street to the rest of the retail park, and ultimately Wolverhampton Street will be implemented concurrently with (or before) the construction of the retail park, and completed before the retail park is brought into use, or such other timetable as may be agreed in writing by the Local Planning Authority.

Reason.

To ensure the satisfactory functioning of these part(s) of the site, the programming of the road works, and the safety of users of the highway.

Condition 19.

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

Reason.

To prevent the deposit of mud on the highway.

Condition 20.

No development will be carried out until details of the measures to be taken for the long term maintenance of areas of open space have been submitted to and approved in writing by the Local Planning Authority.

Reason.

To ensure a suitable level of maintenance for open space areas, in the interests of the visual amenity of the area, and the use of those areas.

Condition 21.

No electrical or electronic sound amplification equipment will be installed in any of the buildings hereby approved within 50 metres of any dwelling until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority, and the soundproofing works will be carried out before the amplification is brought into use.

Reason.

To safeguard the amenity of the area.

Condition 22.

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

(B) No materials, goods or refuse will be stored or deposited in the open on any part of the site other than in a refuse container as approved under part (A) of this condition.

Reason.

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

(NB. For the avoidance of doubt, the allocation of responsibility for the retention of installations under this condition is a matter for the parties to the development, although the Local Planning Authority would normally expect liability to rest with the owner or lessee of the part or parts of the site in question.)

Condition 23.

Any facilities for the storage of oils, fuels or chemicals will be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason.

To prevent pollution of the water environment.

Condition 24.

Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage from parking areas or other vehicle hardstandings will be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. The interceptor will be maintained in working order.

Reason.

To prevent pollution of the water environment.

Condition 25.

The scheme of archaeological work required under Condition 29 of planning permission BC49736P/C will govern the development of this part of the site, as appropriate.

Reason.

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

Condition 26.

No development will be carried out until details of materials, building features or other items of historic or architectural significance on the site, and arrangements for salvage and disposal of those items have been submitted to and approved in writing by the Local Planning Authority. Salvage and disposal as approved will proceed before commencement of the development (or concurrently with the development provided no items are lost or destroyed as a result).

Reason.

To safeguard materials capable of reuse.

Condition 27.

Before work commences on site, the following will be granted access to buildings of architectural or historic interest on the site:-

- Walsall Local History Centre (telephone 01922 721305) for the purposes of making a photographic record and identifying and, if agreed, removing documentary or other material surplus to the applicants requirements;
- Walsall Community History Officer (telephone 01922 30805) for the purposes of identifying and, if agreed, removing any artefacts surplus to the applicants requirements;
- West Midlands Sites and Monuments Record (telephone 0121 704 6930) for the purposes of surveying and recording aspects of the property's archaeology.

Reason.

Buildings of local historic and architectural significance should be properly recorded before restoration or demolition, and to safeguard materials capable of reuse.

Condition 28.

No development shall be carried out until details of the street furniture, and other features of the space between Units 1 and 2 have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development.

Reason.

To ensure the satisfactory appearance of this part of the site.

Condition 29.

Construction and engineering works in the area between the line of Shaw Street and Green Lane, and / or on Green Lane, shall not be carried out between the hours of 1000 and 1200 and between 1500 and 1800 on Sundays.

Reason.

To control the impact of construction works on church services held by the Salvation Army.

Condition 30.

No development shall be carried out until details of bollards or other mechanisms to prevent vehicles encroaching on the paved area have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development of this unit.

Reason.

In the interests of highway safety.

Condition 31.

No development shall be carried out until details of measures to give the cycle way through the site priority over vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the development of this unit.

Reason.

In the interests of highway safety, and to promote use of bikes.

Condition 32.

All steps, dropped kerbs, and crossing points will include tactile paving for the disabled, and handrail design will reflect the needs of this sector of the community.

Reason.

To assist the disabled.

Condition 33.

The 'footbridges' into the retail street of the retail park shall be surfaced in tumbled york stone setts.

Reason.

To assist the disabled, and other users, by providing a non-slip surface.

NOTES FOR APPLICANT.

These notes are not binding on the development, as they are not part of the conditions and associated reasons set out above.

They are intended to

- identify issues
- set out information
- express the views of the Local planning Authority, or others, on issues raised during the determination of the application
-etc.

and they should be read in that light.

Note A.

The prohibition on food sales in Condition 2 could, potentially, be lifted by the submission and approval of a planning application to vary that condition. In the event of a proposal for a large food retail component on the site, the Local Planning Authority would expect such an application to demonstrate the traffic impact of food sales from the site.

Note B.

The creation of good design in the retail park is likely to involve the creation of a coherent signage strategy (in particular for the main road frontages). The developer is invited to consider and act on this idea.

Note C.

For the avoidance of doubt:-

- The term department store in condition 3 of this permission has its common sense meaning.
- The Council considers that the term describes a retail unit having an overall identity, with a strong image / brand name, and:-
 1. including significant component of fashion sales
 2. including a significant component of fancy goods such as:-
 - perfume and cosmetics
 - fashion accessories,
 - small decorative / non-essential items for the home,
 3. which would include a significant component of other items, such as audio items (pre-recorded material, and accessories), books, stationery, toys, furniture, etc.

The Council notes that while variety stores have traditionally been distinguished from department stores, there is a tendency for the distinction to become blurred over time. Some variety stores may now, or in the future, fall within this definition of department stores. This needs to be borne in mind.

Note D.

The West Midlands Fire Service have identified:-

- the need to maintain two way flow along Wolverhampton Street;
- that the access points into each part of the site need to provide for their vehicles;
- that the retail park car park should be useable by fire engines to enable firefighting in the buildings;
- that during construction, they will need uninterrupted access past (or to) the site on the highway network, and construction work needs to allow for this;
- the benefits to be gained from a priority system in the traffic lights at either end of Blue Lane West.

It is noted that the developers have no objection to considering access through the car park, do not object in principle to traffic light arrangements, and have confirmed the roads will stay open during construction.

Note E.

The Local Planning Authority considers sustainability is an important objective in all developments. It is of particular importance in a high profile development such as this. The developers and users of the site are invited to make the best use of available and developing techniques to promote sustainability, in all its facets, as a fundamental part of the original design of the development, and a guiding principle for the continued use and operation of the site.

Note F.

This permission relates to drawing numbers:-
6785/P-22/1 and 6785/P-23.

Date of Decision: 21st December 1999

Signed:



Planning and Building Control Services Manager
Engineering and Town Planning Services
Civic Centre, Darwall Street, Walsall, West Midlands. WS1 1DG

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTE