



Walsall

Metropolitan Borough Council

Engineering and Town Planning Services

Martyn Single, Planning and Building Control Services Manager

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: 30th July 1997

Applicant: Chartwell Land Development
Agent: Ian Simpson
Broadway Malyan
85 Tottenham Court Road
London
W1P 9HD

Site: Land in Blue Lane West, Green Lane, Wolverhampton Street & Stafford Street (Town Wharf Phase 2).

Application No: BC49736P/C

Particulars of Development: OUTLINE: Retail (non-food, A1), car sales, leisure (D2), cafe/takeaway/pub (A3), Design Exchange/offices (B1).

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:

ON TIMING

Condition 1.

A) Application for approval of the Reserved Matters will be made within 3 years of the date of this decision. The development must be begun not later than;

- (i) 5 years from the date of this decision.
- (ii) 2 years from the approval of the Reserved Matters, or in the case of approval on different dates, the approval of the last Reserved Matter.

B) No development of any part of the site will be commenced until details of the following Reserved Matters for that part of the site have been submitted to and approved by the Local Planning Authority:-

- (i) The siting of the buildings;
- (ii) The design of the buildings;
- (iii) The external appearance of the buildings;

- (iv) The means of access to the buildings;
- (v) The landscaping of the site.

Reason.

A) Pursuant to the requirements of Section 92 of the Town and Country Planning Act, 1990.

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

DEFINING

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, 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 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 on the site 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 F in connection with part (iii) of this condition.)

Condition 4.

(i) This permission grants planning permission in outline for the erection of buildings and associated facilities for:-

- retail (non-food) sales;
- car sales (including car servicing as a significant component of such a use but on an ancillary, subordinate, basis);

- leisure uses;
- cafe / restaurant / diner / takeaway type uses;
- the Design Exchange (a mixed use conversion of the former Co-op stonemasons yard, primarily for design-themed workshop / office spaces, but including retail, bar / café, and residential uses).

(ii) The layout on Drawing 6785/OP01/C is not approved as part of this permission (but attention is drawn to conditions 7 and 8 of this permission.)

(iii) The Architectural Statement is not approved.

Reason.

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

(N.B. see Note for Applicant C on this issue.)

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.

ON DESIGN - GENERAL

Condition 7.

The submitted layout Drawing 6785/OP01/C is hereby approved as an indicative Masterplan, to guide the development of the site, SOLELY in terms of the distribution of uses across the site, and

the broad arrangement of the retail park.

Reason.

To define the permission, and give a measure of certainty for the developer on the form of the development, while reserving the position on the Local Planning Authority on the details of the development.

Condition 8.

(A) The first reserved matters submission under this permission will include

- a diagrammatic master plan for the whole site illustrating pedestrian circulation, how it is integrated with highway design, and how the links with the town centre and the surrounding area will work;
- a document setting out the principles of the hard and soft landscaping proposed on the site, identifying broad details of paving materials, street furniture etc. as well as a range of trees and shrubs to be used within the scheme;
- an illustrative plan showing, diagrammatically, the broad locations of the major landscape elements on the whole site;
- a broad statement of the approach to be adopted to the issues identified in part (B) of this condition.

(B) The Reserved Matters submission for each part of the site will include details to how it accords with or differs from the submission under part (A) of this condition, and will demonstrate that the development of the site will:-

- be well integrated into the surrounding area, in particular in relation to the pedestrian and cycle routes into the rest of the town centre;
- enhance the canal arm as a visual element, and as a functional part of the site and of the town centre and as a public space;
- provide varied and functional public spaces in all parts of the site;
- use landscaping imaginatively to ensure high quality of design in all parts of the site;
- provide strong gateway features at all of the entrances to the site (and in particular at the junctions of:-
 - Wolverhampton Street / Blue Lane West;
 - Green Lane / Blue Lane West;
 - Wolverhampton Street / Wisemore;
- incorporate building designs, on the land between the current line of Wolverhampton Street and the canal, which relate to both canal and road frontages around the site;
- incorporate building designs elsewhere on the site which relate to the road frontages around and within the site;
- incorporate significant levels of public art provision;
- provide for the security and safety of users, visitors, and employees on the site, and their property;
- provide for the less mobile members of society in ways which do not discriminate against them;
- provide for future maintenance of all public areas, in a manner satisfactory to all relevant parties.

(The final point may include arrangements for commuted sums, or other financial arrangements, possibly using agreements under section 106 of the Town and Country Planning Act 1990, or other relevant legal mechanisms, to give effect to such financial arrangements. The precise arrangements will depend on the design of the scheme submitted under the Reserved Matters, which in turn will influence the need for, for example, a section 106 agreement.)

(B) The Reserved Matters submission for the retail park will include details of pedestrian crossings and routes between the retail park and the town centre, and the retail park will not be brought into use until the approved crossing and route details have been completed in accordance with those details, and are available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason.

(A) To ensure that the principles of the Urban Design Guidance developed for the site are embodied in the development as it is designed.

(B) To ensure the creation of suitable links, and define the necessary timing.

Condition 9.

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 10.

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

ON DESIGN - LANDSCAPING

Condition 11.

No building to be erected under this outline 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.

(See Notes for Applicant G and K on the issue of gates.)

Condition 12.

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 11 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 11 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 13.

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.

(NB the Local Planning Authority would expect to see the implementation of each element of the scheme at the earliest possible moment following development of each part of the site.)

Condition 14.

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.)

ON DESIGN - HIGHWAYS

(NB. See Notes For Applicant 'I, J and K attached to this permission, giving details of the expectations of the Local Planning and Highway Authorities and others on related matters.)

Condition 15.

This permission does not approve the siting of the means of access to the site, other than to the extent that:-

- access to the car sales site and the existing properties on Stafford Street is acceptable from Green Lane and Court Way, broadly in the locations shown on the submitted layout Drawing 6785/OP01/C;
- access to the public car parks for the retail park is acceptable from Wolverhampton Street;
- access to the service yards for the retail park is acceptable from Blue Lane West and Green Lane broadly in the locations shown on the deposited plans.

Reason.

To define the permission, and give a measure of certainty for the developer on the form of the development, while reserving the position on the Local Planning Authority on the precise details of the development.

Condition 16.

(A) The Reserved Matters submission for any car sales use will identify areas for car display outdoors, car sales customer parking, and any parking for vehicles being serviced.

(B) No vehicles will be parked in the open on the part(s) of the site other than in accordance with those details.

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.

Condition 17.

(A) The Reserved Matters submission for any part of the development will include details of car and lorry parking, servicing, and manoeuvring areas for that part of the site. The submission will clearly show the proposed surfacing materials and means of surface water drainage. The approved scheme will be implemented and completed in accordance with the approved details, and all parking spaces will have been clearly marked out, before the part of the development served by that vehicle area is brought into use. The vehicle areas will thereafter be retained as approved and used for no other purpose.

B) There will be no parking of vehicles (other than service or delivery vehicles awaiting loading or unloading) in 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. The Local Planning Authority would expect parking to be reserved for disabled drivers, with parking bays designed accordingly, in accordance with, or in excess of, the relevant standards of the Local Planning Authority at the time of the Reserved Matters submission.)

(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 18.

A) The first Reserved Matters submission for a development taking access from Wolverhampton Street will include road designs and traffic calming measures in Wolverhampton Street which:-

- minimise use of the eastern part of the street by traffic, maximise pedestrian friendliness and
- provide a road pattern which can be used as a turning head in the event of road closure, and
- create a situation whereby the eventual closure of the street can be more easily achieved by the Council, acting as Local Highway Authority, and
- will have the effect of limiting traffic speeds to 20m.p.h. along Wolverhampton Street.

B) The approved road works will be implemented, and be available for use by the public, before the first development taking access from Wolverhampton Street is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason.

To minimise the impact of the road on the quality of the development.

(See Note for Applicant K in relation to this condition.)

Condition 19.

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

- i) prevent use of the car parks on the site by long-stay commuters;
- 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 20.

(A) The first Reserved Matters submission under this permission will include:-

- i) Details of the junction works at Blue Lane West / Wolverhampton Street, and of the alignment of Wolverhampton Street, and any additional road works on or immediately adjacent to public highways necessary for the development of the retail park. The works will be based on the Halcrow Fox drawing outline 4376/HF/05 submitted as part of the Traffic Impact Assessment, amended in accordance with the capacity and safety requirements and the design standards of the Department of Transport and Walsall M.B.C, and taking into account the recommendations of a Stage 2 Safety Audit.
- ii) The details submitted under part (i) of this condition will include a Selected Vehicle Detection installation on the new traffic lights to provide for eastbound buses turning right into the town centre.
- iii) Details of access to the Design Exchange area shown on Drawing 6785/OP01/C and adjoining land, reflecting the relationship between the junction works and the proposed access(es). There will be no other access to that land, at any time, without the prior submission and approval of a planning application.
- iv) details of a safe and attractive cycle route connecting Birchills Street to Wolverhampton Street (at a point close to the Art Gallery).

(B) The approved works 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.

(See Note for Applicant K in relation to this condition.)

Condition 21.

The Reserved Matters submissions will demonstrate that delivery vehicles can enter and leave the site to access any proposed A3 units, in forward gear. Where such service vehicles are intended to use public car parks, or shared use / pedestrian areas for this purpose, such access will only be permitted before 10a.m. and after 6p.m.

Reason.

To ensure safe and sensible servicing of these uses, even if they are in otherwise sensitive areas.

Condition 22.

No development of the retail park will be commenced until the acquisition of all land needed for the road works submitted and approved under Condition 20 has been completed, and arrangements are in place for the transfer of that land to the Local Highway Authority, as part of any necessary adoption of public highways.

Reason.