



Regeneration – Planning and Building Control

I D Planning
Mr Jeremy Williams
Atlas House
31 King Street
Leeds
West Yorkshire
LS1 2HL

PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2010 (AS AMENDED)

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: Kier Property Developments Limited

Agent: I D Planning

Application Number: 13/0440/FL

Date of Application: 10/04/2013

Site Address: LAND SOUTH OF WOLVERHAMPTON STREET, WALSALL, WS2 8LR

Proposal: Hybrid Application - Full Planning Application for Multi-Screen Cinema (Use Class D2) at first and second floor with Retail, Restaurants and Cafes, Drinking establishments (Use Classes A1/A3/A4) at ground floor level and two separate units for Restaurants and Cafes and Drinking Establishments (Use Class A3/A4), car parking, external seating area, landscape works, additional temporary surface car parking, canal footbridge, associated works and access arrangements. Outline Application (all matters reserved) for Leisure, Retail, Restaurants and Cafes and Drinking Establishments (Use Classes A1, A3, A4 and D2)

Part 2 – Particulars of Decision

Walsall Council, as Local Planning Authority, hereby **Grants Planning Permission Subject to Conditions** for the development described in Part 1 above and in accordance with the application and plans submitted.

CONDITIONS

Schedule of Conditions

A- General Planning Conditions applying to the whole development

B - Phase 1 Planning Conditions (Full Planning Permission)

C - Phase 2 Planning Conditions (Outline Planning Permission)

A - General Planning Conditions applying to the whole development

A0 - the term "Phase" means:-

Individual sites within the overall application site that can be progressed in individual reserved matters submissions or through a discharge of condition application and still meet the overall aspirations and objectives of the outline planning permission.

Reason: To define the permission, and create the framework for the conditions, and their application to parcels of land.

A1. For the avoidance of doubt the Phases shall comprise as follows:

Phase 1 - as shown on Plan reference (00) 304 Rev D, including the following:

Cinema and associated ground floor units, Unit 1A and Unit 1B, access, landscaping, public realm, canal works, highways works, temporary car park subject to the conditions within Schedules A and B of this permission.

Phase 2 - Replacement of the temporary car park with appropriate development as illustrated on drawing (00)300 Rev K subject to the submission of a satisfactory reserved matters as defined by Schedules A and C of this permission. The buildings shown are not approved by this permission.

Reason: In order to define the permission and phasing of the development.

A2i) 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 CL1)

ii) The remedial measures as set out in the "Remediation Statement" required by part i) of this condition shall be implemented in accordance with the agreed timetable.

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

iv) 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 CL2)

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

A3. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) or deliveries associated with demolition, construction or engineering works, shall take place on any Sunday, Bank

Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. 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: In the interests of the amenity of adjacent occupiers

A4. Before work commences on site details of measures to control water runoff from the site during construction (including details of the timing of construction of the proposed measures, and of their removal) shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approval, unless otherwise agreed by the Local Planning Authority.

Reason: To protect the water environment.

A5. For the duration of the reclamation of the site, and the construction period, the accesses to the site shall include wheel washing equipment in accordance with details previously agreed in writing by the Local Planning Authority.

Reason: To prevent mud being deposited on the public highway.

A6. The approved uses in the detailed planning permission are as follows:

a) Cinema Building:

Ground Floor Units (Use Classes A1, A3, A4)

First and Second Floor (Use Class D2)

Unit 1A and Unit 1B (Use Classes A3/A4)

b) The approved uses in the outline planning permission are A1, A3, A4, D2

c) Retail use (Use Class A1) shall be a maximum of one unit and no greater than 500sqm

d) Any further retail development over and above the 500sqm should be supported by a retail impact assessment and sequential test exercise in order to demonstrate that any retail development does not compromise the viability and vitality nor cannot be met within the defined Primary Shopping Area

e) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995 (as amended), there shall be no change of the particular use approved under part (a and b) of this condition to retail (Use Class A1) use.

Reason: To define the permission, to deliver appropriate levels of leisure development, to control the nature of retailing on the site, to secure retailing which is either complementary to the other uses on the site, or of a character which adds interest to the site and the town centre, to reflect the overprovision of convenience retailing in the town centre identified in the Black Country Centres Study 2009 (GVA Grimley) and to ensure the health and viability of the Primary Shopping Area as the primary location for comparison retailing.

A7. Unless amendment is sought through planning conditions or the Reserved Matters submission, 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:

(00)100 Rev J
(00)300 Rev K
(00)304 Rev D
(00)305 Rev D
(00)310 Rev D
(00)311 Rev D
(00)312 Rev B
(00)321 Rev D
(00)400 Rev C
(00)500 Rev C
(00)510 Rev D
(00)520 Rev A
(90)350 Rev A
MC9000_H
M15010 - PG11 Rev D
M15010/002

Documents:

Design and Access Statement (ref: 13,026/IMAGES) prepared by Archial/ID Planning
Statement prepared by ID Planning
Flood Risk Assessment and Addendum (ref: 2372/FRA_v1.2) prepared by Weetwood
Baseline Ecological Audit (ref: 5501/3987/1/HAUD) prepared by Betts Ecology
Ecological Planting to Supplement Landscape Strategy (ref: 5501 Version2.0) prepared by Betts Ecology
Transport Assessment and Addendum (ref: W50775 / R01 Rev A) prepared by Pell Frischmann
Framework Travel Plan (ref: W50775 / R02 Rev A) prepared by Pell Frischmann
Landscape Report (ref: 15010 Rev D) prepared by Gillespies
Geo-environmental Appraisal (ref: T/13/1216/GA) prepared by Tier Environmental
Statement of Community Involvement prepared by Acceleris Marketing Communications

Reason: To define the permission

B - Phase 1 Planning Conditions

B1. This development must be begun not later than 18months after the date of this decision.

Reason: Pursuant to the requirements of Section 91(1)(b) of the Town and Country Planning Act, 1990 and to ensure that any delay in the delivery of the development takes account of the Walsall Town Centre Area Action Plan which will seek to develop a preferred option for a town centre cinema.

B2a) Within 6months of the commencement of built development, the following details shall be submitted for approval in writing by the Local Planning Authority and

in conjunction with the Highway Authority and Walsall Council's Street Lighting partner Amey;

- Full engineering details of the proposed improvements to the existing roundabout junction and Wolverhampton Street, to include pedestrian crossing facilities.
- Full engineering details of the proposed new access off Wolverhampton Street as specified on the approved plans.
- Full engineering details of the highway infrastructure works to facilitate the closure of the all existing redundant accesses and vehicular crossovers onto Wolverhampton Street.

b) Prior to occupation of the development all the detailed highway infrastructure works and cycle parking shall be fully implemented, completed and brought into use to the satisfaction of the Highway Authority in accordance with the agreed construction method statement and timetable.

Reason: In the interests of the free flow of traffic on the local highway network, highway safety and the satisfactory operation of the development.

B3a) Notwithstanding the plans submitted within 12months of the commencement of the development details of the canal basin bridge including construction details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Canal and Rivers Trust.

b) The proposals shall be implemented in accordance with the agreed details within 12months of the first occupation of the development and retained thereafter.

Reason: In the interests of the structural integrity of the waterway walls, waterway heritage, navigational safety and visual amenity and to ensure the delivery of pedestrian links to the development which would be otherwise lessened and in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

B4a) No development or site clearance shall commence until full details of landscaping is submitted to the Local Planning Authority and approved in writing. Information required and shall provide full details of:

- Preparation of land for planting.
- Specification and depths of topsoil/ subsoil/ growing medium (e.g. coir rolls) and any mulches.
- Locations of all planting.
- Density of planting/ sowing.
- Specifications for all planting to include: full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- Specifications and locations of all bird and bat boxes.
- Locations and full specifications of all hard landscaping/ lighting.

b) Before any part of the development is brought into use a management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ecological planting will be maintained through the establishment period and managed thereafter.
- Monitoring and reviewing the effects of management and incorporating any remedial works required to implement the approved landscape scheme.
- How the ornamental landscape schemes will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged within a period of 5 years from the completion of the development.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.
- Full details of all management operations will be set out together with a timetable for each operation.

c) The landscape scheme shall be managed in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

B5a) Prior to the commencement of built development details shall be submitted to the Local Planning Authority for car park management. The development will operate a scheme of parking controls through a pay and display mechanism to:-

- i) Prevent use of the car parks on the site by long-stay commuters and
- ii) Maintain the use of the car park within the application site as short-stay parking for shoppers within the development, shoppers in the town centre and other non-commuter uses within the site and in the town centre. Short-stay is defined as up to 4 hours,

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

- i) Charges shall never be less than the charges applicable to the Council's short-stay car parks; and may be up to, but never more than, twice the charges applicable to the Council's short-stay car parks
- ii) The site operator may offer free parking to customers of the development for up to 4 hours.

c) The site operator will shall submit to and agree in writing with the Local Planning Authority any subsequent changes to the management scheme. The site operator may review the charges with the Council in the event that it is evident that any pricing structure fails to ensure that adequate parking remains available to customers.

d) The approved scheme and details shall be implemented and fully operational prior to the first use of the car park.

e) No car park shall be brought into use prior to the commencement of built development.

Reason: To ensure town centre developments should be functionally integrated and not cause congestion on the surrounding highway network; parking should support the Council's strategy of enhancing the centre and should serve the centre as a whole, to provide for shoppers and visitors, through management and pricing arrangements; parking controls should discourage commuters and an inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre. Further short stay surface level car parking is not required and should only be provided in support of the proposals for development.

B6a) Before the proposed temporary car park is constructed, details shall be submitted to and approved in writing by the Local Planning Authority, showing its position, arrangement, surfacing and boundary treatment. It will be implemented in accordance with those approved details before the cinema is first brought into use.

b) The car park use shall cease no later than 3 years from the first occupation of the cinema or within 6 months of the Reserved Matters approval, whichever is the earlier.

c) Should no development come forward within the timescale of part b of this condition, the car park shall be replaced by a scheme of public realm to match landscaping proposals approved under condition B4 of this permission.

Reason: An unlimited permission would prejudice the comprehensive development of the whole site in accordance with the Unitary Development Plan and the application submission.

B7a) Prior to the commencement of development details of a waste storage, collection and litter management plan for the site shall be submitted to and agreed in writing by the Local Planning Authority

b) The proposals shall be implemented in accordance with the agreed details and retained thereafter.

Reason: To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

B8a) Prior to the installation of any external lighting, details of the proposed lighting for the development including details of foundations, luminance in candelas, light spillage details and hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved details shall thereafter implemented in accordance with the agreed details.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is

sustainable and efficient, and protects the integrity of the waterway infrastructure in accordance with policies ENV1 Nature Conservation, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy.

B9a) Notwithstanding the plans submitted prior to the commencement of the development hereby approved a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority

b) The proposals shall be implemented in accordance with the agreed details and retained thereafter.

Reason: In the interests of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity in accordance with policies ENV2 Historic Character and Local Distinctiveness, ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

B10a) Before any part of the development is brought into use a management plan showing how the landscape treatment will be established and managed is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and detail:

- i) How the ecological planting will be established and managed thereafter.
- ii) Management operations to be carried out with proposed dates.
- iii) Monitoring and review to ensure the ecological enhancement of the site/ canal frontage develops in accordance with the approved landscape details.
- iv) Bird and bat boxes position

b) The management shall be carried out in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

B11a) Prior to the commencement of development details of the proposed boundary treatments, including for the service areas and of any barriers to be provided to prevent vehicles from entering the canal, shall be submitted to and agreed in writing by the Local Planning Authority.

b) The development shall subsequently be implemented in accordance with the agreed details.

Reason: To protect the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed boundary treatments, in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy.

B12a) Prior to the installation of any external seating area or any street furniture within the development details of the chairs, tables, any boundary treatment or barriers and any other external features within the external seating area shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall subsequently be implemented in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development and to prevent furniture entering the canal.

B13a) Prior to the commencement of development a schedule of the facing materials shall be approved in writing by the Local Planning Authority.

b) The development shall subsequently be implemented in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development.

B14a) Prior to the commencement of development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

i) Limiting the rate of surface water run-off generated by the site to discharge at no more than the Greenfield rate of 6.4 l/s.

ii) Provision of attenuation storage volume on the site to retain the 100-year + climate change flow event volume assuming the discharge rate given above as detailed.

iii) Details of how the entire surface water scheme shall be maintained and managed after completion.

iv) At the detailed design phase, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year + climate change allowance event. Drainage calculations must be included (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the greenfield discharge rate as proposed in the FRA and addendum will be achieved across all storm events.

v) If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of depth and where this will go and prove that the development or adjacent property will not be flooded as a result.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

B15a) Prior to the commencement of built development details of the roof treatment and plant and machinery of Units 1A and 1B shall be submitted to and agreed in writing by the Local Planning Authority. The submitted details appropriate treatment to disguise the industrial nature of plant and machinery.

b) The approved details shall be implemented prior to use.

Reason: Units 1A and 1B are significantly lower in height than the New Art Gallery and Premier Inn hotel and will be looked down on by members of the public and users of these buildings. The proposed roofs will therefore need to be as attractive as possible and appropriate use and appearance is required.

B16a) Prior to completion of built development details (including location and external appearance) of all plant, machinery, equipment and facilities used for the purpose, *inter alia*, of heating, extract-ventilation, and/or air conditioning, refrigeration, chilling, provision of compressed air, provision of electricity, waste disposal shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

i) Mitigation to ensure that the proposed systems and methods are designed to ensure that noise emissions, either individually or cumulatively, do not give rise to a complaint likelihood assessment exceeding "marginal significance" 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*'.

ii) Mitigation to ensure that the proposed systems and methods do not give rise, either individually or cumulatively, to a Noise Rating Exceeding NR 35 1m from the window of any occupied residential premises during the hours 19.00 to 07.00.

iii) Flues serving commercial hot food cooking points

iv) Cleaning and maintenance regimes for odour extraction and abatement systems shall be agreed in writing prior to the systems coming into use.

v) External appearance and appropriate design features to visually disguise plant and machinery.

b) Agreed details shall be implemented prior to the first use.

Reason: To ensure satisfactory appearance of proposed plant and machinery and to ensure that it does not result in the loss of amenity to nearby residents by virtue of odours, smells and noise.

B17a) Within 6 months of the development hereby approved being brought into use, a full Travel Plan relating to the cinema use shall be developed/submitted in partnership with the Highway Authority. This shall identify a package of proposed measures consistent with the aim of reducing reliance on the car, and encouraging the use of sustainable transport.

b) A Travel Plan Co-ordinator shall be nominated (this may not be their only role). They will manage the Travel Plan and co-ordinate the annual survey and review, which will be

submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To promote sustainable travel with a view to reduce congestion, the environmental impact of car use, and improve health, in accordance with TRAN 4 of the Black Country Core Strategy.

B18a) Prior to the commencement of built development details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors has been provided within the application site.

b) The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

B19a) Prior to the commencement of built development details of security oriented design measures and physical security measures for all buildings and public spaces shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development.

B20a) 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 approved details shall be implemented prior to use.

Reason: To prevent inappropriate discharges into the drainage system

B21. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, as a minimum or provide details of sustainable construction and management details to reduce energy and consumption.

Reason: In order to comply with guidance within saved policy ENV40 of Walsall's Unitary Development Plan, ENV3, ENV5 and ENV7 of the Black Country Core Strategy and the National Planning Policy Framework in terms of sustainable development and use of natural resources towards lower-carbon technology.

B22a) Prior to the occupation of the development hereby approved the access, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone in accordance with details to be submitted to and approved in writing by the local planning authority

b) These areas shall be thereafter be retained and kept available for those uses at all times.

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

B23. No speakers or public address facilities shall be installed externally.

Reason: To safeguard the amenities of nearby residents

C - Phase 2 Planning Conditions

C1. Application for approval of the Reserved Matters shall be made within 3 years of the date of this decision.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

C2. The development must be begun not later than:

- i) 5 years from the date of decision of the first reserved matters.
- ii) 2 years from the approval of the last Reserved Matters

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

C3. This development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- a) The layout of the building(s);
- b) The scale of the building(s);
- c) The external appearance
- d) Access to the site and buildings,
- e) The landscaping of the site

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

C4. The Reserved Matters will contain a development amount comprising a minimum footprint for development of 1,173sqm.

Reasons: To define the permission and to ensure that future phases of development meet aspirations for leisure led development, especially as the design and amount of development is not agreed and given the need to promote the Waterfront development for formal leisure, banqueting and conference facilities.

C5. As part of the Reserved Matters details shall be submitted to the Local Planning Authority for car park management as a result of the proposed additional development. The development will operate a scheme of parking controls through a pay and display mechanism to:-

- i) Prevent use of the car parks on the site by long-stay commuters and
- ii) Maintain the use of the car park within the application site as short-stay parking for shoppers within the development, shoppers in the town centre and other non-commuter uses within the site and in the town centre. Short-stay is defined as up to 4 hours,

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

i) Charges shall never be less than the charges applicable to the Council's short-stay car parks; and may be up to, but never more than, twice the charges applicable to the Council's short-stay car parks

ii) The site operator may offer free parking to customers of the development for up to 4 hours.

c) The site operator will shall submit to and agree in writing with the Local Planning Authority any subsequent changes to the management scheme. The site operator may review the charges with the Council in the event that it is evident that any pricing structure fails to ensure that adequate parking remains available to customers.

d) The approved scheme and details shall be implemented and fully operational prior to the first use of the car park.

Reason: To ensure town centre developments should be functionally integrated and not cause congestion on the surrounding highway network; parking should support the Council's strategy of enhancing the centre and should serve the centre as a whole, to provide for shoppers and visitors, through management and pricing arrangements; parking controls should discourage commuters and an inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre.

C6. As part of each Reserved Matters submission a detailed landscaping scheme for the site, (including any necessary phasing of implementation), has been approved in writing by the Local Planning Authority. The submitted scheme will include where appropriate,

- a) any necessary phasing
- b) arrangements for temporary servicing of buildings that are brought into use in advance of completion of the servicing access arrangements
- c) green and brown roof ecological impact mitigation measures, bat and bird boxes
- d) surfacing able to handle a 17 tonne high reach Fire Service vehicle
- e) litter collection bins
- f) suitable details for all parts of the site not covered by buildings.
- g) canal side improvements

b) The landscape scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of:

- Proportions (%) of plant species within each proposed plant mix.
- How the plants will be introduced, for example as: seeds, plugs, whips, standards, through natural colonisation and how the land will be prepared.
- Topsoil/growing media specification
- Specification of trees and shrubs and associated tree pit specification.
- Plant numbers, weights of seed, density of sowing/ planting.
- Locations of all planting.
- Details of hard landscaping/ lighting and drainage.
- Details of access and circulation.
- Coir rolls and gabions to be provided within the canal
- Management strategy and regime for a period of 5years

b) The development shall be carried out in accordance with the approved landscaping scheme and management regime.

c) The approved scheme shall be implemented, in its entirety, in accordance with any agreed phasing or within one year of any part of the development being brought into use or such other period of time as may be agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

C7. As part of the reserved matters submission shall include a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

i) Limiting the rate of surface water run-off generated by the site to discharge at no more than the Greenfield rate of 6.4 l/s

ii) Provision of attenuation storage volume on the site to retain the 100-year + climate change flow event volume assuming the discharge rate given above as detailed.

iii) Details of how the entire surface water scheme shall be maintained and managed after completion.

iv) At the detailed design phase, details must also be provided to confirm that surface water will not leave the proposed site in the 100 year + climate change allowance event. Drainage calculations must be included (e.g. MicroDrainage or similar package calculations), including the necessary attenuation volume, pipeline schedules, network information and results summaries to demonstrate that the greenfield discharge rate as proposed in the FRA and addendum will be achieved across all storm events.

v) If the system surcharges, the location of any surcharging should be identified as should any resultant overland flood flow routes. Any excess surface water must be routed away from any proposed or existing properties. If above ground flooding is to occur, detail must be provided of depth and where this will go and prove that the development or adjacent property will not be flooded as a result.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.

C8. As part of the reserved matters submission a schedule of the facing materials shall be approved in writing by the Local Planning Authority.

b) The development shall subsequently be implemented in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the development.

C9. As part of the reserved matters submission details of the proposed boundary treatments, including for the service areas and of any barriers to be provided to prevent vehicles from entering the canal, shall be submitted to and agreed in writing by the Local Planning Authority.

b) The development shall subsequently be implemented in accordance with the agreed details.

Reason: To protect the integrity of the canal infrastructure and to prevent a detrimental impact on the appearance of the waterway corridor from the erection of poorly designed boundary treatments, in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy.

C10a) As part of the Reserved Matters submission assessment and details wherever practicable shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Canal and Rivers Trust for the following:

- i) street furniture
- ii) lighting strategy
- iii) ablution facilities for canal users
- iv) electricity and water supply to the canal and canal basin

b) The proposals shall be implemented in accordance with the agreed details and retained thereafter.

Reason: The Phase 2 proposals are in outline with all matters reserved with no end users or detail agreed and therefore additional infrastructure should be explored to promote a lively and interesting canalside development which is active for users of the canal in addition to users of the waterside development and in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

C11a) As part of the Reserved Matters submission details of a waste storage, collection and litter management plan for the site shall be submitted to and agreed in writing by the Local Planning Authority

b) The proposals shall be implemented in accordance with the agreed details and retained thereafter.

Reason: To prevent pollution of the waterway and ground water from wind blow, seepage or spillage of waste products and materials in accordance with policies ENV3 Design Quality and ENV4 Canals of the adopted Black Country Core Strategy and the Adopted Walsall Waterfront SPD.

C12a) As part of the Reserved Matters submission a management plan showing how the landscape treatment will be established and managed is submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and detail:

- i) How the ecological planting will be established and managed thereafter.

- ii) Management operations to be carried out with proposed dates.
- iii) Monitoring and review to ensure the ecological enhancement of the site/ canal frontage develops in accordance with the approved landscape details.
- iv) Green and brown roof detail and management
- v) Bird and bat boxes position

b) The management shall be carried out in accordance with the approved management plan.

Reason: To ensure satisfactory development of the application site and to enhance the appearance of the area and to ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and ecological value of the waterway corridor.

C13a) Prior to completion of built development details (including location and external appearance) of all plant, machinery, equipment and facilities used for the purpose, *inter alia*, of heating, extract-ventilation, and/or air conditioning, refrigeration, chilling, provision of compressed air, provision of electricity, waste disposal shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i) Mitigation to ensure that the proposed systems and methods are designed to ensure that noise emissions, either individually or cumulatively, do not give rise to a complaint likelihood assessment exceeding "marginal significance" 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*'.
- ii) Mitigation to ensure that the proposed systems and methods do not give rise, either individually or cumulatively, to a Noise Rating Exceeding NR 35 1m from the window of any occupied residential premises during the hours 19.00 to 07.00.
- iii) Flues serving commercial hot food cooking points
- iv) Cleaning and maintenance regimes for odour extraction and abatement systems shall be agreed in writing prior to the systems coming into use.
- v) External appearance and appropriate design features to visually disguise plant and machinery.

b) Agreed details shall be implemented prior to the first use.

Reason: To ensure satisfactory appearance of proposed plant and machinery and to ensure that it does not result in the loss of amenity to nearby residents by virtue of odours, smells and noise.

C14a) As part of the Reserved Matters the submitted Travel Plan Framework shall be updated in consultation with this Council's highways officers and the Public Transport Authority (PTA) and include a mechanism for delivery of the Travel Plan.

b) The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing

information on / promoting the use of alternative modes of transport, by:-

- i) The appointment of a travel plan co-ordinator,
- ii) The establishment of targets for modal shift,
- iii) The details of measures to be employed to achieve the identified targets,
- iv) Mechanisms for ongoing monitoring and review of targets and travel plan measures,
- v) Details of penalties and/or additional measures to be investigated / implemented in the event that the identified targets are not met.
- vi) Public transport information and ticket details;
- vii) Cycle provision, showers and lockers and associated infrastructure for staff; and
- viii) Walking initiatives.
- ix) Improving overall links to the main public transport infrastructure of and the primary retail core.

c) Prior to the first occupation of each building the approved measures shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).

d) The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed under part (d) of this condition, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan.

e) The occupation and use of the development shall comply with the requirements of the revised plan approved under part (d) of this condition, at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.

C15) As part of the Reserved Matters details shall be submitted to the Local Planning Authority setting out where the location of parking for site operatives and visitors has been provided within the application site.

b) The approved details shall be fully implemented prior to the commencement of the development and thereafter retained, maintained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interest of highway safety.

C16a) As part of the Reserved Matters details of security oriented design measures and physical security measures for all buildings and public spaces shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

Reason: To ensure the safety of the occupiers and users of the development.

C17a) 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 approved details shall be implemented prior to use.

Reason: To prevent inappropriate discharges into the drainage system

C18. The permitted development shall meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, as a minimum or provide details of sustainable construction and management details to reduce energy and consumption.

Reason: In order to comply with guidance within saved policy ENV40 of Walsall's Unitary Development Plan, ENV3, ENV5 and ENV7 of the Black Country Core Strategy and the National Planning Policy Framework in terms of sustainable development and use of natural resources towards lower-carbon technology.

C19. As part of each Reserved Matters submission details of the following shall be submitted to and approved by the Local Planning Authority:

- a) strategy pedestrian movement towards the Primary Shopping Area and across the canal
- b) public realm enhancement and maintenance strategy
- c) a scheme for external lighting and maintenance minimising glare and light pollution around the canal and basin.
- d) details of proposed refuse and waste recycling facilities
- e) fire and emergency service access
- f) measures for ecological enhancement

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

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Objections of neighbouring residents are noted with regard to the potential noise and anti-social behaviour from the development. The comments of the other potential developer (under planning reference: 13/0206/FL) have been noted and the two schemes have been considered together in knowledge of the deliverability and competition issues. The supporting comments from residents and Urban Splash and British Land are also noted.

The proposals comprise a full planning application for multi-screen cinema (Use Class D2) at first & second floor level with retail, restaurants & cafes, drinking establishments (Use Class A1/A3/A4) at ground floor level and two separate units for restaurants & cafes and drinking establishments (Use Class A3/A4) and an outline application (all matters reserved) for leisure, retail, restaurants and cafes, drinking establishments (Use Classes A1, A3, A4 and D2)

Car parking, external seating area, landscape works, additional temporary surface car parking, canal footbridge, associated works and access arrangements are also part of the consideration of the detailed application.

The principle of development is strongly supported and an evening family leisure development would underpin further regeneration of the town centre.

There is no strong evidence that the grant of planning permissions for both the Cordwell and the Waterfront schemes would frustrate both developments or that, if the present Waterfront scheme were not to go ahead in the face of the Cordwell proposal, that there would be any harm to the vitality and viability of the town centre. There is no evidence that a cinema is essential to a successful redevelopment of the Waterfront site and that alternative proposals could not be advanced should the Cordwell site come forward first. Whilst individually the Waterfront scheme's economic benefits might be greater than those of the Cordwell scheme, this simply reflects the scale of development and even if one of the schemes does not progress, the opportunity will remain for alternative development proposals capable of providing comparable cumulative economic benefits to come forward.

Both schemes are supported by the Development Plan and the fact that one might deliver greater benefits than another does not of itself justify rejection of the other..

Considering the evidence submitted by the applicant and considering the preparation of the Area Action Plan it is proposed to apply an 18-month permission in this instance for Phase 1 and normal provisions for the outline aspects of the permission. This would allow review of the application, should it have not commenced, at a more advanced stage in the AAP preparation.

Officers are satisfied that the landscape proposals are capable of being delivered to an appropriate standard by condition requiring the submission of additional details.”

Infrastructure improvements to Wolverhampton Street, the canal, the canal basin and a bridge crossing the canal are all proposed and secured through condition.

Conditions are proposed requiring the illustrative masterplan to be an evolving tool in guiding high quality development that needs to relate better to the site's context and surroundings as well as future development opportunities.

Overall with the proposed conditions, the proposed development has considered the relevant policies of the development plan, in particular the Vision and Strategic Objectives, supported by policies CSP1, CSP4, CSP5, CEN1, CEN2, CEN3, CEN4, TRAN1, TRAN2, TRAN5, ENV1, ENV2, ENV3, ENV4, ENV5, ENV7, EMP6 and SC3 of the Black Country Core Strategy, saved policies GP2, ENV10, ENV23, ENV24(b), ENV29, ENV32, ENV33, ENV40, S1, S2, S3, S4, S10, T7, T8, T9, WA3, WA6, WA12, WA18, WA19 of Walsall Unitary Development Plan, and the Waterfront, Designing Walsall and Nature Conservation Supplementary Planning Documents. The development is considered to be, on balance, supported and the conflicts in design aspirations can be overcome by appropriate planning conditions.

On balance, having taken into account all material planning considerations and public participation responses, the proposal is acceptable.

POSITIVE AND PROACTIVE STATEMENT

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 Policy 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.

Date of Decision: 21 June 2013



David Elsworth – Head of Planning and Building Control

NOTES FOR APPLICANT

A) The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

B) Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

C) The proposed development indicates the provision of a bridge crossing and soft planting within the canal. The applicant/developer is advised that Canal & River Trust' consent is required for these. Please contact the Canal & River Trust Estates Team on 01827 252034 for further advice.

D) The proposed development indicates that surface water may be discharged to the canal. The applicant/developer is advised that Canal & River Trust' consent is required for such a discharge. Please contact the Canal & River Trust Utilities Team on 01926 626108 for further advice.

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.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the compound does not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Contaminated Land

CL1) 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.

CL2) 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.

1. Please read this decision notice carefully. If the conditions require you to submit further details, you must ensure that these details have been approved before you commence work. You may need to pay a fee to the Council to consider these details.
2. This decision is given only under the Town and Country Planning Act 1990, and the Town and Country Planning (General Development Procedure) Order 1995. In particular:
 - i This permission does not grant approval under the Building Regulations 2000 for which a separate application may be required. You are advised to contact the Building Control Section on telephone number 01922 652408 should you require further advice.
 - ii This permission does not grant approval or in any way override the requirement to comply with any restrictive covenant(s) that may be on the land. You should be aware that there is a risk involved in proceeding with development without clarifying whether there are any relevant covenants relating to the property.
 - iii Your attention is drawn to the Party Wall Act 1996. If you intend to carry out building work which involves:
 - work on an existing wall shared with another property;
 - building on the boundary with a neighbouring property;
 - excavating near a neighbouring building;you should find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled "The Party Wall etc. Act 1996: Explanatory Booklet" and "A Short Guide to the Party Wall etc. Act 1996", both

are available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0300 123 1124, Fax: 0300 123 1125. These documents are also available at

<http://www.communities.gov.uk/publications/planningandbuilding/partywa>
II

3. **Your right to appeal:** If you are aggrieved by the decision of the Council to grant permission or approval subject to conditions, you may appeal to the Secretary of State. If this permission is for a householder application and the application was made on or after 6 April 2009, you must appeal within 12 weeks of the date of this notice. For other applications you must appeal within 6 months of the date of this notice. Appeals must be made on a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planningportal.gov.uk/pcs . The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Council, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements, to the provisions of the development order, and to any decision of a Council was based on a direction given by him.
4. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the Secretary of State, and you claim that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, you may serve on the Council a purchase notice requiring the Council to purchase your land in accordance with the provisions of Part IX of the Town and Country Planning Act 1990. A notice may only be served on the Council by the owner of land concerned.
5. In certain circumstances, a claim may be made against the Council for compensation, where permission is refused or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. Development must comply with Section 46 of the West Midlands County Council Act 1980 (namely it shall provide adequate means of access for the fire brigade to the building or, to the building as extended, as the case may be. It must be ensured that existing means of access for the fire brigade to a neighbouring building are not rendered inadequate).
7. **Street Naming & Numbering:** If this decision grants permission for new development, subdivision or a conversion that will give rise to new addressable properties, you must apply to obtain your new postal address(es) using the application form that you can obtain from the Street Naming and Numbering Team, Traffic Management, Engineering and Transportation Services, Civic Centre, Darwall Street, Walsall WS1 1DG or online at www.walsall.gov.uk/street_naming_and_numbering

8. **Adoption of private sewers and lateral drains by Severn Trent Water on 1st October 2011**

The Government has approved legislation The Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011 that from the 1 October 2011, transfers the ownership of all privately owned shared drains Severn Trent.

If you are looking to build an extension or new build you will need to check if the above will affect you, in the first instance you will need to contact Severn Trent water Limited on 01902 793871 or check the website for more information on www.stwater.co.uk.

If your proposal is affected by an adopted sewer (Public Sewer) a Building Notice form of application cannot be used. In these instances a FULL PLAN application must be submitted

Therefore, prior to considering submitting a Building Notice, it is essential that you contact Severn Trent water Limited on 01902 793871 for advice.

Note: If you would like further information or clarification of the reasons for this decision or If you would like the information in another language or format contact the Planning Helpline on 01922 652677 or Textphone 0845 111 2910 or email: planningservices@walsall.gov.uk