

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel

PLANNING COMMITTEE Date 14 MARCH 2006

Originating Service Group(s)
TRANSPORTATION

REGENERATION AND

Contact Officer(s)/
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Title/Subject Matter

BILSTON URBAN VILLAGE
PLANNING APPLICATION 05/1892/OP/M

Application No: 05/1892/OP/M Ward: Bilston East & Ettingshall

Date Received: 5 Dec. 2005 Target Date: 27 MARCH 2006
Application Type: Outline Planning Consent

Applicant: Advantage West Midlands Agent: Faulks Perry Culley & Rech
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RECOMMENDATION

- That delegated authority be given to the Chief Planning Officer in consultation with the Chair to forward the application to the Secretary of State as a major departure from the Unitary Development Plan with a recommendation that outline consent be granted in respect of planning application reference 05/1892/OP subject to (a) the conditions and (b) Section 106 Agreement terms recommended, once the additional information and other outstanding matters referred to under the various headings in this report, have been satisfactorily provided and resolved and Sport England have withdrawn their holding objection to the application.
- That subject to the Secretary of State indicating that he has no wish to intervene, delegated authority be granted to the Chief Planning Officer in consultation with the Chair to grant outline planning consent subject to the recommended conditions, once the Section 106 Agreement, on the terms set out in this report has been entered into.

EXECUTIVE SUMMARY OF THE REPORT

1. *This application represents a major step in realising an ambitious plan by this Council in conjunction with Advantage West Midlands, to create a new 21st Century mixed community, designed from the outset on sustainable principles. A community which will also be an integral part of the existing established and strong Bilston Community. One, which by its age and socio-economic composition, will add-to and enhance the Bilston Community and economy. A community which will live and work in an attractive environment, enhanced by well designed streets and houses, with major landscape, recreation and ecological features, good public transport links and a sound basis for a sustainable social and economic future.*

2. *The Bilston Urban Village Master Plan was commissioned to set down the broad approach to the design and sustainable principles of the concept of an Urban Village. The existing site being the product of centuries of a haphazard series of mining and industrial uses, many of which have left a legacy of unsightliness and pollution, meant that the site design could assume a “clean-slate” from which to start. The resultant Master Plan envisaged an exciting fundamental re-modelling of the whole site. The need to de-contaminate large volumes of ground-fill would permit a design which could reinstate the lost valley setting of the Bilston Brook now buried under depths of colliery and other spoil. A lake was shown as a central feature of the design and for the community, with a variety of residential blocks set on man-made plateaux on the valley sides. Areas are set aside for industry and other commercial uses, with a possible new metro stop, and emphasis being on effective links in transport, pedestrian/cycle ways and in economic and social terms, to the Bilston town centre immediately adjacent with a new boulevard entrance linking the Village with the High Street directly.*

3. *This outline application is based on the design principles set out in the Master Plan. The extent of the detail in respect of basic layouts for roads, pedestrian routes and cycle ways, land-form, major landscape features and the location of the major land uses; housing, mixed housing/industrial; industrial; commercial, and leisure uses is set out in illustrative supportive documents, together with the overall estimated number of housing units and floor space figures for commercial uses. These have then formed the basis of a major study of the likely social, economic and environmental impact of the Urban Village, on the site, surrounding uses and Bilston as a whole. This is in the form of a statutory Environmental Impact Statement (EIS) setting out the worst-case impact that the development might have and what measures are proposed to reduce, or eliminate, with any serious impact thereby predicted and resulting mitigation measures set out.*

4. *The principal impact identified stems from the existing derelict and polluted nature of the whole site. This necessitates the total clearance of all existing topographical, and most landscape and wildlife features. These will however*

be more than compensated for in the long term by a new topography, new landscaping and enhanced wildlife features. In the process of decontaminating the fill on the site and re-modelling it into a new landscape, a serious amount of disturbance will be carried to nearby residents and other users, from visual intrusion, noise, likely dust and traffic. This disturbance will be kept within reasonable levels by means of a whole series of measures to be agreed in detail in a remediation scheme, to include phasing the operation across the site to keep down the scale of the activities taking place at any one time.

5. *As the ground re-modelling and new landscaping is completed and the building phase commences and continues until possibly, the impact of construction related activities, particularly visual disturbance, noise and traffic, will remain an adverse impact. Again, a series of detailed measures are put forward and need to be built-into the conditions and terms of the 106 Agreement, to reduce that impact to acceptable levels, until the construction phase nears completion and the site becomes increasingly occupied and begins functioning as a community.*

6. *The outline nature of the application, with all matters except access still reserved for later approval, has meant that the full impacts (and indeed the full benefits) of the scheme as a whole, cannot be fully set out. However, following discussions with the applicants to obtain additional information and clarifications, it is felt that the extent of the details now available and forming a part of any consent, are such as to allow a sufficient assessment as to the scale and nature of the development and its likely major impacts and how these are to be addressed. Many of the details will be 'fleshed-out' in discussion with the Council and other relevant bodies before detailed plans are submitted for approval, under the terms of the 106 Agreement and conditions recommended. These cover such aspects as Green Transport, Energy Use, Nature Enhancements, Education Provision, Affordable Housing and Sports Provision. Most of these could not be detailed at this outline stage and so the terms of the 106 Agreement recommended are designed to ensure that all such matters are adequately covered and come forward at the time appropriate for each aspect. These terms of the 106 Agreement are interlinked with a whole series of conditions recommended to be attached to any consent. Together, the agreement and conditions are felt to provide the needed safeguards for the anticipated environmental effects of the proposals, during the remediation and construction phases, but also in terms of how the end uses are implemented and operated.*

7. *This is a very ambitious, long-term large, scale and imaginative scheme. It is attempting to achieve a whole series of very welcome long-term objectives, some of which (e.g. well designed high density energy-efficient housing and mixed housing and commercial buildings and re-cycling of groundwater) are new to this city. All are underlain with a sustainable approach to the final product and how this is achieved and eventually operated. As such, their success or otherwise, cannot be entirely predicated with total certainty. This*

outline planning application is a major step in this long process, and does provide an essential stage by which the Council can have an effective input into the likely outcome and nature of the product. What is clear however is that even before it is complete, the Bilston Urban Village will have brought considerable 'net benefits' not just for the site in it being de-contaminated and reclaimed for use, or just the benefit of its new residents is an attractive environment to be created, but also for Bilston and the City as a whole in economic, social and environments effects and by enhancing the image of the City as a whole. Many aspects have been clarified or altered as the application has been processed and some remain outstanding. These are referred to in the report where relevant; the extent to which the details shown now form part of any approval, has been agreed and the terms of the 106 Agreement and conditions recommended, are now felt to be robust enough to allow the application to be recommended subject to clarification on the outstanding matters.

8. *However since the application represents a major departure from the approved Unitary Development Plan for the reasons set out in the report, the Council will need to refer the application to the Secretary of State if the Committee now resolves to grant approval. This is set out in the recommendation.*

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1. Purpose of Report

- 1.1 To report on and make a recommendation in respect of Outline Planning Application Ref. 05/1892/OP

2. Background and Site

- 2.1 The application site covers an area of around 43 hectares immediately south of the Black Country Route and Bilston Town Centre. The land in question has all been previously used, either by way of built development or by tipping of waste materials, both industrial and domestic, and has been extensively mined for coal.

- 2.2 The site is bounded on the north by the Black Country Route on the east by the Metro, on the south by the Bradley Arm canal and Carder Crescent and on the west by Broadmoor Road and Coseley Road.
- 2.3 The site has a long history of industrial development. Old maps show the site to have been occupied by a number of furnaces, industrial buildings, railway lines, spoil tips and other associated features.
- 2.4 In addition the site has been heavily mined for coal. Records show almost 100 mineshafts across the site together with the presence of shallow voids associated with mine workings.
- 2.5 Municipal landfill sites are present in the western part of the site to the rear of Carder Crescent. Virtually no part of the site, therefore, is "capable of beneficial use without treatment" which is the standard definition of derelict land. . The site is a mixture of derelict land, rough grassland and blocks of trees
- 2.6 In recent times little new development has taken place across the site. The large GKN and Metabrasives plant dominated the site until relatively recently and both these factories have now disappeared.
- 2.7 In 1992 the Council refused applications on land in the ownership of GKN for non-food retail and residential development. GKN appealed but before an inquiry took place the appeals were withdrawn.
- 2.8 This was the catalyst for English Partnerships (as was) to begin to acquire land for the development of the Urban Village. Most notably these included the purchase of the former GKN Albert Works site and the Metabrasives Capponfield Works, the latter having recently been demolished
- 2.9 Most of the land not owned by English Partnerships' successor, Advantage West Midlands, is owned by the Council. This comprises Brook Terrace and land to the west of Dudley Street which is mainly rough open space laid out on top of domestic waste sites.
- 2.10 In 2001 a planning application for outline consent for the Urban Village was submitted, ref; 01/1071. This was considered by the committee at a meeting on 28 May 2002. The committee resolved to grant planning consent subject to the completion of a 106 Agreement and clearance from the secretary of state as required under the planning regulations as a departure from the approved UDP.
- 2.11 That scheme was delayed due to the need to obtain a number of scrapyards and other small sites, many of which were in unknown ownership. Although terms were eventually agreed with the owner of the scrapyard site the Council still sought confirmation of the Compulsory Purchase Order in order to obtain title across the whole site. The CPO was finally confirmed by the SOS on 13 May 2005.

- 2.13 The form of development proposed for the site in the outline planning application is still based on the master planning work undertaken by Andrew Wright and Associates. The original Masterplan commission ran from August to December 1998 and set the guiding principle for the reclamation and re-contouring of the land, the principle end uses and the provision of a new neighbourhood park.
- 2.14 This work was guided by the Policy and Resources (Bilston Urban Village) sub-committee and involved a period of public consultation to test the broad principles of the scheme.
- 2.15 Further detailed work was subsequently undertaken to establish with more certainty the technical aspects of the work and to firm up residential and employment densities and the viability of providing a new water feature at the heart of the development.
- 2.16 In order to protect the interests of both the Council and Advantage West Midlands and to ensure the delivery of the project to date the scheme has been governed by a Legal Agreement covering each party's responsibilities and obligations.
- 2.17 The main differences between this and the earlier application are;
- The inclusion within the site of the boulevard link section across the Black Country Route to the Bilston High Street.
 - The inclusion of the playing fields and sports hall presently attached to Bilston High School.
 - The inclusion within the site of the former school playing field off Highfields road.
 - These represent a 14% increase in the size of the site, from 37.75 ha to 42ha.
 - The ownership of the scrap yards having now passed to the Council.
 - The inclusion of plans for a Health Centre within the scheme
 - 56% decrease in the amount of land allocated for employment uses.
 - 23% decrease in housing capacity from 1300 to 1040 and an increase in residential/mixed use land area to 18ha, based on an average net density of 56 dwellings per ha (excluding mixed use areas)
- 2.18 In 2003 (ref; 03/1154) planning consent was granted for works to stabilise recorded mine shafts over much of the site. It is understood that these works were carried out, except for the area occupied by the scrapyards.

3.0 The Application Details

3.1 Development Principles

- 3.1.1 Many of the principles of the Urban Village were set at an early stage in the development of the project and were endorsed not

only by the then Bilston Urban Village Sub Committee but also by the former Planning and Environment Committee at its meeting on 29 July 1999. In this report it was stated that “elements of the master plan discussed in this report effectively have the status of a draft Planning Brief for the area...and Committee is therefore being asked to endorse the planning framework prior to the submission of the outline planning application”

3.1.2 The main development principles are as follows;

- A mix of well integrated uses which can bring facilities close together and which ensure the efficient use of scarce urban land.
- A range of tenures and types of accommodation in both residential and commercial sectors.
- A level of residential density which is urban rather than suburban
- A high quality urban design code
- A transport network which gives priority to pedestrians and cyclists and which does not dominate the new development.
- A physical link to Bilston High Street across the Black country Route
- Sustainable principles in respect of drainage; landscaping, design and build and energy saving; all attuned to the need to plan and design for anticipated climate change.

The work on the more detailed aspects of the scheme as now proposed is based on these principles and the following site specific issues;

- The provision of 1040 new homes for 3000 people at 55 per hectare.
- 25% affordable housing
- A 4500 sq. foot Local Health Centre
- 3.4ha of employment land (16900 m2 mixed industrial uses.)
- 3.5ha for a Local wet and dry sports facility for dual use with Bilston High School.
- A central landscape spine with dominant water features, providing a setting for the new development and acting as a large neighbourhood park, including a mixture of types of open space and equipped children’s play areas.
- 0.5ha of allotments
- New retail consisting of 1160 m2 along the link with Bilston High Street and 1000m2 in a central location in the village.
- The development of a mixed community with good pedestrian and links to Bilston Centre to support economic activity there
- The remediation and re-landscaping of all contaminated land

- The provision of an additional Metro stop to act as a gateway and enhanced local bus services
- A network of footpaths and cycle ways to provide a walk able neighbourhood
- New local facilities within the village such as crèches, local shops, pubs and a canal centre.
- New local facilities within the village such as crèches, local shops, pubs and a canal centre
- Upgrading of Parkfield Bilston High School playing fields and provision of a new primary school if needed
- A restored canal and a strategy to improve its water quality

3.1.3 Before any development can take place the site will be subject to extensive remediation works. The main issues to be dealt with are the large areas of loosely compacted material which is distributed across the site, the abandoned mineworkings, in the form of mineshafts and shallow voids, and the landfill sites at the rear of Carder Crescent

3.1.4 The site is crossed, along a line running roughly south-west to north-east, by the Bilston Brook. The Brook at this point is in a culvert and is, in places, up to 6 metres below ground level.

3.1.5 The opportunity will be taken during the reclamation works to modify significantly the land form of the area to increase the development potential of the site and create an identity for the new proposals. This involves, amongst other things, the creation of a new Park in the centre of the site, which will include an area of open water. The outline application shows the approximate extent of the area of open space, but detail will be subject of further extensive design.

3.1.6 The re-profiling of the site will involve a substantial cut and fill operation involving around 500,000m³ of material to form the new landscape, reflecting more the historical “valley” shape of the site.

3.1.7 For it to work efficiently the proposed landscaping will require the modification of the existing infrastructure. In particular the present alignment of Dudley Street will be removed between Carder Crescent and Prosser Street. In order to maintain access from Bradley and the south to the Black Country Route and Bilston Centre new highway infrastructure will be provided linking to Coseley Road to the west and to Brook Street (and then onto Oxford Street in the east).

3.1.8 The proposed form and mix of development across the site is intended to represent a sustainable form of development which both caters for

the immediate needs of the new residential and commercial community and which supports a strengthened Bilston Centre.

3.2 Housing

3.2.1 Because the application is for an outline consent the precise number, form and appearance of the residential development in particular is not known at this time. The requirement to make an assessment of the environmental effects of the proposals means that a judgement needs to be made about the level of development on which the effects will be based. Legal advice suggests that it is prudent to adopt a “worst case scenario” in such circumstances. In other words the application deals with a theoretical maximum level of development. The impacts will then be set at a limit which will not be exceeded by the final development. It is of course likely to be the case that the impacts will be well within the maximum dealt with in the application.

3.2.2 The proposals for housing include detached and semi-detached residences alongside town houses, apartments and live/work units which comprise dwellings with internal space for home working or workshop use. A proportion of these new dwellings will be affordable housing which will be integrated throughout the development. The provision of affordable housing will be subject to an S106 agreement.

3.2.3 The proposed housing will be distributed across the site and mixed where possible with compatible uses. This is illustrated in the plan No. 2221/L/005/M ‘Development Framework’ (essentially the only plan which will form the basis of any approval), although an idea as to how the housing may be set out is illustrated in the supporting drawing No. 2221/L/008—‘Illustrative Masterplan’. These indicate a range of types from 1 bed apartments to 5 bedroom houses; high density at the centre gradually reducing towards the outer edges. Another plan (drawing No. Fig 5) illustrates the intended phasing of the development. Seven distinct phases are indicated starting with ‘Plot A’ (shown on the plan as P1) being the proposed Leisure and Health Centres, with phase two (area P1a on the plan) being the link through to the Bilston High Street.

3.3 Employment

3.3.1 It is proposed that a mix of employment opportunities will be provided to meet the job aspirations of new and existing residents in Bilston. The proposal is for a mix of employment uses in total 16900m², with the potential to create up to 900 new jobs. Employment on the construction phase is also estimated at 74 jobs with further long term jobs in the retail, leisure and health centres.

3.3.2 Further work will be required to ensure the employment uses provided meet local need when the detailed proposals are drawn up. Identifying the type of employment training which will be appropriate will be an important task to ensure a significant take-up of employment opportunities by the local population.

3.4 Community Facilities

3.4.1 It will be important to establish a broad range of facilities to support the new community within the Urban Village and add to the range of activities available to existing residents of Bilston. This will be done in the context of the level and range of facilities within the Centre of Bilston town centre at the time that detailed proposals are submitted.

3.4.2 Although the final range of facilities is subject to detailed discussions with the relevant partners and agencies it is likely to include areas for a crèche and a community meeting hall. It is likely that these will best be situated in a cluster around one of the key areas of activity within the development to the south of Morrison's

3.4.3 A major new local health centre is proposed to serve both the new population of the village and also the existing Bilston population, together with a new Leisure centre and improved playing field complex attached to Parkfield Bilston High School, which will also be available for public use.

3.5 Local Retail

3.5.1 The main retail area will be in part a replacement for the units which will be lost in creating the boulevard link through to Bilston High Street, with a certain amount of new shops here also (total 1160m²) Another 1100m² will be provided in the central area of the village to provide for the more immediate needs of the village population.

3.6 Transport

3.6.1 The application is supported by a full Transport Assessment; a Green Travel plan and a Design and Access Statement. An urban design approach to the road pattern and network is taken to ensure that roads help create a sense of place and local distinctiveness.

3.6.2 The road network shown in the Development Plan Framework drawing is intended to be the final version and so will form part of any approval of this outline application. It involves the severing of the present link created by Bankfield Road from

Highfields Road through to the Black Country Route and the creation of a new east-west orientated central spine road to which the southern part of Bankfield Road would link and itself link to Coseley Road to the west and to Brook Street to the east.

3.6.3 These new arrangements will be facilitated by a series of road widenings; new junctions; roundabouts and traffic control signals.

3.6.4 From the spine road and other principle roads a hierarchy of increasing designed-down local roads and streets will branch off which in turn are to be linked to a network of cycle ways and pedestrian walkways. The canalside towpath will be enhanced and a new foot ridge over the canal to the south provided in consultation with British Waterways.

3.6.5 Provision will also be made for new and diverted existing public transport facilities in consultation with Centro.

3.6.6 Enhanced access to the Metro is envisaged. The preferred option is a new stop between the existing Bilston Central and Loxdale Road stops but discussions are continuing with Centro about this. Lesser options are for the provision additional pedestrian links to the existing stops or moving the Loxdale stop further north into the village site.

3.7 Open Space/Landscape/Nature

3.7.1 Bilston Urban Village will include a new neighbourhood park providing a central and integrating design feature of the development. The detailed design of the park will determine the exact range and scope of activities that will take place within it but these should include as a minimum informal areas for recreation, children's play areas and ecological areas to compensate for the loss of current ecological value on the site. The design of the park will be subject to extensive public consultation.

3.7.2 An area of open water will be provided within the park. This will have a number of functions. Firstly, it will act as an amenity area and will provide a setting both for the surrounding open space and the built development which will overlook it. Secondly it will act as a receptor for much of the storm water runoff from the built development. This will enable any discharge into the Bilston Brook to be at a controlled rate. Thirdly it will act as a wildlife habitat and, subject to the agreed water quality levels, will provide an environment for a wide range of flora and fauna. A detailed feasibility study into the provision of the water feature has been undertaken as part of the outline planning application which confirmed that it was a viable proposition.

- 3.7.3 The development of the Urban Village will involve the loss of the existing (now damaged) Bankfield Road Site of Importance for Nature Conservation (SLINC) and adequate compensatory measure will need to be identified and implemented in the new scheme.
- 3.7.4 The layout and design approach to the village as a whole will provide ample opportunities to build in significant landscaped areas and features of nature/biodiversity value including the central lake.
- 3.8 Energy, climate change and sustainability.
 - 3.8.1 The scheme will champion the principle of sustainable drainage, with surface water run-dealt with at source by means of a series of swales and pools to allow for slow natural dispersal of run-off and a measured emptying into the central lake.
 - 3.8.2 New housing and other buildings will be constructed in accordance with a design code attached to each parcel of land to ensure that an appropriate level of energy saving and reduction of CO2 emissions are achieved. The possibility of some sort of Combined Heat and Power 'district' scheme is also to be investigated.

3.9 Phasing

- 3.9.1 Given the scale of works involved the development of the Urban Village will be phased over a number of years. The remediation itself, which will involve a contract which is likely to last 18 months, will need to be carefully phased to minimise levels of disturbance to residents and businesses. An indicative phasing plan is submitted.

4 Planning Policy and Guidance Context

- 4.1 The existing Wolverhampton UDP reflects land use designations which were current at the time of adoption in 1993, principally employment land and public open space.
- 4.2 The original brief for the Masterplan stated that "the Partners' land use priorities for the Masterplan are housing and employment uses. The existing pattern of land use allocations will not achieve the required outputs for each of these land uses nor will it provide a satisfactory disposition of land uses across the site as a whole...the consultants are therefore invited to consider land uses across the study area without the constraint of UDP allocations".

- 4.3 In practice this means that a planning consent for the Bilston Urban Village will be subject to a referral to the Secretary of State as a departure from the current UDP.

4.4 Government Guidance

- 4.4.1 Government planning guidance in PPS1 'Sustainable Communities' stresses the need for any development to be in accordance with up to date development plan policies. Wolverhampton's current UDP identifies this site for "employment generating uses" and so to this extent what is now proposed is a major departure from the UDP. However the first review of the UDP is now well advanced and this is expected to allocate the site as a major regeneration site for mixed use development, as is now proposed in this application. It also stresses the need to ensure that development supports existing communities and creates safe, sustainable, liveable, mixed, new communities, with good access to a range of housing and jobs for all members of the community.

Clearly this proposal meets these objectives in regenerating a large area of derelict land to create a new mixed community in a sustainable location, with a wide range of housing and employment allocations.

- 4.4.2 PPG3 on Housing urges Local Authorities to promote development on sites well linked to public transport; mixed in type: with a greener environment, a greater emphasis on quality design and a more efficient use of previously developed land by the use of higher densities.

This scheme will promote mixed housing on previously developed derelict land, in a green and sustainable form at higher than average densities.

- 4.4.3 PPG9 deals with Nature Conservation and states that development and nature conservation can be compatible if designed well.

This scheme includes for the creation of a range of new potential habitats suitable for a range of wildlife.

- 4.4.4 PPG13 'Transport' urges a reduction in the number of trips in private vehicles and an increase in use of public transport, to reduce the overall need for travel and so reduce pollution and congestion.

The scheme will promote the use of other forms of personal transport by the creation of attractive cycle and footways and enhancement of bus services.

- 4.4.5 PPG17 'Sports and Recreation' places emphasis on retaining existing sports and recreation facilities, promoting physical activity and achieving a balance between the need for development and the need to protect open space.

This scheme will provide a range of new opportunities for the creation of open spaces for informal recreation and the provision of indoor and outdoor facilities for more formal recreation and sport.

- 4.4.6 PPG23 'Planning and Pollution Control' emphasises the need to ensure proper measures are taken to treat contaminated sites as part of the development process.

The scheme will result in the decontamination of a large site in readiness for its re-use by the community.

- 4.4.7 PPS9 Biodiversity and Geological Conservation. Seeks to preserve and enhance bio and geological diversity.

Whilst the reclamation process will effectively remove most of the site's current bio-diversity, this will be more than compensated for in the final scheme of regeneration.

- 4.4.8 PPG15 Planning and the Historic Environment and 16 Archaeology And Planning; Seek to protect the historic and archaeological remains

The site contains little of such interest but the scheme provides for the effective recording of any findings.

- 4.4.9 RPG11 West Midlands Regional Spatial Strategy (RSS11)

This promotes new development especially on brownfield sites to improve the economic competitiveness of the region and its environment and to stem net out-migration by creating attractive city environments especially in locations of disadvantage. The need to protect existing green wedges and open space to and to provide sport and recreation facilities close to where people live are stressed.

The Bilston Urban Village is within the Black Country and South Staffordshire Regeneration Zone and involves the reuse of a large derelict site to create an attractive sustainable environment and community and enhance the prosperity of exiting communities.

- 4.5 The Wolverhampton Unitary Development Plan 1993 and 1st Review

The current UDP covers the 10 year period 1988-2001. The following policies of the UDP appear relevant;

4.5.1 Policy E15; Employment, Planning Standards

This requires employment development to meet reasonable standards of design, materials and landscaping; treatment of past mining and contamination; vehicular access, parking and servicing; pollution and noise control: impact on neighbouring uses; access for disabled and access for non-car users.

4.5.2 Policy ENV1; Development Principles

This lists the factors that all development should take account of in order to ensure protection of nature conservation including: retaining existing natural features, water aspects and to compensate where losses are unavoidable: provide new conservation features; use permeable surfaces; promote natural species and take account of possible effects on adjacent sites.

4.5.3 Policy ENV8; Site Protection

Seeks to protect existing sites of identified nature value. The site contains a SLINC. Before the boundary changes part of the site was identified in the Dudley Unitary Development Plan (1993) as a 'Wildlife Conservation Area'.

4.5.4 Policy ENV12; Habitat Creation

This encourages the creation of new wildlife habitats.

4.5.5 Policy R2; Open Space Provision

Requires new large scale housing development to provide new open space in accordance with a set standard.

4.5.6 Policy R4; Protection of Existing Open Space

Seeks to protect existing open space provision.

4.5.7 Policy R5; Greenways

Seeks to protect identified Greenways, one of which crosses the site for the BUV.

4.5.8 Policies S6 and S7; Sport Pitch Provision and Protection

State that the Council will seek to provide a sufficient level of sport pitches and protect existing ones from development and replace any that need to be lost.

4.5.9 Policy R10; the Canal Network

Urges enhancement of the canal network.

4.6 The Revised Deposit Wolverhampton Unitary Development Plan

4.6.1 This now proposes (Policy S1) to specifically promote this site for use as an Urban Village with an emphasis on the need to ensure its integration with the existing urban fabric, transport network and local economy of Bilston. The main objects are stated as;

- The creation of a new park with lake at its centre
- A mixture of land uses but principally housing
- A network and variety of transport links across the site well integrated with surrounding networks.
- Provision of quality public transport links with the nearby Metro and Bus Station.
- Residential development at urban densities incorporating sustainable methods of construction, energy savings and ease of access to facilities and jobs.
- To support Bilston Town Centre and spread the economic and social advantages of the scheme as widely as possible.

4.6.2 No objections were received by the Council to the policies relating to the Bilston Urban Village and so a great deal of weight can now be attached to these policies in the consideration of this application.

4.6.3 The scheme as now submitted has been drawn up to accord with the design criteria set out at paragraphs 2.6.4 and 2.6.7 of the Revised UDP and the design Policies D1 To D11 and is in accordance with other relevant policies therein.

4.7. It is therefore considered that what is now proposed in this application for the principles of the development of the BUV sufficiently accords with the policies in the current and revised UDP and with relevant government guidance and so can be recommended to the Secretary of State as an acceptable departure from the approved Development Plan.

4.8 However, as far as its employment proposals are concerned, the scheme does depart from the Revised Deposit UDP employment land allocation for the site. The UDP (at Table 9.1) proposes a Business Development Allocation of 7 ha of employment land, representing 49,000 sqm and 1,500 jobs. The earlier planning application proposed 32,300 sqm, broken down into 54% B2; 28% B1 and 17% B8. The current scheme only proposes 16,900 sqm on 3.48ha of dedicated employment land, plus the 'mixed' residential/commercial areas. This

represents a loss of 21400sqm of dedicated employment land. And all such land is proposed for B1 use only, with no allocations for B2 or B8.

5. Future Delivery of the Project

- 5.1 The revised outline planning consent is a major milestone in the development of the Urban Village and is inextricably linked to the process of securing additional funding approvals from central government.
- 5.2 The resources needed to implement the first phase of the urban village amount to £8.035M and this is currently subject to a full funding application to Advantage West Midlands and an approval from the Central Projects Review Group (made up of representatives from the Department of Trade and Industry (DTI) and the Office of the Deputy Prime Minister (ODPM)).
- 5.3 Securing these resources, for which this outline planning consent is required, will enable the Council and AWM to let a contract for the remediation of the site required to deliver the new Council Leisure Centre in Bilston, for which a detailed planning application will be required at the appropriate time.
- 5.4 It will also make available resources needed to begin the process of acquiring properties in the High Street for the implementation of the High Street link, considered a crucial element in integrating the urban village proposals with the existing retail and commercial centre of the Town.
- 5.5 Looking to the longer term, the resources will enable the Council and AWM to develop the delivery strategy for the urban village in a way which is consistent with the vision contained both in the outline application and which is also being developed outside the planning process.
- 5.6 Because of the large costs involved in bringing forward the development this will involve selecting a lead development partner to share costs and risks in implementing the proposals. The masterplan contained within this outline planning application will form the basis of the agreement reached with the private sector.

6 The Environmental Impact Statement (EIS) Summary

- 6.1 This application is accompanied by a formal Environmental Impact Statement.
- 6.2 Environmental Impact Statements are required to accompany certain types of development especially large scale proposals such as the

Bilston Urban Village project, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No. 293). The types of proposals covered are set out in Schedules to the Regulations. Schedule 2 includes 'Infrastructure Projects' which includes 'Urban Development Projects'. The proposal for the BUV is felt to fall within this category. This means that any planning application must be accompanied by an EIS and that the Local Planning Authority are required under the Regulations to take into account such a statement accompanying a planning application before they come to a decision on the application together with any representations made by bodies required under the regulations to be consulted on the EIS. A copy of the planning application and the EIS has been made available in the Members Room.

6.3 Information to be included within an EIS is set out in Schedule 4 of the Regulations and advice is set out in DETR Circular 02/99. The approach of the applicant's EIS is based on what is now a generally accepted methodology as follows:

- Collection and analysis of baseline information and conditions on site for each topic to identify material environmental, social, cultural and economic aspects of the site and its surroundings which might be affected – the 'receptors'.
- Description of what is being proposed in the submitted scheme relevant to the topic.
- Assessment of the likely scale and nature of any impacts of any part of the proposal on any of the identified receptors, at the site, or within influencing distance.
- Proposed mitigation measures to relieve/reduce any impacts identified.
- Evaluation of the resultant effects as to whether they would remain major, minor or of no significance.
- Identification of any additional opportunities to introduce mitigation measures to be incorporated into the development proposals.

6.3 The regulations require that it is the major or 'significant' effects which will need to be addressed by way of mitigations and that this is to include assessment of any 'cumulative' effects of several combined effects, or any effect, or effects likely to worsen over time.

7. The format of the E.I.A.

7.1 The EIS submitted with the planning application consists of:

1. A non-technical summary of the statement
2. Description of the proposed development
3. Review of relevant Planning Policies in the Wolverhampton UDP and National and Regional policies and guidance
4. Socio-Economic Issues

5. Townscape and Visual Issues
6. Ecology
7. Heritage & Archaeology
8. Water, Hydrology & Drainage
9. Contamination
10. Noise
11. Air Quality
12. Traffic & Transport
13. climate Change
14. Cumulative Effects & Conclusions

7.2 Each of the sections above are dealt with by firstly setting out the method of assessment; a baseline of information available/obtained; setting out mitigation to be incorporated into the scheme; predicted effects and impacts; an evaluation of the effects; opportunities for additional mitigation and finally a 'summary of key issues'.

7.3 The analysis and mitigation measures are further illustrated by a large number of diagrams and plans.

7.4 Also submitted with the application are a 'Design Statement and Access Statement', together with a set of 'Development Strategies'. These development strategies represent an attempt at shaping the development proposals into something more tangible than has so far been seen in terms of how the development principles set out in the other documents might take physical shape. They therefore include illustrative layouts and built forms.

7.5 The EIS therefore presents an analysis of the current state in respect of the various matters studied, and sets out how the proposed development might affect these elements, together with statements as to how any adverse effects identified might be mitigated. The strategies represent how the development might be delivered and proceed on the basis of the EIS and mitigation measures identified therein.

8. Summary of the main findings of the EIS and Development Strategies

8.1 Planning Policies and Government Advice.

8.1.1 The EIS concludes that the proposed development complies with National, regional and local planning policy and guidance in all important respects. It 'embraces the principles of sustainable development and regeneration of land, providing a clear vision in which to satisfy key planning objectives'

8.2 Socio Economic and Housing Issues

8.2.1 Bilston's industrial economic base continues to shrink, but with a population of over 24000 and good transport links, it has potential for new growth and diversification which the BUV will represent. The potential new 16900sqm of employment space is said likely to create

952 (gross) 718 (net) jobs and the construction jobs and leisure and retail jobs will help. This employment allocation is split between two large areas set aside exclusively for employment purposes (of 8000sqm and 6000sqm) and three further areas of what is described as 'mixed' housing and employment uses, where the balance of 9200sqm will be located. No distinction is made as to any break-down between B1 Light Industry, B2 General Industry and B8 Warehousing. The assumption is that it will all be for light industry. This needs clarification.

8.2.2. In total 1040 units are envisaged which at an average of 2.4 persons per household represents a potential of 2496 persons. A need for more affordable housing is recognised and it is proposed that 25-30% of housing in the BUV will be of this type. This would result in up to 312 affordable units being provided. It envisaged that these will be provided for in groups of up to 15 units distributed around the site but mostly close to the centre and close to bus routes. A Registered Social Landlord will be involved in their provision.

8.2.3 There is a need for additional primary school places which could be provided by relocating an extending an existing Primary. The scheme will bring major benefits to Parkfield Bilston High School, with enhanced access; playing fields and use of the leisure Centre.

8.2.4 The area is said to be well provided for in terms of community centres and day centres with many places of worship and places of entertainment. The new BUV population will prove a boost for these existing facilities. So whilst it stated elsewhere that it is intended to provide additional local facilities within the central area of the BUV, no allocations are shown and no assessment of potential need is presented.

8.2.5 The BUV includes a new Leisure Centre in support of which a 'sequential-test' is submitted. This concludes that there is a proven need for the facility which will largely replace the existing equivalent facility in Bilston; that the site represents a suitable 'edge of centre' site, sustainable in its connections with the town centre and public transport links; with no adverse effects on other leisure facilities.

8.2.6 The additional retail floor-space proposed will complement and link in well with the existing in Bilston Centre, providing a welcome injection of new facilities.

8.2.7. The scheme proposes a new 0.5ha area of allotments.

8.3 Visual Appearance.

8.3.1 It is concluded that because the site has become derelict and underused since it ceased being used for industrial purposes, and as a result it has become isolated from the rest of the town, its current value in visual and townscape terms is low.

8.3.2 The major regeneration which the BUV proposal represents, will transform the site and in visual and townscape terms be a major improvement resulting in a prestigious new additional urban extension to the existing town. Its form and layout and the style and detail of buildings, roads and other infrastructure will be of the highest standard and quality and positively linked in both physical and functional terms to Bilston town centre across the Black Country Route and to the residential areas to the south by means of road, bus, cycle and footpath links.

8.33 It will introduce large areas of landscaped setting and areas of water and nature value, presently lacking and remove large areas of unsightliness.

8.4 Ecology and Nature Conservation.

8.4.1 Despite its derelict state, the site contains a mix of habitats some of which are valuable for wildlife. No statutorily protected sites are present. Only one non-statutory designated area of local wildlife value is present (the Bankfield Road SLINC). The scheme will result in the entire loss of this SLINC and proposes to replace it in the form of the mixture of general landscaped and other areas of open space envisaged.

8.4.2 Badgers are the only protected species found present at the site. One set is identified. This is to remain undisturbed. Evidence of Great Crested Newt has been found in the wet southern part of the site. The area is thought suitable habitat for the Black Redstart (a red list species) but this species has not been recorded on the site during any of the surveys.

8.4.3 The site does contain important areas of semi-improved grassland, ephemeral short perennial vegetation and a pond, supporting a diverse flora and several nationally important invertebrates. These will all be lost and replaced by the new areas of general landscape and open spaces.

8.4.4. Areas of invasive Japanese Knotweed will be eradicated.

8.4.5. In general the strategy for building in new biodiversity for wildlife in the BUV will centre on retaining any groups of trees and other mature existing planting which may survive the decontamination works, retaining the existing newt pond in the south of the site and enhancing the canal corridor and creating a new 'corridors' of linked open-space and landscaped areas right through the site, with their planned swales, lake and other water retention features, to link to the Ladymoor SINC and the canal. Such areas are to be positively managed for the benefit of wildlife enhancement and private gardens to be planted up with native species of trees and shrubs.

8.5 Archaeological Remains.

8.5.1 The site has been so disturbed and overlaid with industrial waste and fill that a desk-top and walk about survey has revealed little of potential interest. The possible survival of some buried remains of Bilston Mill and other as yet unsuspected remains suggests that a 'watching brief' be agreed with the councils Archaeological Officer for the duration of the ground works.

8.6 Water, Hydrology and Drainage.

8.6.1 The possible effects of the development on the quantity, quality and drainage/flooding regimes and the effects of this on receptors of these are considered.

8.6.2 The principal water features of the site at present are; the culverted Bilston Brook; natural underground aquifers (reservoirs) and the Bradley Arm of the canal. The principal components of the development likely to affect these aspects are: the remediation scheme; the proposed lake and the site drainage during the three separate stages of development (remediation, construction and operational).

8.6.3 Baseline studies show that groundwater is poor due to historic contamination. Water is abstracted from the aquifers by British Waterways to top up the canal and this is of a poor quality. The site drains naturally towards Bilston Brook. This is culverted and varies in depth from 3 to 6m. Its waters are classed as polluted and it is connected to several sewered surface water tributaries. The culverted Brook whilst in good repair is known to be running close to capacity.

8.6.4 The scheme proposes drainage of surface water by means of discharge to an adequate soakaway or filtration system applying the principles of Sustainable Urban Drainage (SUDS) This system of swales and pools, together with hydro-brake regulator installations at the outflows, will reduce the likelihood of the brook backing up and so for flooding to occur. If this should occur then it will flood only the green corridor area adjacent to the central spine road. It is suggested that all properties should be built only outside a predicted floodplain. This should be based on a further 'Flood Risk Study'

8.6.5 Overall it is predicted that when the development is complete, there will be a modest improvement to the water environment in the long term. A new network of storm and foul

sewers will be provided during the construction phase, for use in the operation stage. During times of drought the level of water in the central lake may need to be kept up by extraction from underground aquifers, which are capable of such without detriment.

8.7 Past Mining and Contamination.

8.7.1 The site has been extensively mined in the past. Many of the mine shafts have been dealt with by grouting and will be capped if necessary, the scheme involves the same treatment of those remaining. The few areas of shallow mine cavities on site will also be grouted to permit development.

8.7.2 The prolonged use of the site for many different industrial activities has led to large areas and depths of fill. The degree of contamination found is such however that most of it will be treatable on site with only isolated hot-spots needed removal for safe disposal under licence. A scheme for decontamination has been submitted and further details requested.

8.7.3 Monitoring for subsequent gases from re-used fill and treated mine-workings will need to be carried out.

8.8 Noise

8.8.1 Noise will be generated during decontamination, mine treatments, construction and final use of the site. On the basis of the government set definitions in PPG24 noise levels which fall within categories A or B are considered acceptable in residential areas. It is predicted that the BUV proposals will fall within category C.

8.8.2 The submissions however only relate to potential noise from traffic. These deal with likely noise during the construction phase from heavy plant, machinery and vehicles. The prediction is that for the closest noise sensitive uses (residents in Carder Close and Broad Moor Road) levels will be within acceptable levels.

8.8.3 Assessment of traffic noise on completion of the village is also made. These are also predicted to fall below those considered a likely problem, given the existing levels of noise and the time scale over which the village will be completed and the design elements in the layout which will provide boulevard space between the main roads and housing areas.

8.9 Air Quality.

8.9.1 The study predicts that the areas of potential concern for air quality will be during the construction phase, particularly from earth movements which will generate dust. The second concern is from the effect of additional roads and associated traffic. In the first instance the effects are judged as not to be significant due to their temporary nature and the use of a scheme to restrict routes and hours and means of reducing traffic speeds and damping down in dry weather.

8.9.10 In respect of traffic noise, it is stated that when account is taken of the off-site road improvements proposed, the traffic calming measures and means proposed to encourage the use of public transport, the cycle and walking and mixed use allowing working from close to home, then the net effect will be a positive one in terms of traffic noise.

8.10 Traffic and Transport.

8.10.1 A Transport and Traffic Assessment, together with a Green Travel Plan have been submitted with the application. This is based on construction commencing in spring/summer this year; the primary health care centre and the leisure centre being complete in 2007 and the bulk of the Village as a whole being completed by 2014. National traffic growth predictions have been built-in. It concludes that the site has potential for excellent public transport links and the intention in the scheme for mixed developments, the proposed emphasis on cycling and walking facilities and the location of new leisure and health facilities close by, should all help reduce traffic levels. The proposed off-site improvements to existing road junctions will reduce the impact of predicted increases in traffic.

8.10.2 In respect of public transport, the site is presently served by two bus services, (the 546 & 680 services) with the potential of diverting several which run close to the site so that they run into the village, supported by subsidies until they became self-supporting. The provision of additional services, possibly including a frequent 'hopper' directly to Bilston High Street is said to be under consideration. Failing which, the possibility of extending the 546 route will be considered, so that it covers the whole of the length of the Spine Road through the village. The improvement to pedestrian crossings of the BCR will also improve access to the Bilston Bus Station adjacent the site. The BUV site is presently between two Metro stops at Bilston Central and Loxdale. Centro have previously confirmed that there is capacity for a new station at the BUV. However this is not, yet a certainty and is not a firm proposal in this application.

8.10.3 In respect of the alternative means of personal transport namely cycling and walking, the proposals should offer a much enhanced range of facilities in the form of more user 20mph

residential roads; an improved and extended and segregated network, with links into Bilston Town Centre, Highfields Road and the canal to the south and surrounding residential estates. If a scheme of cycle shelters and signage is implemented then the system would be attractive and useable.

8.10.4 A scheme for the designing-in of a full range of features to enable inclusive use by all, from level access at crossings to signage suitable for those with visual impairment is detailed.

8.10.5 A hierarchy of street types and pedestrian and cycle routes is envisaged, to encourage use and help create a sense of place. These range from the central boulevard spine road with secondary streets, lanes and courtyards, the pedestrian High Street link, the central Greenway and the canal tow path. A series of measures in terms of initial design and physical constraints are proposed as a means of reducing traffic speeds, with a 20mph objective in all residential areas.

8.10.6 A Draft Green Travel Plan is submitted with the application. It is designed to provide an overall framework of approach which would then be taken up and detailed to suit individual occupiers and developers as each part of the village is developed.

8.10.7 The plan consists of;

- The appointment of a Green Travel Plan Co-ordinator at an early stage in the development process to lead on the issue and ensure integration and monitor progress and keep the plan on course.
- The carrying out of staff and visitor surveys to set base lines
- The production and updating of individual and overall action plans
- The setting up of monitoring systems
- The promotion of the use of public transport, cycling and walking
- Enhanced information and access thereto.
- Encouraging employers to sign up to the Wolverhampton Company Travel-Wise Scheme

8.11 Climate Change; Sustainability and Energy Use.

8.11.1 In response to the need to take account of the fact that as a result of increasing atmospheric concentrations of carbon dioxide and other greenhouse gases from the burning of fossil fuels, creating more extreme climatic and local weather conditions, the proposal includes 'adaptation' measures designed to provide resilience of the development (mitigate) these effects so far as the BUV is concerned. These include the

use of a SUDS system of surface water drainage designed to slow the rate of run off and direct to natural waterways and means of disposal through the ground. Thus reducing the risk of flooding downstream and replenishing underground aquifers.

8.11.2 Other measures include the encouragement of cycling and walking; using high density developments, providing good public transport and work/live units, the recreation of landscaped open areas tolerant to climate change, suitable for a range of wildlife, and insisting on high energy efficient buildings and use of re-cycled water, natural lighting etc:

8.11.3 As far as the use of energy is concerned the scheme acknowledges that there is scope for alternative energies to be provided centrally to supply the whole of the village, or separate areas, or just to individual buildings. It identifies that significant contributions to stemming climate change and financial savings can be generated by the use of such systems as combined heat and power, geothermal systems, solar collection and water recycling. That a centralised CHP district heating plant for the residential areas and buildings such as the Leisure Centre are potentially feasible. But this is taken no further and no firm proposals are put forward and the report concludes that as each element of the development comes up for approval a detailed study should be carried out of all the possible alternative energy systems which are available.

8.12. Recreation, Sport and Open Space

8.12.1 The scheme makes provision for a range of recreation and open space facilities for passive and active recreation; areas of general green open space and more formal recreation areas and facilities such as a leisure centre and children's play areas. The main provisions are;

- A central area of sports pitches and playing fields, tennis courts etc; centred on and shared with Parkfield Bilston High School at the northern end of the site. The existing sub-standard school playing fields and tennis courts will be upgraded and extended and be available for public use also.
- A new dry and wet sports hall to replace the existing school facility and to be made available to both the school and the local community.
- Local play areas within the central spine park.
- Central spine Neighbourhood Park to provide for informal games and events.
- Swales and Ephemeral Ponds to provide visual features and wildlife habitats

- The main central lake, as a focal visual feature and wildlife facility.
- Enhancement to the canal and tow paths
- New Allotments
- System of footpaths and cycle ways.

8.12.2 Based on the estimated potential 2496 residents of the BUV, it is claimed that the scheme meets the open space, sport and recreation of the Revised Deposit UDP as follows;

TYPE	Revise Deposit UDP Standard	As now proposed
Playing fields	3ha	3.05ha
Non-pitch outdoor playing space	1ha	0.54ha
Allotments	0.5ha	0.5ha
Other formal/informal/other	2.05ha	9.72ha
OTHER STANDARDS		
LEAP	1 per 1000 residents within 400m walk	2
Multi ball games pitch	1 per 2000 residents	2
Accessible natural green space	Within 400m walk	-
Local Nature Reserve	0.5 per 1000 residents (across city as a whole)	-

8.12.2 The main sports Pitch provision is shown to be in connection with the Parkfield Bilston High School playing fields and pitches, in what will become a major central open area of the village. The present sloping ground will be made level; the existing football pitches will be re-orientated to allow for an additional cricket square and outfield, retention of existing tennis courts, a children's play area and potential skate-board/kick-about area.

8.12.3 There will also be one additional central plat area within the village and a variety of smaller informal play areas to cater for all ages within the rest of the development overlooked by housing for security.

8.12.4 The new Leisure Centre on the link boulevard to Bilston High Street will be a major sport and recreation facility. It will provide swimming pool, squash courts, indoor bowls hall and

fitness suite together with cafes and outdoor seating and water feature.

8.12.4 Major enhancements to the canal and tow-path and the creation of new canal basins for moorings and possible siting of cafés etc; are also part of the plan.

8.13 Public Art

8.13.1 A number of strategic locations have been allocated for works of public art, at primary focus points and gate-way sites. Artists and features are likely to be chosen by way of open public competitions, involving the local community and schools in particular. In accordance with council policy these will represent 1% of the total construction costs of the whole village.

8.14 Crime Prevention

8.14.1. The design principles so far set out have been drawn up with 'Secure by Design' matters in mind. So for example all roads and footpaths are 'at surface' with no underpasses.; roads, footpaths and cycleways run alongside each other; visibility and lighting along pedestrian and cycleways will be good and planting designed and chosen with security in mind. Active frontages onto streets and open spaces and parking areas will be designed-in and mixed uses will prevent the creation of no-go areas after shopping/working hours. Residential frontages will have secure boundaries for 'defensible-space' and secure rear boundaries for security.

8.15 Urban Design.

8.14.1. A Design and Access Statement is submitted with the application. It has little to say about access (as for the disabled) but it sets out the design philosophy and approach. Its principles are

- The creation of a high quality sustainable environment of mixed uses, a balanced mix of house type and size, employment and homes.
- Best design, layout and materials for the public realm areas.
- Maximize accessibility by means of a wide range of means of transport to all parts of the village and beyond.
- The creation of a visually diverse, attractive and bio-rich green environment creating a real and distinctive sense of place for its residents and visitors.

8.14.2. The scheme therefore envisages the creation of an entirely new urban settlement but which is nevertheless visually and functionally linked into the adjoining existing built up areas and their communities, contributing to their

continued vitality and viability, both economically and socially.

8.14.3. It recognises that good design in all aspects is essential in creating a sustainable community and will follow the 'By Design' principles of;

- Creating a place with an attractive and distinct identity
- Clearly separating the private from the public areas
- Building in quality to the public elements
- Building in ease of movement
- Designing spaces and places that are easily 'understood' as to place and function and flexible in their potential uses.
- Providing diversity and choice in housing, employment and leisure facilities.

8.14.4. An illustrative layout plan and many supporting more detailed illustrations and photographs, show to some extent how these objectives might be turned into physical forms on the ground.

8.15 The High Street Link

8.15.1 In order to better link and integrate the Village into the existing Bilston town centre and wider community and ensure that the High Street commercial areas gain maximum benefit from the potential additional custom which the village will create, a direct link is proposed from the heart of the village to the Bilston High Street. This is to take the form of a direct pedestrian boulevard, on to which will face the new leisure and health centres and which will cross the Black Country Route by means of an enhanced level pedestrian crossing. An area of existing buildings on the town side of the BCR will be cleared to allow the boulevard to link directly with Bilston High Street, with new replacement retail facing directly onto the new boulevard. The boulevard will be as attractive as possible to encourage its use by pedestrians.

9. PUBLICITY

9.1 The application has been advertised by means of letters to surrounding residential and commercial occupiers, sites notices and press notice. As a result the following responses from three commercial occupiers have been received;

1. G C Bilston Ltd whose premises abut the southern edge of the site.
Concerns include that their access across the footpath to north of the canal and is not lost.
The continued use of this access has been confirmed with the company

Concern about the capacity of Dudley Street to cope with the likely additional traffic when the village is complete and the effect this may have on their access onto Dudley Street and the effect of the proximity of the proposed 'Gateway' entrance into the 20mph zone of the village on their operation.

They have been assured that neither of these aspects will interfere with their operation.

2. Mc Auliffe Civil Engineers, who occupy premises off Northcott Road where a major access road into the village is to be formed.

Concern that the plans appear to propose a landscaped area across the only entrance into their site.

The company has been assured that this is not the intention

Concern about security of their site due to differences in levels with the proposed extension to Northcott Road.

The company have been assured that this will be addressed at the detailed design stage.

Concern about the proximity of proposed housing to their premises [which is a potentially noisy and dusty use]

This will need addressing by way of design and/or mitigation on the housing site at the time of detailed design.

Concern the Dudley Street connection to the BCR is to be severed at phase 1 and the effect this will have on access and congestion on other roads.

The company has been informed that it is not intended to close Dudley Street until alternative routes are in place.

3. Drivas Jonas on behalf of Prudential Property investment Managers responsible for the management of the Mander Centre. Concern that the retail element of the scheme should provide only for the local needs. Recommend that conditions be imposed to restrict the size of any retail unit and the range of goods to be sold.

Similarly, that the size of the leisure facility should be restricted to ensure it does not impact on other facilities in Wolverhampton and beyond.

That transport links to Wolverhampton town centre should be provided

10. CONSULTATION RESPONSES

10.1 INTERNAL CONSULTATIONS

10.1.1 Planning Policy and Urban design.

Employment allocation and breakdown

The amount of employment land now allocated is down 56% on that in the previous scheme (from 38300sqm to 16900sqm) .No reasoned justification is given for this. The new proposal compares unfavourably to an allocation in the Revised Deposit UDP for 49000sqm. So to this extent the proposal represents a departure from the Revised Deposit UDP policy, which has received no objections

The previous scheme also proposed a breakdown of the industrial space into 54%B2, 28%B1 and 17% B8. The new proposal is limited to B1 Light Industry only. No reasoned justification is given for this either.

Housing densities

The overall density for housing proposed at 56ph is in excess of the target set out in proposed modifications to Policy H9 of the Revised Deposit UDP, which sets a target of 30-50dph for sites outside centres or away from major transport nodes. But this could be justified on the basis that the site is to be well linked into the public transport available in the Bilston Town Centre.

Affordable Housing

There is confusion in the submissions as to the proposed percentage of affordable housing. In some places its states 25%, in others 30%. The target figure as set out in Policy H11of the Revised Deposit UDP is 25% on sites outside the City Centre.

Open space, sport & recreation

The anticipated 2,500 new residents will, in accordance with the formulae set out in Policy H9 of the Revised Deposit UDP, generate a need for 6.5ha of Recreational Open Space and the equivalent of 2.5 Local Equipped Play Areas and 1.25 Multi-use ball games areas. The scheme proposes a neighbourhood park of 6.2ha. The long thin verges and swales put forward as public open space in the plan should not be treated as such (see para 1.3 of Appendix 2 of the Revised Deposit UDP) however, the proposal provides broadly sufficient recreational open space to serve new residents.

The shortfall in the LEAP requirements should be made up through enhanced play facilities in the Neighbourhood Park and contributions to a skate-board facility as recommended by Leisure Services.

The formal playing fields area should be treated as part of the Neighbourhood Park and should be dedicated (with an appropriate sum for maintenance) to the council, for future maintenance and public access. The school would have priority use of the formal facilities.

There are currently five playing pitches on the site; three at the school; one at the former GKN and one at the former Highfields School. The three school pitches are to be improved and extended to incorporate a cricket pitch as part of the scheme. This can be considered to compensate for the loss of the fourth pitch. The loss of the fifth pitch should be compensated for by a commuted sum likely to be in the region of £230,000.

Additional Education Facilities

There are considered to be insufficient primary school places to provide for the new residents of the village and the development should be required to provide for these extra places. Further discussions are required to settle the form, nature and possible location of this provision and how it should be secured. This might be addressed by re-locating and extending an existing primary school.

Flooding and Water Management

Although a hydraulic assessment has been carried out by Severn Trent Water, it is essential that an up to date flood risk assessment is carried out to confirm the likelihood and impact on the scheme or what measures may be needed to mitigate possible flooding.

Waste Management plan

A waste management Plan should be drawn up and submitted as part of the application, to ensure that proper consideration is given to how waste arising from both decontamination and construction, which needs to be removed from the site, is to be recovered, re-cycled and/ disposed of.

10.1.2. Transportation

Transport Assessment

The Transport Assessment provided as part of the application seeks to understand the current travel patterns and consider the impact of the new development proposals on the local transport network. My consideration of the assessment provided by Watermans highlights a number of issues arising from the report as follows:

Background Traffic Growth – The consultants have applied TEMPRO 4.2.3 which is considered appropriate for this location. However they also assume no increase in car ownership based

on past trends and the nature of development being promoted here. I have some doubts, given the national and local trends on car ownership whether this is an appropriate assumption.

The aim of these assessments and the subsequent mitigation measures is that all the road traffic junctions should perform at nil-detriment with development when compared to performance of the junctions without the proposed development. Clearly this assessment shows that this is not possible at a number of junctions, namely: Oxford Street Roundabout; A41 Oxford St / Vulcan Rd / Loxdale St; and Ash Street / Highfields junction respectively.

Trip Distribution – An equal distribution for traffic arriving and leaving the Urban Village is used in the assessment. However a more appropriate methodology would have been to use the 2001 Census Data or the West Midlands Prism Model. It is also very unclear how this ‘even’ distribution of traffic has been applied in practice.

Percentage Impacts – This is a measure of the increase in the level of traffic generated by the development. A threshold value of 10% is used here to denote a significant impact but, given the traffic counts and evaluation that shows that the road network in the area is already operating at or close to capacity a 5% threshold value would have been more appropriate.

Local Community and Retail Facilities – The Transport Assessment has not included any additional trips associated with the 2,260 sq m local facilities to be provided within the Urban Village and on the High St Link.

Notwithstanding these my comments on the development proposals are as follows:

Site Access

Vehicular access to the site is proposed to be achieved via the following road junctions:

1. A463 BCR / Brook St / A41 Oxford St
2. Northcott Rd / Loxdale St -
3. Dudley St / B4163 Highfields Rd
4. New junction – onto B4163 Highfields Rd
5. New junction – onto Coseley Rd
6. A463 BCR / Dudley St – to access Leisure Centre only
7. A463 BCR / Bankfield Rd – to access Health Care Facility only
8. Bath Street

The details of the proposed improvements to and configuration of the junctions will be commented on separately. In broad terms however I would wish to make the following comments:

- It would be desirable to *close the left turn into the Morrison's Store Car Park and the industrial estate (Bath Street)* to the west of the Metro line as part of the overall development of the Urban Village. However I would assume it would need to remain open at least until Plot A is brought forward and the remaining highway infrastructure is completed. Alternative access to the sites could be achieved from the south and via the new BCR / Bankfield Rd junction.
- Likewise in the long term and once the site highway infrastructure is completed *consideration should be given to closing the Dudley Street access onto the Black Country Route*. The Outline Application envisages that this junction would only serve the Leisure Development and direct access for individual developments onto the strategic network is normally resisted by the City Council. Access could be provided to the south of the site off Broad Lanes and the new central spine road.
- Although I understand it is envisaged that *access to the school and houses on Linton Croft* is to be from the south of the site the exact arrangements are unclear from the application plans. This arrangement should be clarified.
- The *visibility at the junction between Northcott Rd and Salop Street* should be checked against the national standards required for such roads. If good visibility cannot be achieved then alternative junction arrangements would need to be explored and agreed with the City Council. These considerations would need to take account of other junctions in the immediate vicinity, especially if a signalled junction is considered.
- The assessment shows that the development would have a *detrimental impact on the Vulcan Rd/ A41 Oxford St / Loxdale Street junction* yet there does not appear to be any mitigation measures included. I would ask the applicant to clarify their strategy for this junction.

Car Parking

The exact requirement for car parking should be dealt with in the detailed applications for the sites as they come forward. The principles set within relevant Government Guidance including PPS3(draft), PPG13, and UDP policies will apply. A car park management plan will be expected to form part of the Travel Plans for the respective applications for each of the development plots / phases as appropriate.

Public Transport: BUS Services

The site should be well-served by public transport and the applicants will be required to ensure that all dwellings are within 250m of a bus stop and that there are convenient, safe and attractive walking routes to the stops. The bus stops provided should be to a high (Showcase) standard. The metro stop should form a focus for pedestrian routes and cycle paths and have appropriate facilities to cater for cycle storage at the stop. Opportunities should also be sought to provide local facilities close to the Metro stop including a newsagents etc.

Discussions should continue with Centro and TWM to ensure adequate bus services penetrate the site and provide good links with Bilston Centre and beyond. To be considered 'highly accessible' in accordance with the Unitary Draft Deposit Plan a development should be within a defined town centre or within 400m of a tram stop, or within 300m of a bus stop allowing access to a town centre within a 15 min journey time. Crucially for this development, the bus stops should be served by a service frequency of 6 more buses per hour during the day time peak (Monday to Saturday) and 3 or more buses per hour off peak and evenings Monday to Saturdays and daytime Sundays.

The applicants should ensure this level of service is provided. This should be achieved from first occupation of the site until substantial completion of the site to ensure that people have access to good public transport from 'day one'. Once substantial completion of development is achieved it is hoped that the bus service will be a commercially viable operation and attractive to bus operators.

The strategy shown in the application is for a new hopper service and the diversion of two other bus services. This is acceptable in principle if it achieves the above accessibility standards however we need to be mindful that the diverted bus services do not reduce access to buses for residents along the current route to an unacceptable level.

METRO

New stop shown on the application – this should be the subject of negotiations with relevant bodies. It would be desirable to have this stop but any condition requiring this as part of the development is probably unreasonable since it is not within the power of the developer / applicant to deliver and would not be crucial to the development of the site.

If the metro stop is provided at Brook Street then it would be desirable to provide a Park and Ride car park in the vicinity. This would reduce pressure on the car parks in Bilston currently used as Park and Ride car parks by Metro Passengers and free up capacity to serve the retail and business centre of Bilston.

Accessibility for Pedestrians and Cyclists and Mobility Impaired

An important part of the development is the improvement of the canal towpath and contributions to these works through a S106 could be considered.

Proposed Mitigation Measures

The mitigation measures relating to Public Transport measures, new junctions and improved junctions, pedestrian facilities along the Black Country Route and internal road, cycle and pedestrian network are mentioned above. However in addition to these the following mitigation measures should be sought:

Smarter Choices:

The following package of measures would encourage safer and more sustainable travel choices and complement the above infrastructure provision:

- Traffic Calming Measures along Highfields Road, Salop Street, Bank Street and Ash Street to be agreed with the City Council. An amount of £150k to be lodged for a period of 10 years following granting of planning consent for the implementation of these measures. This would seek to address and reduce the current high number of injury accidents experienced along Highfields Rd over the last 5 years and the potential for an increase in this given the increased traffic anticipated along Highfields Rd as a result of the proposed development.
- Improved Pedestrian facilities along Highfields Road – details to be agreed with City Council prior to implementation by the developers under Section 278 of the Highways Act 1980. This would address the concerns raised by residents in consultation on the proposals that the facilities for pedestrians would be inadequate given increased traffic flows. The design of these facilities would need to take account of the Road Safety Scheme.
- £35k for pedestrian training and other transport measures to support the Travel Plan and other transport measures being provided in the Urban Village.
- Travel Plan Measures and Monitoring Regime to be agreed by City Council and detailed stage / phase of development as stated in the outline Travel Plan. Resources should be identified for the ongoing monitoring of the success of the measures and the ability to introduce new measures should these be necessary. A Car park Management Strategy should be an integral element of these Travel Plans.

Construction Traffic

Before any works commence the details of the routes to be used by construction / reclamation traffic together with the scheme for temporary directional signs needs to be agreed with Council and maintained for the durations of the works.

The phasing of the works and related road traffic junction alterations and closures also need to be agreed with the City Council.

Any Public Rights of Way or existing Pedestrian thoroughfare should remain open or be relocated along a well marked and safe route to be agreed by the City Council and maintained in good order for the duration of the works as relevant.

Phasing and Transport Infrastructure– The detailed phasing of the works and the various road closures and new junction arrangements should be agreed with the City Council and kept under regular review as necessary as the development proceeds.

10.1.3. **Parks and Contracts, Cultural Services.**

Neighbourhood Park

This should not include the long ribbon-like fingers radiating from the main area. These do not meet the criteria for transfer as POS for them to be adopted by the Leisure portfolio and should not be included in the calculation as POS. However, the formal playing field area should be included.

The playing field area

The playing field area should be offered to the council as part of the neighbourhood Park, for adoption as POS. The school would still have priority use of them. Alternatively the school should retain as much as they need and the rest set out for public use with changing facilities in the sports hall.

Tennis Courts

There are presently four courts on site and it is stated that these are to be upgraded. However they are not shown on the submitted plan and need to be. They should be re-designed to provide to allow for the provision of other court uses. Such as basket ball and netball also.

Children's Play Area.

Will need a commuted sum (presently estimated at £98750); will need to be equipped in agreement with the council and the site dedicated to the council.

Multi Ball Games Area

A MGA to a value of approx. £75000 should be provided within the POS area and an appropriate commuted sum paid for its future maintenance.

Skate Park

The need for this is mentioned in the plan and it is suggested that it could be set within the POS. But a site is not shown. It is not considered appropriate to locate such a facility in the POS and so it should be provided within the nearby Greenway playing Fields away from housing. It is likely to cost around £60,000 and a commuted sum for maintenance presently of £42500 would also be needed.

Allotments

It is estimated that after laying the site out with appropriate top soil and water supply for approx. 20 plots, a payment of £76000 will be needed for the council to fully service the plots as and when they are taken up.

Loss of Pitch provision

The net loss of one playing pitch will need to be compensated for at approx. £230,000 (to-days prices).

10.1.4 Archaeological Officer

Recommends a standard condition requiring the agreement of a programme of archaeological work and investigation.

10.1.5 Access Officer

A full 'Access Statement' as recommended in recent government advice to developers is needed with the application.

10.1.6 Environmental Services.

Comments on the latest submitted details in respect of reclamation, noise and air quality are awaited.

10.1.7 Education

The village should at least be served by a 2 form entry Primary School with nursery facilities. This could be achieved by relocating and extending an existing school, best located near to, or within, the existing Parkfield Bilston High School site. To be secured by a section 106 Agreement.

10.1.8 Sustainability Unit

The terminology in the submissions confuses measures designed to 'mitigate' against the emission of greenhouse gasses and those 'adaptation' measures designed to adapt development to the degree of climate change which is already inevitable.

The main body documents state that housing in the village will aim to achieve the EcoHomes 'very good' standard, but the sustainability strategy mentions the higher 'Excellent' standard. The higher standard should be aimed for. And so clarification is needed.

It is disappointing that the plan contains no firm proposals for a whole site approach to renewable energy, since if this is to be achieved then the infrastructure needs to be planned for at this outline stage. Similarly an explicit, integrated approach to energy efficiency and use of renewables is not present, to ensure a contribution towards the national objective of reducing CO2 emissions by 60% by 2050.

A clear 'objective driven' landscape strategy in respect of the various types of POS proposed is needed. Maintenance other than by the Council should be explored.

Mechanisms regarding the maintenance of the various elements in the SUDS surface water drainage system proposed are not presented. This is essential in order to assure the long- term viability of the scheme.

10.1.9 **Ecology officer** -- Views awaited.

10.2. External Consultations

10.2.1 Sport England

Welcomes the overall scheme as an eventual significant addition to the opportunities for sport and recreation in the area. However several concerns have been expressed on which discussions are continuing and any update will be reported at committee. The concerns are;

- The overall net loss of 'half' a playing field on the site as a whole. To which Sport England would object. Various ways of compensating for the shortfall are set out for discussion with the applicant.
- Dual use of the Bilston School playing fields must be secured through a Community Use Agreement tied to a Section 106 Agreement or planning conditions.
- The proposed retention and upgrading of the tennis courts is welcomed but they must be shown on the layout plan submitted.
- The school playing field should not be used to accommodate the possible need for a primary school.
- The anticipated shortfall in outdoor playing space, multi games areas and LEAPS need to be compensated for.

10.2.2 Environment Agency

- No objections in principle
- The submitted details in respect of on site ground conditions where incomplete. Further details have since been submitted and the Agency is presently assessing these--- a verbal update will be made at committee.
- Otherwise recommends conditions seeking details of
 - Desk-top study of past uses of the site
 - A site investigation as to on-site contamination and ground water and surface water systems and a

scheme for remediation and protection. (Method Statement)

- Final report of compliance and completion to be submitted to the council.

That no development commences until the approval of a surface water run-off limitation scheme.

Surface water from car parks and hardstandings to be passed through trapped gullies to be agreed

A scheme for the disposal of foul drainage be approved before development commences.

The submission of a water minimisation scheme to reduce water consumption.

10.2.3. *Walsall Council*

- Recommends a condition on the Leisure Centre to prevent its use as a cinema or family entertainment centre.
- The retail element should be to serve only local need.

10.2.4 *British Waterways*

- Welcomes the scheme and in particular the proposed improvements to the canal corridor.
- Suggests that these improvements be secured by a section 106 Agreement or suitable condition in respect of a commuted sum payment to British Waterways, or a management agreement with B.W.
- They recommend the creation of one large canal basin instead of the two small ones now shown.

10.2.5 *Centro.*

- Centro would support two of the three options put forward in the plan, to either provide a new metro stop at the village, or improve pedestrian links to facilitate access and use of the two nearest existing metro stops.
- If a new stop was to be provided it would need to be entirely funded by the development (estimated cost £1m) and so if the site is to be developed incrementally then contributions would need to be pooled.
- The new stop would need to be operational before any of the new homes or businesses were in operation.
- Any changes to the existing bus services as proposed (680 & 546) would need to be agreed with the operators in advance and the required infrastructure in place.
- The developer should contribute towards the cost of an initial 'Hopper Service' to link to outside destinations bus station and metro stops. This may eventually become self-supporting.
- The street layout and design on an approach to any metro stop will need specific design elements built-in.

10.2.6 English Nature.

- Care and possible licence needed for work close to the Badger Sett.
 - The scheme has insufficient details in respect of mitigation and these are best obtained before any planning consent is issued.
 - Further details have been submitted and are under consideration- verbal update at committee.
- 10.2.7 West Midlands Police
- No objections but recommendation that all buildings are designed to a Secured by Design standard and include 'Home-Zones' where appropriate.
- 10.2.8. National Grid
- No objections in principle.
- 10.2.9. Wildlife Trust – no reply
- 10.2.10. Health 7 Safety Executive – no reply
- 10.2.11. Transco – no reply.
- 10.2.12. Midlands Electricity – no reply
- 10.2.13. Severn Trent Water – no reply
- 10.2.14. Sandwell & Dudley Councils – no reply
- 10.2.15. Wolverhampton Health Authority – no reply.

12. Appraisal and comments on responses to consultations.

12.1 The Key Issues appear to be;

1. Compliance with Government planning policy and advice
2. Compliance with policies of the Revised Deposit UDP
3. The adequacy of the Environmental Impact Statement
4. The housing and employment proposals of the application.
5. The roads and transport aspects
6. The water, flooding and drainage aspects
7. The de-contamination; past mining and flooding aspects.
8. The sport and recreation aspects
9. The open-space, landscaping and wildlife aspects
10. Climatic, Sustainability and energy aspects
11. The link to Bilston High Street
12. The Leisure and Health Centres
13. The level of community facilities, including Education
14. Access for the disabled
15. Securing funding for and timing the infrastructure.
16. Terms of the section 106 Agreement
17. Planning conditions

12.2 Planning policy and Guidance.

In as much as the BUV project is a major re-generation of a long derelict brown field site, the scheme meets many of the target areas in central government guidance; the West Midlands Regional Spatial Strategy; the approved UDP and the emerging policies of the Revised Deposit UDP.

PPS1 sets out the governments overriding objective in planning of creating sustainable communities by the use of well planned

infrastructure, the provision of local jobs a sufficient variety of housing including affordable types and the highest quality of design in all aspects of the built environment. These are all objectives in the scheme now proposed for the BUV in this application.

12.2.1 It therefore complies with PPS3 'Housing' and in its approach to creating a variety of landscaped and other open spaces its approach is in accord with PPS9 'Biodiversity Conservation'. Its emphasis on a variety of modes of transport, it complies with the objectives of PPG13 'Transportation' and its approach to sport and recreation, with the objectives in PPG17 'Planning for Open Space Sport & Recreation'. The scheme will contribute to the key aim of the West Midlands Regional Spatial Strategy in helping to stem outward migration from the West Midlands; regenerating brown-field sites and attracting new employment to deprived areas and creating better designed, higher density housing and public realm elements.

12.2.2 So far as the UDP policies are concerned Policy S1 of the Revised Deposit UDP promotes the village as a Strategic Regeneration site. The principles set out in this policy; form the guiding principles underlying the village Master Plan.

12.2.3 The approach taken in the scheme can therefore reasonably be recommended as in accordance with the current and guidance and emerging Revised Deposit planning policies. And on this basis can be recommended to the Secretary Of State as an acceptable departure from the Approved UDP once satisfactory clarification has been obtained in respect of the discrepancy between the levels and types of employment land proposed compared to the levels anticipated by the Revised Deposit UDP.

12.3. The Environmental Impact Statement.

12.3.1 The EIS follows a fairly standard format and approach, following closely the guidance set out in Schedule 4 of the Regulations and Circular 02/99.

12.3.2 The regulations require that it is the major or 'significant' effects which will need to be addressed by way of mitigations and that this is to include assessment of any 'cumulative' effects of several combined effects, or any effect, or effects likely to worsen over time.

12.3.3. In the series of documents submitted with this application, the applicant has achieved an acceptably robust and full assessment under these regulations. The result is an analysis which so far can reasonably be predicted given the outline nature of the proposals and the long-term nature of such a large scheme. A detailed analysis of the available data and likely effects on important environmental receptors has led to a series of strategies and which put forward reasoned proposals

to minimize likely adverse effects and utilise development proposals which will build-in new additionally beneficial environmental improvements in the short, medium and long-terms, if fully implemented as set out in the development proposals so far proposed.

12.4. Housing and Employment

12.4.1. The proposed level of housing is an estimate at this outline stage, but at the density envisaged the level seems reasonable. The scheme envisages a good mix of house type and tenure with a sizeable element of affordable housing. An urban form of housing at higher densities is envisaged close to the central spine road of the village, where three to four apartments are likely to be the norm, with densities decreasing towards the outer-edges of the village where two storey and some single storey units will predominate.

12.4.2. A clause in the 106 Agreement should secure the level and method of supply of affordable housing in accordance with the relevant policies of the Revised Deposit UDP.

12.4.3. There is no analysis or allocation in the plan for specialist housing such as elderly persons, or nursing homes. This needs to be built-in to the allocations. This could be clarified before any consent or a suitable condition could be imposed.

12.4.4 The illustrative material submitted relating to the design approach for the housing, suggests that this is to be of a sufficiently high standard with emphasis on creating an attractive and distinctive place to live likely to be valued by its residents and thereby likely to create a sustainable new community.

12.4.5. The scheme does however depart significantly from the predicted levels and types set out in the Revised Deposit UDP, as set out in para. 4.8 above. This is without supportive explanation and it is therefore recommended that the reasoning behind this departure is obtained and considered before this aspect of the scheme is accepted.

12.4.6. There is also an area of concern in respect of the interface between the two land allocations for employment and some of the adjoining proposed and existing areas of housing. In some locations this proximity is such that if the industry proposed was to be B2 General Industry, of large-scale B8 Warehouse, then conflict could arise. Similarly where housing is now proposed close to existing B2 users a problem could be created. Without any indication as to the likely location of any B2 or B8 on the site then such conflict areas cannot be predicted. It is recommended that such clarification should be obtained. If no further commitment can be made by the applicants at this stage as to the likely location of B2 and B8 uses, then a condition

would need to be imposed for the developer to agree the exact location of such uses at a later stage, but this would call into question the robustness of the environmental impact assessment so far made on such matters.

12.4.6 It should be a requirement through the 106 Agreement that the developer provides means by which to secure employment at the construction and later stages for local persons.

12.5 Transportation and Roads.

12.5.1. The comments of the Transportation are awaited at the time of writing. There will be elements of highway works, particularly those such as improvements to junctions, which will need to be the subject of the 106 Agreement as to funding and timing

12.5.2. Whether a new Metro Stop is a feasible possibility or not still has not been settled. If it is then the developer will need to set aside the funding. If it cannot be then the far less effective alternative, of improving pedestrian links to the existing metro stops will similarly need to be funded and provided in good time. This funding and timing will therefore need to be covered by the 106 Agreement.

12.5.3 The provision of funding for an initial 'Hopper Bus Service' and the funding support to enable the diversion of the existing two bus services by the developer, and their timing, needs to be included in the 106 Agreement.

12.6. Water Flooding and Drainage.

12.6.1. The site is being re-modelled to reinstate its original valley-like form originally centred on the Bilston Brook which has been culverted in the past and will remain so in this scheme. As a result, in the past, both surface and foul water was discharged into man-made sewage systems. Foul water will continue to be discharged in this way but a major change is proposed for surface water. This is to be dealt with by draining it into the central Lake in a semi-controlled, semi natural means. A series of swales and small pools will act as the first receptacles of this run-off. Here some will drain away naturally through the ground, with the benefit thereby of replenishing the natural underground aquifers and not surcharging the man made systems of drainage. That which exceeds the capacity of these smaller reservoirs will then drain into the central lake and eventually into the Bilston Brook at a rate which could be controlled in times of high rainfall.

12.6.2. To this extent therefore, the otherwise enclosed system of surface water drainage ultimately, in times of heavy

discharge, relies upon the capacity of the Bilston Brook. The capacity of this is said by STW to be such as to cope with the estimated discharge except in times of severe rainfall, which is thought to be increasingly likely in the future due to global warming and associated climatic change. At such times it is predicted the central spine road area of the village would flood.

12.6.3 It is therefore recommended as advised by The Environment Agency, that a surface water run-off scheme is agreed before development commences and that this should establish a likely flood-line so that development can be prohibited within this line of specially adapted to cope with anticipated flooding risks.

12.6.4 The use of this SUDS approach to surface water drainage requires the need for a specific long-term means of effective management. A condition of 106 clause needs to ensure that such a system of management is in place.

12.7. Past Mining and De-Contamination and Waste

12.7.1 Many of the mine shafts on the site have already been treated under an earlier planning permission. The scheme now put forward proposes the treatment of the remaining and the treatment of shallow voids in a way which will allow development to proceed.

12.7.2. Treatment of the anticipated level and type of contamination on this site is now well established practice with the city. The scheme submitted with application appears to be on the right lines. Its detail is being studied by the Environment Agency and the councils Public Protection Officers. It is likely to be acceptable, or if further clarification or changes are needed, then these will be agreed and an acceptable scheme produced

12.7.3 It is therefore recommended that if an acceptable scheme cannot be agreed upon before a decision on this application is issued, and then suitable conditions are imposed requiring agreement on a scheme before development commences.

12.7.4. The submissions deal with waste management in the various sections in respect of how waste is to be minimised and disposed of during all three stages of development. This all needs bringing together in a form that could be turned into a plan which can be monitored. A condition should require the agreement of a Waste Management Plan before development commences.

12.8 Sport and Recreation

12.8.1. The network and hierarchy of open spaces proposed will provide good opportunities for informal recreation, providing

these spaces are well maintained. The main indoor facility will be a real asset to the village and of wider benefit to the Bilston community as a whole.

12.8.2. The scheme proposes the provision of the main formal outdoor sports and recreation facilities, by building on the existing facilities at the Parkfield Bilston High School, linked to the new Leisure centre, for public use but with the school also having use.

12.8.3. The final form that these facilities will take is still in discussion with the school and Sport England. Any update will be reported on at committee. Dual access and use like this will need to be the subject of the 106 agreement to secure adequate safeguards by a School Use Agreement.

12.8.3. The identified shortfall in LEAP (children's play area) requirements and playing field provision needs to be compensated for by commuted payments to enable upgrades elsewhere as recommended by Cultural Services above.

12.8.4. The suggested skate board facility should be a requirement and a suitable site for it found outside the proposed POS areas, possibly on the nearby Greenway playing field by means of the 106 agreement.

12.8.5. A Multi Use Ball Games Area to a value as suggested by Cultural Services above, should be provided within the Park and secured through the 106.

12.8.6. The re-vamped tennis courts and cricket pitch, need to be shown on the submitted plans as part of the playing field provision.

12.8.7. The means by which the long-term management of all open spaces and sports and recreation facilities therein (i.e. either by adoption by the council, or a private management company) needs to be agreed, to be the subject of the 106 Agreement.

12.8.9 Clarification needs to be obtained as to the exact extent of the POS suitable for adoption by the Council, if this is to be the course of action agreed.

12.8.10. The dedication and appropriate contribution payment in respect of the proposed allotments needs to be the subject of the 106 Agreement.

12.9. Landscaping and Wildlife.

12.9.1 The central park with its lake is the main landscape and new wildlife feature. However, the scheme also includes for a radiating network of related landscaped areas of open space, all of some wildlife value, especially those areas which will contain small ponds and swales related to the SUDS drainage system.

12.9.2. The clearance of the site by reclamation will also remove all existing habitats. The only recognised area of wildlife interest (the Bankfield Road SLINC) will be lost as will the more widespread areas of rarer grasses. The strategy proposes only to replace the lost SLINC and grass areas by a general increase in wildlife habitats across the whole village. It should however be a condition that as far as possible the SLINC habitat and associated plant and wildlife, should be re-created like for like in area and habitat. Similarly a real attempt should be made to re-create the conditions which have allowed the establishment of the rare grasses within certain areas of the open space. These could be a condition of consent.

12.9.3. The site contains a Badger Sett. The protection of this during reclamation and construction and its ultimate survival into the established village should be the objective. A condition requiring the submission of suitable means by which to achieve this should be imposed.

12.9.4. The wildlife aspect of the proposed canal corridor enhancement will offer a unique opportunity to encourage wildlife at the village. The works proposed to the canal are mostly on land outside the application site in the control of British Waterways. BW have expressed their willingness to co-operate in drawing up a scheme of improvement. However the finance for this needs to be from the developer and so a suitable clause in the 106 Agreement will be needed to secure these improvements and their timing.

12.10. Climatic change, Energy and Sustainability

12.10.1 The scheme attempts to provide for the likely effects of Climate change on surface water run-off by the use of a SUDS system of disposal. This will mitigate the effects on flooding down-stream and the loss of water to underground aquifers.

12.10.2. The submissions explores a variety of means by which the village could take advantage of combined heat and power and use of renewable energy, but fails to put forward any firm proposals other than to suggest that as each building and/or part of the site is brought forward for development, the option for each are explored. This would be to miss a unique opportunity to use the village to make a significant contribution in these areas. And so it is recommended that a condition be imposed to require further exploration of these possibilities and agree a village-wide strategy.

12.10.3. The submissions state in one document that housing in the village will aim to achieve the Eco-Homes 'Excellent' standard, but in another document mentions the lower 'very good' standard. The higher standard should be achieved. Clarification needs to be sought on this.

12.11 Bilston High Street Link

12.11.1 This aspect of the scheme is welcome as an effective means of ensuring that the village will integrate and support the existing central area of Bilston and not compete with them. Its timing will be important but in view of the many owners involved, this may be difficult to predict and secure. It is however so important an element in ensuring the success of the village, that a condition could be considered to require its substantial completion at some vital stage of the development of the overall village.

12.12 Community and Education Facilities

12.12.1 A new two form entry primary school with nursery facilities is required for the village, yet the submissions make no provision for a site for this. Such a site may have land-use and transportation implications for the scheme as now drawn up and in particular, may result in the loss of playing fields. This matter needs settling now and a site for the school shown, with any such implications analysed. A clause then needs to be included in the 106 Agreement to secure an appropriate proportion of funds to provide the school and at what stage in the development it is to be provided.

12.12.2. The submissions propose that certain other community facilities (e.g. community halls /place of worship etc ;) will be needed in the village and that these may be best located in the central area, but does not set out the likely level and cost of such apart from the inclusion of an element of the proposed retail. A clause in the 106 should specify a suitable level of funding and a time table for the building of such community facilities as may be needed following discussions with social services.

12.12.3. The submissions include a strategy for the provision of works of art in accordance with the councils Per Cent For Art policy. This needs to be included in the 106 Agreement.

12.13. Access for the Disabled

12.13.1 The scheme includes statements as to how access for persons with mobility difficulties are to be dealt with in the roads and footpath systems but there is no general 'access statement' as now recommended by the government. This should be obtained and assessed before consent is given.

12.14. Funding and Timing of Infrastructure.

12.14.1. It will be vital that the village is provided with basic infrastructure such as roads, sewers, services and drainage, but also public transport and Public Art, open space, play equipment and community facilities, in a timely manner. Most of these need to be 'up-front' and will go through parts of the site before they are developed in any other way. There is therefore a vital need to ensure that the means of securing the funding and timing of such infrastructure is set up as part of this application. This will almost certainly mean that each part and/or developer of the overall village will need to contribute a proportion of the costs of all the infrastructure based on some sort of formulae reflecting the relative value of each development, or floor area, or such other means of differentiating between each element of the overall development of the village. Such a formula therefore needs to be built into the 106 Agreement together with the timing of provision of infrastructure.

13. Heads of Terms of the 106 Agreement.

1. Funding of infrastructure items – the 106 is to ensure that a mechanism (the details of which to be agreed) will be put in place to establish formulae which will if required enable equitable contributions from all developers within the BUV site to be pooled and used for primary infrastructure and other items 'in-common' such as education, community facilities, per-cent for art, sport and play items etc; as are identified below and that a timetable for the delivery of such infrastructure will be agreed

2. Highways and Transportation – requirement for the developers to procure or to make a financial contribution towards off-site and on-site highway works; to provide public transport improvements (including a possible 'hopper' service) as recommended in the above, bus shelters and to improve road safety through road safety initiatives and facilities, and agree a timetable for their provision.

3. Metro – requirement for the developer to contribute to the cost of a new metro stop at the village, or if appropriate to fund effective pedestrian, cycle and public transport links to existing nearby metro stops and agree a timetable for their provision.

5. Public Open Space – the developer to provide or fund the provision of all areas of POS by way of contributions to be agreed in due course (on and off the site as set out in the above) and associated play areas and equipment and agree a time-table for their provision and to agree a means by which the long-term management of the public open spaces and all associated play and

sport equipment and facilities and the associated surface water drainage features and system surface water drainage as a whole, is to be secured.

6. Sports facilities – requirement for the developers to fund the improvement of the playing fields and any further facilities to be agreed with the developer assessed above as to be necessary to serve the site effectively, both on and off site (with the exception of the leisure centre which is to be funded by the Council) and for the 106 to provide for the completion of a Community Use Agreement in respect of the use of the leisure centre and the playing fields associated with the Parkfield Bilston High School before occupation of the leisure centre.

7. Community Facilities/school provision – the 106 is to provide for a further assessment of community need and if such need is identified as arising directly from the village a contribution to be made to the provision of community facilities either on or off site plus indicative allocation of land to be shown to allow for a school and/or a contribution

8. Works of Public Art – developer to fund a scheme of works of public art to the value of up to 1% of the total development costs of the whole village site and agree a timetable for their provision.

9. Affordable housing – requirement for the developers to allocate and provide a percentage of affordable housing across the whole village in accordance with need to be assessed at the time of development commencing, and in accordance with council policy at that time, together with a timetable for tier provision.

10. Targeted Recruitment Initiatives – the developer to produce a Targeted Recruitment Methods Statement of measures designed to maximise job and training opportunities for local persons during demolition and construction and beyond.

11. Green Transport/Travel Plan - The production of a detailed Green Transport/Travel Plan to show how and by what means and over what time scales, the use of public transport, cycling, motorcycling and walking is to be encouraged and the use of private car trips and the overall need to travel by those working, living or otherwise visiting the Bilston Urban Village, is to be reduced, setting targets and dates for its implementation and the means by which the Green Transport Plan is to be monitored. Also requirement for the developer to fund a travel plan 'pack' of information on local public transport, walking and cycling facilities, before any accommodation is occupied.

12. Energy use reduction Plan – Developer to carry out an assessment as to the energy needs generated by the expected population and commercial uses at the Bilston Urban Village and to produce an integrated energy plan/strategy for the BUV to secure means by which to minimise energy use in the design, construction and use of buildings and to include the means and timetable by which the plan/strategy is to be implemented and the means by which its implementation is to be monitored.

13. Canal corridor improvements- the developer to secure canal corridor improvements in relation to the canal as it abuts the village boundary or to

provide a contribution to British Waterways Board to be agreed to assist in the overall improvement scheme to be carried out by British Waterways Board

14. Allotments – developer to provide treated and top-soiled site and infrastructure and lay out as for public open space, for the allotments and funds for the future maintenance and related facilities and agree a means for the long term management and a time table for the provision of these allotments.

15. Stakeholder Liaison Group - the 106 shall ensure (if not already constituted and howsoever named) the establishment of a “stakeholder Liaison Group” the membership structure and objectives of such group to be agreed in writing with the Local Planning Authority.

14. Conditions to include the following;

DRAWINGS

1. Approved drawing No.2221/L/005 Development Framework
2. Standard outline conditions- but approval only of part means of access, with all matters reserved and substitution of 15 years for approval of subsequent reserved matters, applications in place of the standard 2 years.
3. The development to be carried out in substantial accordance with the details shown in the drawing 2221/L/005 and as described in the Environmental Impact Statement and supporting documents and the mitigation measures therein.

PHASE 1 REMEDIATION

1. Final contours of the whole site to be agreed.
2. Scheme of decontamination for whole site to be agreed to include phasing and times of operation; methods; screening; noise odour and vermin and dust reduction; security and vehicle routing; volumes to removed; location of plant and machinery; bunding and temporary storage areas etc;
3. Approval of, a site investigation method statement with risk assessment; conceptual model; site specific targets and remediation strategy. All to be carried out before the respective parts of the site are developed. Final report to verify targets met.
4. Before any remediation or building works commence a survey for the presence of protected species to be carried out and if found a scheme for mitigation agreed.
5. Final report to verify that work to mine shafts and workings have been satisfactorily carried out.
6. Agreement on a scheme of noise reduction and attenuation before any works commence.
7. Agreement on a means of monitoring for pollution in the Bilston Brook during works and action to be taken if agreed levels exceeded.
8. No works to commence until an archaeological study; and mitigation and means of monitoring and recording findings has been agreed.

9. No works to commence until a Waste Management Plan for the whole of the development is approved and in place.

PHASE 2: INFRASTRUCTURE AND LANDSCAPING/CONTOURING

1. No development until details of primary roads, cycle ways and footpaths network agreed. No buildings occupied until served by appropriate part of the network.

2. No part of the site to be occupied until the enhanced public transport facilities are in place as required by the 106.

3. No parts of the site served by Brook Street or Northcott Road to be used until details of the means of access via Brook Street and the upgrading of Northcott Road are agreed and implemented.

4. No development until a programme for the timing and phasing of all highway extinguishments and closures including Dudley Street and the timing and phasing of all new highway works, alterations to existing highways and junctions and pedestrian and cycling facilities, are approved.

5. No part of the site to be occupied until pedestrian crossing proposed for the BCR and Highfields Road are in place.

6. No part of site to be used until traffic calming measures in Highfields Road, Salop Street, Bank Street and Ash Street are approved and in place.

7. No part of the site to be occupied until a strategy for the treatment of the BCR between Coseley Road Island and Oxford Street is agreed and implemented.

8. No development to commence until a scheme for the disposal of foul water is agreed and shall be implemented before any respective part of the site is occupied.

9. Before development commences a flood assessment and abatement scheme shall be approved and carried out.

10. Standard Landscape conditions.

11. Before development commences an Access Design Statement shall be agreed.

12. A development phasing plan shall be agreed before development commences.

PHASE 3- BUILDING CONSTRUCTION

1. No development until scheme of routes for construction traffic and signage agreed.

2. No site to be occupied until an adoptable road and footpath is available for use in connection with it.

3. Standard approval of facing materials and landscape conditions.

4. No development shall take place on residential plots C, D, F & O, until the possible adverse effects of the existing industrial uses on the adjacent sites from any likely cause of disturbance have been assessed and evaluated at the time.

No development on residential plots D, J & O until any effect from disturbance from the proposed employment uses on the adjacent plots I & E have been assessed and evaluated.

5. No retail unit on the site shall exceed 550sqm gross floor area and in overall total shall not exceed the 2260sqm indicated.
6. Ground levels for each site/building to be agreed as part of each planning application.
7. No building shall exceed the heights specified in Fig No. 4 for the various plots.
8. Details of gas barriers to be incorporated in the construction of all buildings to be agreed.
9. Approval of boundary treatments and their implementation.
10. No site/building to be occupied until all vehicular access and parking has been provided.
11. A noise survey and report with recommendations as to possible effects of road traffic on all proposed housing areas to be agreed before development of each site commences.
12. No outside storage of goods or materials without prior consent.
13. No site or building to be occupied until satisfactory surface and foul drainage is in place.
14. No building or tree planting within 2.5m of any 225mm public sewer, or 5m of any 300mm or over public sewer.
15. Approval of a 'water-use minimization scheme' before development commences.

OTHER CONDITIONS

1. No public rights of way to be closed unless diversion agreed
2. No reclamation, earth or construction works outside the hours 0700 to 1800 hrs weekdays and no work at all on Saturdays or Sundays without prior agreement.
3. No floodlighting or security lighting during reclamation, earth works or construction without prior approval.
4. Further conditions as might be recommended by transportation (awaited at the time of writing)

15. Equal Opportunities Policy

- 15.1 The BUV will provide housing and employment opportunities for people in a wide range of social-economic brackets.

15. Environmental Implications

- 15.1 These are fully set out and assessed in the body of this report.

16. Financial Implications

- 16.1 As part land owner their Council does have a financial interest in the building of the BUV. This however should not be a material consideration of any kind in the Committee's consideration and determination of this application.

Chief Planning & Transportation Officer- Costas Georghiou

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Case Officer - Alan Murphy

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