



ITEM NO: 1.

To: DEVELOPMENT CONTROL COMMITTEE

Report of Head of Planning
and Building Control,
Regeneration
On 21 Oct 2008

REASON FOR BRINGING TO COMMITTEE: Major Application

Application Number: 08/0951/OL

Application Type: Outline Application

Applicant: Dr Peter Cromer

Proposal: Walsall Gigaport - Outline Application (Access Only Considered). Erection of 127,000 sqm of B1(A) offices, a 4,206 sqm data centre, 4,300 sqm hotel with conference facilities, 23,195 sqm of live/work space, a 5,890 sqm health and sports facility and 621 sqm of A1/A3 (retail/non-retail) floorspace together with associated highways works, public transport facilities, new public square, landscaping and car parking. (Revision of planning application reference 07/2659/OL/W7).

Ward: St. Matthews

Recommendation Summary: Grant Subject to Conditions Subject to Referral to Government Office

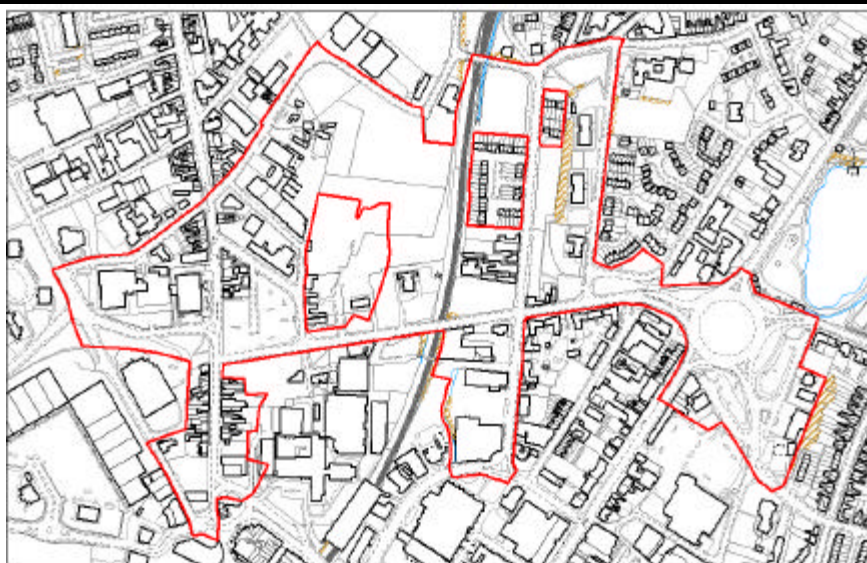
Case Officer: Andrew Thompson

Telephone Number: 01922 652403

Agent:

Location: LAND NORTH OF WALSALL TOWN CENTRE, BOUNDED BY LITTLETON STREET WEST, HATHERTON STREET, HATHERTON ROAD, WISEMORE ROUNDABOUT, GREEN LANE, BLUE LANE EAST, PORTLAND STREET, NORTH STREET, TEDDESLEY STREET, ARBORETUM GYRATORY, WALHOUSE ROAD & LICHFIELD STREET, WALSALL.

Expired: 09/09/2008



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Application and Site Details

The application is in outline with means of access to be considered at this stage is to agree the access points to the development from the existing highway network and the scope of development. All other matters, including the layout plan submitted with the application, are illustrative only.

The proposals are supported by an indicative layout plan, Transportation Assessment (including a draft Travel Plan framework), Ecological Assessment, Heritage Assessment, Design and Access Statement, Air Quality Assessment, Noise and Vibration Assessment, Flood Risk Assessment, and Ground Investigation Reports.

The total site area is 25 hectares. The site encompasses a large proportion of the town centre to the north of Littleton Street surrounding the new Walsall College building stretching from Green Lane to the Arboretum junction. The proposals also include Ward Street and the area fronting Morrisons' car park including the car service and repair premises and retail units on Walhouse Street.

The northern boundary the proposals are up to Portland Street (excluding the properties on the northern side and Eccles foundry, next to the railway line) and include the potential reuse of the new Walsall College car park. The proposals do not include existing houses off Teddesley Street but do include Booth and O'Hare House which are currently being demolished.

To the south of Littleton Street West the proposals include the western half of Hatherton Street (including the Challenge Building and Albert Street) and Stafford Street (up to the line of the application boundary of the approved new Tesco town centre store).

For the purposes of the application the scope of development on Walsall Gigaport comprises up to:

127,000 sqm Offices (use class B1 (A)) including a Business Incubation Centre,
4,206 sqm Data Centre (sui generis – the centre would include the storage of data and computer servers which can be used by the business community),
4,300 sqm Hotel with Conference Facilities (use class C1),
23,195 sqm of Live/Work Space (use class sui generis),
a 5,890 sqm Health and Sports Facility (use class D2),
621 sqm Retail and/or Restaurant (use class A1/A3)

The proposals also show a potential extension to Walsall College (currently under construction). This has not been quantified in terms of floorspace, storey heights or timescale but is required as part of the overall, longer term plan for the College.

As the layout is indicative and the scale of each building is not to be determined by the outline application, the precise details of what highways works are necessary is not possible to determine at this stage. The proposals include the need to form further pedestrian links across Littleton Street West, access to car parks and buildings, creation of public squares and changes to the treatment of existing roads to improve the quality of the environment.

Similarly due to the indicative nature of the proposals public transport improvements are not determined at this stage. The details to be agreed at later stages include an

additional platform at the railway station, bus driver facilities, revised bus route details and bus stops.

The proposals also show a potential amendment to the proposed route for the 5W Metro scheme moving the route from through the outbuildings associated with Wisemore House onto adopted highway at Portland Street. This would alter the relationship of the route with properties outside the application site and is discussed later in the report.

A maximum level of car parking of 3,066 car parking spaces has been shown on illustrative layout plans. This includes the replacement of the existing 590 spaces at Day Street, the new College Car Park and Hatherton Street, giving a difference of up to 2,466 spaces.

The illustrative layout plan also shows potential improvements to existing open space and links to the town centre and in addition the potential to create a new public square around Wisemore House which is Grade II listed.

The Design and Access Statement indicates that first phase of the Gigaport will be the area between the New College and the railway line. The aim is for the proposals to include the proposed data centre, a Business Incubation Centre comprising offices and incubator units, the first office building fronting Littleton Street West together with the intervening public spaces. The remaining phases are yet to be defined.

The Business Incubation Centre, to be developed in conjunction with Council's partners, aims to build on high quality offices and incubator units will attract inward investment and support enterprise. For example students from Walsall College's Enterprise Academy can develop their business ideas here and develop future small and medium enterprises.

It is proposed that high quality urban design will mark out Walsall's office development as a distinctive and innovative quarter. The indicative layout incorporates energy efficiency and sustainable principles.

The proposals will also develop upon a fibre optics network and using the Data Centre as the focus for the development and co-location of IT-based industries in the Walsall area, also providing national and international connectivity. The establishment of a 'green' data centre with a lower than usual carbon footprint will stimulate IT-based economic activity, thereby driving forward the regeneration process.

Attractive landscape and green spaces, live-work units and leisure facilities are also at the heart of the indicative layout plan. The plan includes the opportunity for a quality hotel with conference facilities, a health and sports facility to complement the new Walsall College and live/work units to provide flexible business premises with living space. Some limited supporting retail use is also proposed.

Relevant Planning History

Although there have been numerous applications within the application site, none are considered relevant other than the following to the consideration of this application.

Cabinet Resolution 18th April 2007

Discussed further below but made recommendation to agree the boundary of the office corridor, to support a statement of intent that will seek to deliver office developments over other uses on land that is identified within the office corridor. The Cabinet also agreed to a programme of strategic acquisition of land within the office corridor.

Walsall Gigaport

07/2659/OL/W7 - An earlier version of the present scheme, the application was withdrawn in favour of current application following discussion with landowners, technical officers and other interested parties.

A Screening Opinion was submitted to the Council, under reference 07/1069/ND/W7, and the need for an Environmental Statement was considered further under the current application under the Environment Impact Assessment Regulations 1999 as amended. It was considered that the proposed development would not likely to have a significant additional affect on the environment given the scale of existing and previous uses on the site. It was therefore considered that with the submission of appropriate supporting documentation, an Environmental Statement was not required with the application.

Walsall College and Tesco Application

06/0367/OL/W7 - OUTLINE: Demolition of existing buildings and erection of replacement college facilities (planning class use D1), on land north of Littleton Street West, retail (planning class use A1), including a food store, residential (planning class use C3), office (planning class use B1a), petrol filling station and car parking on land south of Littleton Street West, means of access and other associated works. Granted 15th December 2006. The application was not called in by the Government Office and the new college is now under construction.

Other applications

There was an earlier foodstore application also in outline, and including a petrol filling station. It was refused for Tesco (BC55162P) in 1994, on the basis that it was:-

- contrary to shopping policy;
- isolated from the Town Centre;
- too car-oriented, failing to meet the needs of other modes of transport;
- a threat to the vitality / viability of the Town Centre;
- the road proposals were premature;
- demolition of Slipper Baths and Lime House was unacceptable;
- loss of employment land;
- should be supported by a detailed layout.

Also on this northern site:

BC44326P - Outline: Retail DIY store and garden centre (A1), bulk store, industrial starter units (B2), car parking and associated works. Granted March 1997.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from First Stop Shop in the Civic Centre, Darwall Street and on Planning Services Website)

Considering the size, scale and variety of the permission the application is relevant to a significant proportion of National, Regional and Local Planning Policy

Unitary Development Plan (UDP)

Due to the nature of the application in establishing planning principles and policy much of the planning policy is discussed in the Observations sections below.

The overall aim of the UDP is to regenerate and change the direction of Walsall Town Centre into a vibrant and economically successful town centre. The policies encourage offices in appropriate locations.

The UDP allocates land within the application site, under policies WA7 (I) and (VI), WA8 and WA13 as areas of major regeneration potential including mixed use developments of offices, leisure, hotels, residential and car sales and comprises approximately a quarter of the application site (6.8ha). The need to secure appropriately designed solutions, high quality environments, preserving and enhancing the historic environment, and ensure that the developments are comprehensive in manner. The need to consider appropriate measures for flooding, highway improvement, and car parking are also considered.

The UDP seeks good quality development, appropriate to its area, reflecting a wide range of ecological, traffic (both vehicular and non-vehicular), environmental, and economic aims embodied in Policies GP1, GP2, GP3, GP4, GP5, GP6, GP7, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, ENV9, ENV10, ENV11, ENV13, ENV14, ENV17, ENV18, ENV19, ENV21, ENV22, ENV23, ENV25, ENV26, ENV27, ENV29, ENV31, ENV32, ENV33, ENV34, ENV35, ENV39, ENV40, JP2, JP3, JP7(d), S1, S2, S3, S4, S5, S7, S8, S10, H3, H9, H10, LC1, LC2, LC6, LC7, LC8, WM1, WM4, WA3, WA4, WA3, WA5, WA6, WA7(I) and (VI), WA8, WA13, WA15, WA16, WA17, WA18, WA19, and paragraphs 4.6, 4.13 and 4.14 of Walsall Unitary Development Plan, March 2005.

Walsall Local Development Framework

The Black Country Joint Core Strategy (JCS) has completed its Preferred Options Consultation. It allocates this area of the town for office led development and being part of Walsall Town Centre Inset Boundary as shown on its Key Diagram. The JCS advances the regional requirements and within its own plan period of 2006 to 2026 aims to deliver 220,000 square metres of offices in Walsall Town Centre. Whilst not formally part of the Development Plan (as defined by Section 38(6) of the Planning and Compulsory Purchase Act 2004), the JCS is a material consideration. Further consultation is anticipated in early 2009.

Supplementary Planning Documents (SPD)

Designing Walsall SPD

Designing Walsall (February 2008) is considered relevant as it is adopted. Its role is to promote high quality design through established urban design principles and promotes innovation and respect of the character of an area. The adopted SPD also seeks a level of contribution towards public art.

DW1- Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;
DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;
DW3 – Character -design to respect and enhance local identity;
DW4- Continuity - attractive spaces within new development should be defined or enclosed by buildings, structures or landscape;

DW5 Ease of movement - create places that are easily connected, safe to move through;
DW6 – Legibility - new development should contribute to creating a place that has a clear identity;
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DBW 10 – new development should make a positive contribution to creating a sustainable environment.

The Natural Environment SPD is also relevant in assessing the implications of the proposals on the natural environment, ensuring that protection, mitigation and improvements to the natural environment are safeguarded through the application process.

Regional Planning Policy

The Regional Spatial Strategy has been revised and republished on 15th January 2008 to reflect the first Phase of Review. The Strategy seeks to provide broad regional directives and recognises the role of the regeneration of the Black Country in the overall performance of the West Midlands Region.

The focus for the Black Country policies is to continue its economic, physical and environmental renewal focused around improved infrastructure and the regeneration of town and city centres (including Walsall) to create modern and sustainable communities.

- a) to reverse out-migration accommodating within the Black Country all of the generated household growth from 2011 and meeting at least the identified levels of housing provision;
- b) to raise income levels raising demand and household incomes (average earnings, GDP per head and reducing unemployment) to the UK average by 2033;
- c) to create an inclusive and cohesive society within the Black Country removing barriers to opportunity and changing the socio economic mix by increasing the proportion of social grades A and B to match the national profile by 2033 or earlier; and
- d) to transform the Black Country Environment by protecting and enhancing the sub-region's environmental and heritage assets and biodiversity.

The four strategic centres of the Black Country (including Walsall) are to be the main locations for major office (B1(a)) development. The Policy considers that each centre has both potential and capacity to absorb an equal proportion of proposed growth and each to accommodate up to 186,000sqm of office development from 2004 to 2021 This figure should be regarded as indicative and will be subject to review in the light of monitoring of the actual level of development and progress in implementing the Joint Core Strategy.

Overall in the Black Country growth totalling up to 845,000sqm gross of B1(a) office floorspace (including commitments) will be provided in the Black Country in the period 2004 to 2021.

As part of the ongoing review of the RSS to produce regional targets to 2026, the RSS Phase Two Revision Preferred Option that has recently been submitted to the Secretary of State indicates that between 2006 and 2026, Walsall should be looking to accommodate some 220,000sqm of office development within or on the edge of its strategic centre. This application clearly makes a major contribution towards this.

For the record, the relevant policy references supporting these propositions are: Policies PA1, PA2, PA3, PA4, PA5, PA6, PA10, PA11, UR1, UR1A, UR1B, UR1C, UR3, UR4, QE1, QE2, QE3, QE4, QE5, QE7, CC1, EN1, EN2, T1, T2, T3, T4, T5, T7, T8, T9, CF1, CF4, and CF6 of the Regional Spatial Strategy for the West Midlands (RSS11).

National Policy

(The terms Planning Policy Statement and Planning Policy Guidance Note are abbreviated to PPS and PPG respectively).

PPS1 seeks to encourage a high quality environment with design and sustainability at the heart of all proposals. The guidance seeks to reduce the use of the private car and by creating 24hour environments will promote alternative modes of transport. The guidance also seeks to ensure that the requirements of climate change are addressed.

PPG4 and Draft PPS4 seek to encourage a modern working environment and to encourage enterprise and innovation. Recognition of the role of IT and new technologies are important considerations.

PPS6 seeks to strengthen and promote town centres. Paragraph 2.39 is the most relevant to this application. It considers that the need for new office floorspace over the development plan document period should be defined as part of the plan preparation and review process, and updated regularly. At regional level this should involve the forecasting of future employment levels and the identification in regional spatial strategies of suitable broad locations where regionally significant office development should be located. The physical capacity of centres to accommodate new office development and the town centre's role in the hierarchy should also be relevant to planning for new office development.

PPS9 seeks to ensure that biodiversity is considered as part of the application. PPS11 seeks to ensure compliance with the Regional Spatial Strategy and PPS12 guides on Local Spatial Planning.

PPG13 guides that the reliance on the private should be reduced and that developments should accommodate opportunities for walking, cycling and use of public transport. The level of car parking in town centres should be managed and wherever possible reduced.

PPG14 seeks to ensure that development takes account of unstable land, while PPG15 and PPG16 seek to ensure that appropriate action is taken to ensure that the historic environment and archaeology are preserved and/or enhanced.

PPG17 seeks to ensure that there is appropriate provision for sport and recreation and seeks to ensure that development does not adversely affect open space. PPS22 encourages the use of renewable energy and seeks to reduce the energy requirements of new developments.

PPS23 and PPS24 consider the requirements of development to take account of pollution, contamination and noise.

PPS25 seeks to ensure that appropriate safeguards from flooding are incorporated into new development. The use of Sustainable Drainage Systems and other methods to reduce rainwater runoff are encouraged.

The Good Practice Guide for Tourism (Published by the DCLG as a replacement to Planning Policy Guidance) is the main document relating to tourism. It seeks to ensure that all types of tourism activity, including business and corporate sectors, are encouraged in sustainable locations.

Circular 02/99 (Environmental Impact Assessments), 07/99 (Departures and Development Plans) and 05/2005 (Planning Obligations) are all considered to be relevant.

Consultations

West Midlands Regional Assembly – the proposals supports the implementation of the RSS and as such is in *General Conformity* with it. In particular, it supports Urban Renaissance, Black Country Regeneration and Prosperity for All policies by seeking to provide high quality business accommodation and employment opportunities in an accessible location that is specifically identified for regeneration. The uniqueness of the proposal renders it of regional as well as local and sub-regional significance and as such it is clearly supported in principle.

Black Country Consortium – Fully support and applaud the scheme. This proposal will make a major contribution to the delivery of the Black Country's highly sustainable Centres and Corridors strategy, providing more than a half the 220,000sqm of office development required in Walsall strategic centre to 2026 to meet our ambitious economic aspirations. The approach of underpinning this with high technology infrastructure and a mix of supporting uses demanded by the most discerning of business users is the sort of development that is required to drive the transformation of the Black Country environment to attract and support competitive businesses to reduce the current Black Country and regional output gap.

The Black Country Consortium commends this proposal as a major contributor to sustainable economic growth of the sub-region and the achievement of our shared aspirations and strategy for Growth and Competitiveness.

Transportation – No objection subject to conditions and revised quantum of car parking and the removal of Wisemore as a location for bus routes. The rates agreed with the applicant for the office components were 1 space per 40 square metres of gross floor area for phase one and one spaces per 70 square metres gross floor area for phase 2.

This has now been amended to 1 space to 60sqm and 120sqm were used for phase one and phase two offices respectively, when applied to table 4.6 in the TA, this would result in phase 1 parking provision of 846 spaces (not 1269, a reduction of 423) and phase two parking of 635 (not 1088, a reduction of 453 spaces), giving an overall reduction of 876 spaces, or approximately 37% less. This will still provide 1481 off-street spaces and assumes the replaced college parking remains at 329

spaces.

In conjunction with the reduction in the amount of off-street car parking spaces, improvements to public transport, walking and cycling routes, as part of the travel planning approvals for the development, Officers would suggest that each occupier is allocated a proportional number of the car parking spaces available for their exclusive use and the Council retains control of the allocation process. Occupiers who fail to meet the travel plan targets could then be “fined” a certain number of their spaces. This would give the travel plan some teeth and occupiers incentives to reduce the number of single occupant car trips and promote alternative modes of travel. A significant proportion of the parking would still need to be publically available however for other town centre uses.

Section 7 of the TA discusses the predicted trips that will be generated by the development. In accordance with standard industry practice, this is based on the gross floor area of the proposed development, assessed by individual class uses, using the TRICS data base.

Normally, the relevant factor is the difference in trip generation between the present use and the proposed use. This can become contentious if the site has an approved use but has been vacant or underutilised for a long time. In these cases, I would not normally accept any allowance for existing uses. This applies to a significant proportion of the Gigaport site.

However, there are existing uses within the area that currently generate trips and it is legitimate to take these trips into account or net them off when considering the impact of the development. The TA assumes that all office development will be new development and will generate trips according.

The main uses are the Police Station, Law Courts and the Chamber of Commerce and Challenge Buildings. Whilst the gross floor area of these uses or their peak hour trip generation in compared to that of office use is not known it is estimated that this could account for up to 7% of the total development area. It is likely that this could translate into an equivalent amount of the person trips and in residual vehicular trip generation and should be excluded to avoid double counting. If the other miscellaneous existing uses are also added in, this could equate to an overall reduction in the predicted trip generation in the order of 10%.

This, when coupled with the reduction in parking provision and improvements to public transport cycling and walking facilities is likely to have resulted in an over estimation of the impact of the development. Without the modelling work being repeated with the revised data, it is impossible to estimate the extent of any over-estimation. The 2017 "Do Minimum" (DM) model result - the base year model modified to include the estimated benefits of the completion of the TCTP and impact of the new college and Tesco proposals plus an allowance for growth in background traffic between 2007 and 2017- shows a significant drop in vehicle speeds and indicates that the model is failing to cope with the predicted increase in the growth of background traffic. This is compounded by the addition of the Gigaport traffic, as shown in the 2017 "Do Something" model result which is the 2007 DM model plus the estimated impact of the traffic generated by the Gigaport proposals plus an allowance for growth in background traffic. As expected, these low average network speeds are indicative of problems primarily at junctions in the network, although the capacity of the link (the road) between junctions may also be exceeded.

If approved, a development of this scale, will inevitably involve a multitude of detailed issues that need to be addressed as part of the reserved matters application. These include:-

- The National cycle route, which passes through the area, along Hatherton Street, and will need to be protected or preferably enhanced.
- Highway extinguishments / diversion - Day Street and Garden Street are effectively extinguished under these proposals. The access road to the new College is re-aligned. Stafford Road is widened on its approach to the ring road from the north, to compensate for the loss of Day Street. The capacity of this junction will need to be assessed. New routes may be created as a result.
- Servicing arrangements for all existing / remaining properties adjacent / within the area.

Highways Agency – No objection subject to conditions relating to individual travel plans being prepared and conditioned accordingly.

Built Environment Team - The principle of the Gigaport is broadly supported in terms of Urban Design and Built Conservation. Future detailed design proposals must embody the council's aspirations for high quality design and create a sense of place based on the innovative and entrepreneurial vision for the Gigaport. The high quality of design sought for this regeneration scheme must embrace buildings, streets, spaces, sustainability and local distinctiveness, in particular protecting and enhancing the local heritage assets that add diversity and character to this part of Walsall. Clear guidance on the principles underpinning the design-led approach that any future reserved matters submission for the Gigaport requires is contained within the Gigaport Design Compendium which embodies the emphasis on aspirations for innovation, quality and creativity in designing and delivering the Gigaport.

Strategic Policy – Overall support the proposals for the delivery of offices in line with the requirements of the Regional Spatial Strategy and Joint Core Strategy. Suggest appropriate conditions on retail uses. The proposals should aim to integrate itself into the town centre, and avoid an isolated development north of the Ring Road. Concerns are raised over the indicative location of the leisure use to the north of the Ring Road as Strategic Policy consider that this use should be located in the town centre. Planning policy encourages mixed use developments in locations such as that of the Gigaport however steps need to be taken to limit housing and ensure that offices are the primary use in the area.

Network Rail - No objection in principle to the development, however due to its close proximity to the operational railway; we would advise in particular the construction methodology, drainage, landscaping, crash barriers, lighting and fencing should be the subject of conditions, the reasons being to ensure the safety, operational needs and integrity of the railway.

Centro –request that the following are addressed by appropriate conditions and that significant contributions be sought towards public transport improvements.

It is recognised that the proposals are in outline and that further work and reserved matters submission will be required to determine the precise position of buildings and

their relationship to public transport facilities, in particular the proposed 5W metro route.

Highway capacity - it is understood from the Transport Assessment that the highway network cannot be significantly improved in this area meaning that highway capacity and junction capacity will be limited. This is a large scale development and likely to be a major trip generator. In light of this, good public transport provision will be essential. Centro considers that the applicant and/or subsequent developers should therefore be required to invest in public transport infrastructure and services.

Metro - Centro welcomes the inclusion of Metro in this proposal. The development of the Metro alignment should be fully considered in order that it is not prejudiced. It is therefore imperative that discussions regarding the final alignment of Metro continue and a suitable alignment is negotiated.

Bus - There is concern that without improvements to key junctions or significant bus priority, bus services will not be able to operate efficiently. It should be ensured that the operation of existing bus services is not impeded and that there is adequate bus provision for the site and this is likely to require funding from planning contributions.

Conflict - There is concern that as the proposals stand, there will be conflict between the proposed bus priority measures shown and the Metro alignment. Centro considers that a set of compatible proposals for bus and light rail should be considered and would welcome the opportunity to discuss this further with Walsall Metropolitan Borough Council in the first instance.

Travel plan - The developer (or final occupiers) should be required to affiliate to Company TravelWise and develop a Travel Plan to promote public transport.

Parking - The proposed number of parking spaces seems very high for such an accessible location. The proposed level of parking is likely to cause a significant increase in delays, queues and journey times to an already congested base scenario. Centro considers that parking provision should be reduced and a significant investment is made to improving public transport to cater for the high number of trips that the development will generate.

In order to ensure that this site is sustainable and well served by public transport, Walsall MBC should negotiate financial contributions towards ongoing public transport infrastructure improvements in the area as well as the long-term development of the public transport network by use of a S106 and/or S278 agreement. It is also vital that the final agreed Metro alignment is protected and therefore Centro request that the land required for Metro is dedicated to Centro or adopted as public highway. Additionally, given the scale of the development Centro also request that Walsall Metropolitan Borough Council seek a stretching financial contribution but that still ensures the development proposal remains financially viable, through a planning condition in order to deliver the necessary transport infrastructure needed to serve this development.

It should be noted that Centro are working with Walsall Regeneration Company (WRC) and Walsall Metropolitan Council to develop a Transport Action Plan to support the scale of regeneration and development being promoted by WRC.

Pollution Control Contaminated Land Team - support this proposal as it offers opportunities to address land contamination arising from historic industrial activity through regeneration of existing land use. Conditions to ensure that land contamination is adequately addressed have been provided together with suitable conditions to be attached as appropriate to any subsequent reserved matters approvals.

Pollution Control Scientific Team – Overall no objection to the proposals however there are a number of concerns relating to this proposal that would need to be addressed through further assessment of air quality, noise and vibration. It is proposed that these can be dealt with by condition and that air quality impacts, via a low emissions strategy, be progressed in line with other work being progressed.

Archaeology - The Heritage Assessment document is an assessment of the built heritage and does not take account of any buried archaeological potential except to say that there should be consultation with the Black Country Archaeologist over individual proposals and further work and assessment is necessary on each individual scheme.

Environment Agency – No objection subject to conditions.

Natural England – No objection.

Fire Service – No objection

Ecology – No objection subject to conditions and green infrastructure being brought forward in strategic design work being carried out.

Coal Authority - No objection however the proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involve entry into mines, the implementation of site investigations or other works.

West Midlands Police - No objections though it is imperative that 'secure by design' is achieved along with the 'parkmark' award on the car parking areas.

Building Control - No objection subject to an informative

British Waterways – No objection. Requests that the Council considers the use of the canal for transportation of freight, as a leisure destination for cycling and walking and cooling and heating systems for new development. The appropriate provision of S106 monies to British Waterways is also suggested. An informative is suggested in relation to any works affecting the canal or towpath network.

Inland Waterways Association (IWA) – No objection

Economic Regeneration – Support the proposals

Public Participation Responses

Walsall College support the proposals subject to their interests being maintained and included in any permission. The College recognises and is committed to the

regeneration of Walsall Town Centre and is committed to aiding the delivery of a new Health and Sports Academy in partnership with a development partner, acknowledges the relocation of the College's car parking. The College considers the complementary uses and the traffic measures and public transport improvements are acceptable.

Three objections have been received –

Haywood Haulage object to the application on the grounds of the inclusion of part of their property in the plan, the loss of which will require relocation of their business, the proposed metro line route and its impact on their operations, the relationship of live/work to industrial occupiers outside the corridor, and the impact of existing occupiers and operations on proposed live/work occupiers.

2 letters have been received from Brian Lowndes Print Ltd on Portland Street objects to the proposed metro route shown and the fact that this runs through their property. Mr Lowndes claims that this would blight their business and requests that the application be refused until such time as the metro route has been defined and discussed with existing occupiers.

Tesco Stores Ltd have raised objections with regard to the impact of the proposals on the highway network, principally access to their store and the inclusion of buses along Wisemore. They note that the submitted Transport Assessment shows queues of 105 vehicles exiting from the Tesco car park onto Littleton Street West during the 2017 PM peak and are particularly concerned with regard to the need to promote alternative modes of transport through the submitted Travel Plan which requires further work. Tesco consider that Stafford Street provides a perfectly acceptable route for buses, passing as it does through the heart of the western portion of the Walsall Gigaport development and there is no justification for the proposed diversion. Tesco consider that the applicant's Air Quality Assessment provides an insufficient basis on which the Council can determine the application and see no justification for the approach adopted in the supporting Air Quality Assessment. Tesco considers that the Council should seek further technical evidence to demonstrate that the proposed development would not result in harm.

Determining Issues

- The Council's Cabinet Report – 18th April 2007;
- The planning policy context for office use;
- The planning policy in relation to other uses;
- The sequential position of the development
- The phasing of the development;
- The indicative layout plan and 3D fly-through;
- The impact on the highway network;
- The impact on air quality;
- The impact on existing occupiers and businesses within and around the proposals;
- The impact on the heritage of the area (e.g. Wisemore House and Leather Museum);
- Comments from local residents/landowners;
- Impact on neighbouring residential occupiers;
- The main benefits of the proposals; and
- The implications of not approving the application.

Observations

The Council's Cabinet Report – 18th April 2007

One of the Council's priorities is to strengthen the local economy by diversifying the workforce and thereby increasing the proportion of the workforce employed in knowledge based growth sectors. The need to diversify the local economy has been recognised by the Black Country Study which has now been incorporated in the Regional Spatial Strategy. It states that such office space should be concentrated in the four strategic centres, which means a significant proportion would need to be provided in Walsall town centre.

It was acknowledged that this area has considerable assets, including its proximity to the new College, infrastructure improvements provided through the TCTP scheme, the opportunity to provide a critical mass of sites within and close to the main shopping core of the town centre, and the fibre optics project.

As such, the Cabinet agreed the following recommendations:

- (1) To agree the boundaries of the area to be defined as the office corridor as defined in the application.
- (2) To support a "statement of intent" that will wish to seek to deliver office developments, as a priority over other uses on land that is identified as lying within the defined office corridor.
- (3) To support a programme of strategic acquisitions to expand the Council's portfolio of land in the office corridor.

As part of the resolution, the Council, together with the applicant, the Walsall Regeneration Company, will endeavour to relocate any displaced companies in as practicable and easy manner as possible.

The resolution of the Cabinet does not prejudice the outcome of this planning application. It however, does not form a planning document or part of the development plan and therefore on its own cannot be relied upon to resist other development.

The planning policy context for office use

The ambitious growth plans and requirements of the Regional Spatial Strategy require 186,000sqm of office space to be provided within the Walsall area between 2006 and 2021. The Council will need to allocate land and use existing commitments (primarily on Walsall Waterfront) and forthcoming schemes to ensure that a majority of this allocation is to be delivered in accordance with National and Regional Policy.

As part of the continuing review and planning beyond 2021 the RSS Phase Two Revision Preferred Option that has recently been submitted to the Secretary of State indicates that between 2006 and 2026, Walsall should be looking to accommodate some 220,000 sqm of office development within or on the edge of its strategic centre. This proposal clearly makes a major contribution towards this.

The UDP plan period ends in 2011 and as such the proposals, if approved, will be implemented beyond the current plan period and as such the regional requirements require strategic assessment beyond the current UDP. In this respect, the UDP is supportive of office development, but not exclusively so, and concern exists that a number of sites could be lost to uses, for example residential development, and that offices would need to be located in less sustainable locations.

Considering the future direction of the Black Country Joint Core Strategy, which has currently completed its preferred options consultation. Further consultation is anticipated in early 2009.

Given the delays in the delivery of the new planning policy framework, it could be some time before planning policy could be amended to fully protect the corridor. As such, due to the strategic implications of the project and the limited time left in the UDP plan period and the changing strategic direction, the RSS in this regard carries the most weight and the JCS is a significant consideration. The proposals are in accordance with both the RSS and JCS.

National guidance indicates Local Planning Authorities have a responsibility to define the extent of the primary shopping area and the town centre, for the centres in their area on their Proposals Map. Policy WA13 defines land to the north Littleton Street West as edge of centre for other town centre uses. However, the proposals map suggests a wider Town Centre boundary.

In addition, the comments of the UDP Inspector are noted in that removing the psychological and physical barrier of the ring road e.g. improving the north-south pedestrian movement and links to the primary retail frontage in the Town Centre, the area to the north of Littleton Street West (defined by this permission and the new College) could be considered in centre. The progression of the reserved matters for the new town centre Tesco site will aid in this integration.

The Joint Core Strategy considers the site to be within the Town Centre Inset boundary. With the project being integrated into the centre with pedestrian movement at the core, the proposals could therefore be now considered to be in centre and the town centre boundary could be progressed as such within the future consultation documents and the public examination of the Core Strategy.

Together with the new College, Tesco and the delivery of offices on this site, this area of the town can and will be integrated and form part of the extended town centre and therefore for planning policy purposes will be an in centre site and sequentially the most appropriate in terms of PPS6.

Issues of change and transformation are undoubtedly difficult and need careful consideration. However in a recent Town Centre survey of the United Kingdom, Walsall was considered the worst performing town centre in the United Kingdom. It is therefore considered that the need for fundamental and transformational change is necessary, in order to prevent continued outward migration, skill shortage and loss of investment. The proposals go beyond meeting planning targets and changing the physical environment, the scheme proposes a change to the social make-up and educational opportunity and environment.

It is acknowledged that there will be a change in the area that will involve a change in the working profile of the area however with the level of jobs lost, taken into account against the job creation, will mean that the Gigaport will generate significant opportunity and job creation for skilled labour. It is noted that Walsall College are supporting the application.

In the context to this site, should permission be granted, the Council can guide development within the application site to office led development.

The planning policy in relation to other uses

The Data Centre is a form of industrial/employment use. It is noted that Draft PPS4 Sustainable Economic Development encourages high technology corridors and the development of modern industries in appropriate and accessible locations. Therefore the location of this type of use within a town centre development is welcomed and should be encouraged.

For the purposes of retail, the existing retail activity on Stafford Street should be considered and replacement floorspace for that lost on Stafford Street local centre and to the south of Littleton Street West and should be considered as part of the redevelopment proposals to ensure that the new development is adequately served but not in competition with the main Town Centre. Therefore small shops and services may be appropriately located within the development. In accordance with UDP, National and Regional Policy guidance for the purposes of retail, this area is considered to be “edge of centre” both to the town centre and Stafford Street centre. It is noted that the amount of retail is limited and would be directed at serving local needs.

Leisure, like offices should be located within the town centre and the comments of Strategic Policy Officers are noted in preference to delivering leisure facilities south of Littleton Street. Whilst the proposals may not be shown in the most sequentially preferable location, other material factors should be taken into consideration. The proposals are likely to be designed to include a significant, boulevard, including the 5W Metro corridor and a potential stop, to the west of the New College building which, together with the new crossing (currently being installed as part of the New College development) will enhance pedestrian links to the town centre and thereby reducing the physical barrier of Littleton Street. In addition further pedestrian and cycling links and public realm improvements will be progressed as part of the detailed application submissions.

The health and sports facility will also be linked to the college and located appropriately in this instance to maximise use of this facility and encourage pedestrian movement to the facility. In addition the proposals will provide a facility, of which there are currently none, for the wider Birchills area to the north of the town centre and also build links to Stafford Street Local Centre and improve the viability and vitality of this area to provide for local residents.

Therefore, it is considered that whilst not fixed by the illustrative layout plan the position of the Health and Sports facility shown, would allow for workers in the office corridor, students at the new College and Birchills residents, to access the facility quickly and easily. This element of the application is considered on balance, to be acceptable in the location shown.

For the purposes of live/work, locational preference is not defined in policy guidance. Nonetheless it is reasonable to suggest from policy guidance relating to employment and housing that these units can properly be located in accessible locations and close to the town centre.

In relation to live/work proposals, it should be noted that best practice guidance, Tomorrow's Property Today, has recently been published by the RTPI and Live/Work Network and supported by Central Government and Regional Development Agencies (including Advantage West Midlands), and that live/work elements will be included for

the first time in the revised planning policy statement on economic development (PPS4). The concept, more commonly found in the USA and Europe, is promoted by Advantage West Midlands and Kate Barker (advisor to the Government on planning and economics) as a method for promoting enterprise. Persons employed through home-based companies are 41% of all employees in the United Kingdom. Live/work development has significant potential for expansion and is being promoted.

In relation to the implementation of the reserved matters, it may be that other complementary uses, such as day nurseries, restaurants and cafes, for example, may be considered as appropriate. Providing that these uses do not compromise the amount of office floorspace as a whole, such uses could add vitality and viability to the proposals and give a more vibrant 24 hour community that would add, rather than detract from the proposed quarter. It is proposed that each application will be considered individually on its own merits however that offices should become the main focus for development.

The potential extension to the new College would add to the proposals and allow the College to form stronger and direct links to the potential public square and the business community. The proposed extension is therefore fully compliant with planning policy.

The sequential position of the development

This considers the principle of the position of the overall development, whether there are any more suitable sites in the Borough. In considering this, there is also the need to consider how the proposals relate to the regional and local requirements to 2021 and 2026 respectively.

It is noted that there is additional offices already approved and committed under Waterfront proposals and likely to come forward as part of the St Matthews Quarter development, however this will not overcome the total needs for the Borough or town centre.

The office proposals relate to 68% of the adopted regional requirement (RSS11) to 2021 and 58% of the local requirement in the Joint Core Strategy and Draft Phase 2 Revision of the RSS to 2026. Therefore further long term supply will need to be identified on other sites.

Considering the scale of the requirements and the proposed development and taking into account the existing commitments through planning applications and permissions, there are no other sequentially preferable sites in the town centre.

The support of the West Midlands Regional Assembly and Black Country Consortium is noted and considered significant in this regard.

The phasing of the development

There are two principal considerations when reviewing the phasing of development.

- the impact on the town centre
- the viability, suitability and availability of land (i.e. the sequential approach)

The first question is the appropriateness of the scale of development and whether the proposals will work with the town centre.

As indicated in the Design and Access Statement, the area around the New Walsall College is the most available and viable land for development. This and the land on Hatherton Street are likely to be among the first areas to be considered at the Reserved Matters stage. As they will also allow for the delivery of other sites, through the likelihood of the provision of car parking (some of it replacement), these areas are also the most suitable.

It is noted that under the new Serco contract, announced on 11th July 2008, that Serco will be a partner in the creation and development of the Business Incubation Centre for local businesses, drawing on Serco's experience in providing practical advice for businesses through Business Link and a "green" data storage facility to accommodate Serco's growing data centre requirements. Both these elements are part of the Gigaport project. The College will also be a partner in the development of the new Health and Sports facility.

The indicative layout plan and 3D fly-through

Whilst indicative, the layout plan has several aspects of significant merit and has been developed in conjunction with Midlands Architecture for the Designed Environment, account has been taken of the principal constraints including limestone mines, the Ford Brook, the proposed metro, existing and proposed developments and the highway network as proposed. The indicative plan offers a quantum of development for each area which would aid in the assessment and delivery of the comprehensive approach.

However, the indicative plan requires uplift in to deliver a design-led high quality environment and to supplement the plan a design compendium is under preparation by the Council, which would be added to in further detail by design briefs and developments briefs for specific areas of the Gigaport in the future. These documents will aid the delivery, supplement the Core Strategy allocation, Designing Walsall SPD and give confidence and direction to the future applicants in delivering their proposals.

The overall approach of the layout plan is for a positive environment with high quality design at the core. The plan also gives clues and references to the amount of floorspace that each area should deliver if high quality environments are to be achieved.

The main aspect that will be considered as part of the proposal is the development of a public square around Wisemore House and its associated buildings. The development of an appropriate setting for this building will add to the setting and character of the area.

The design ethos for the Gigaport will build on the following core principles embodied within the design compendium:

- A design-led approach to creating a place with the feeling of being an "entrepreneurial village" with a sense of creativity and innovation and a heart to its community;
- A layout structured around a legible network of key landmarks, connecting routes, streets and spaces that sustains a diverse and healthy combination of landscaping and ecological species;

- High quality, sustainable, design-led buildings;
- High quality public realm and public spaces at the core of the proposals, which integrates with wider strategies for public realm improvements within the town centre and with a clear and legible distinction between public and private realm;
- Designing and developing individual character areas across the whole Gigaport site to provide a rich sense of character, interest and legibility that is reflected through all aspects of design including architecture, street hierarchy and public realm, respecting issues of scale and its importance relative in the context of the townscape;
- Enhancing character by integrating heritage assets and key legible vistas across the town into the detailed layout;
- Vibrant and active ground floor uses in appropriate locations to promote vitality and viability of the area with a particular focus on distributing innovative live-work arrangements across the Gigaport in a manner that activates the streets and sense of community;
- Design a thorough car parking strategy that addresses issues concerning the delivery of a high quality public realm, movement of pedestrians and traffic flow in and around the Gigaport and examines connectivity with the town centre, particular pedestrian linkages east/west across the Gigaport to the Arboretum and north/south across Littleton Street to the town centre;
- Providing a basis for the delivery of public transport improvements.

Future reserved matters applications which fail to demonstrate that they comply with the overall plan and deliver the quantum of development, and conflict with these broad design principles and the comprehensive approach should be resisted.

The impact on the highway network

Any regeneration of this area will have an impact on the highway network and therefore the proposals should not be considered simply in terms of traffic generation or highway capacity nor should the proposal be constrained by this issue. The comments of the Highways Agency, Transportation Officers and public transport operators are relevant.

It is essential that the scheme is integrated into the town centre and therefore pedestrian movement across Littleton Street is essential, ensuring that the new ring road does not become a concrete collar and isolate the town centre from the remainder of the Borough. One crossing has been already been approved as part of the Tesco and College approval.

The estimated "person trips" generated by the various proposed elements and its distribution has been agreed between the applicants consultants, the council and the Highways Agency (in relation to the motorway network). The estimated amount of non-car trips was then subtracted to indicate the "residual vehicle trips" generated by the development.

The benefits of the Town Centre Transport Package and the implementation of the town centre access loops can not be measured. The accuracy of the predicted impacts and consequences of previously approved but not yet implemented planning permissions can not be assessed. Consequently, prediction is building on prediction and the degree of uncertainty increases accordingly, making it difficult to be precise about the impact of the Gigaport proposals in full or in part.

The assessment work that has been undertaken by the Council indicates that even without the Gigaport proposals the performance of the highway network around the town centre will deteriorate significantly between 2007 and 2017. The Gigaport will add to this deterioration by 2017 with journey times increasing significantly on the main radial and orbital routes.

Connected to the issue of a high quality public realm is ease of movement, not only through the site but beyond it to the rest of the town. Currently only a single pedestrian crossing is indicated across the new ring road – further discussion around whether this is sufficient and what the possibility for the exact of this crossing would be required. Best practice examples from around the UK and Europe indicate that other design options for this connecting feature may be worthy of collaborative exploration. Furthermore, the car parking strategy for the site must focus on achieving high quality design that integrates with the aspirations for the public realm. This may involve the reduction in on-street car parking and the overall provision of car parking on the site.

The proposed metro route is also an essential part of the proposals and the development. Officers are working with Centro to ensure that the reserved matters submission brings forward an appropriate metro route and stop within the Gigaport proposals.

In mitigating and planning for potential increases in traffic in the town centre, are the public transport improvements and linkages to the public transport hubs in the town centre that will be sought and developed as part of the Reserved Matters submissions. Each Reserved Matters submission will need to address the requirements of public transport and sustainable modes of transport these include:

- Delivery of the 5W Metro route including funding and preservation of the corridor in which improved rapid transit can be delivered;
- Extension to bus services – in particular the 51 and 529 services including stops and a route through the Gigaport application – further consultation with Centro and public transport operators;
- Improvements to Walsall Station including the potential for a 4th platform;
- Improvements to provide safe, useable pedestrian and cycling routes to promote linkages to the public transport nodes and the town centre;
- Provision of secure cycle facilities within the design of any development and in the public realm;
- Ensuring that a clear and robust car parking allocation strategy is developed and an appropriate car parking provision is provided; and

- Development and delivery of a comprehensive Green Travel Plan for each development, promoting alternative modes of transport, car sharing and other initiatives to reduce the reliance on private cars as the preferred option of travel for workers.

In the deliverability of the above it may be that financial contributions will be required as part of the Reserved Matters submission, particularly for the public transport improvements. A full mechanism for the deliverability of this (most likely to be based on the floorspace of the Reserved Matters submissions) will be delivered in consultation with Centro and future developers and applicants.

Having regard to the delivery of the above, it is the view of Officers and Centro that buses and service alterations and diversions will need to take account of phasing and development of reserved matters. Although indicative, the public transport improvements proposed by the applicant's Transport Assessment are not acceptable and alternate solutions will need to be developed. This is likely to involve the further use of Stafford Street by buses and it is likely that the route will need to be improved over and above that already proposed. It is also noted that the route into the Gigaport and past the new Tesco store on Wisemore will not be created until at least the end of 2010/early 2011 (the anticipated opening date of the new Tesco store). It is proposed for the foreseeable future that buses will remain on Stafford Street and in the interests of highway safety should remain in this location.

The route extensions need to be considered formally as part of the development brief and reserved matters applications in conjunction with public transport providers.

In ensuring that the combined importance of ensuring that Wisemore is a high quality public realm and that this does not compromise traffic flows on Littleton Street West, Officers are the view that buses should not cross the ring road at this point and alternative arrangements should be discussed with public transport providers and operators.

Comprehensive travel planning will aid the reduction in the number of vehicular trips to the development, particularly single car occupancy journeys. Successful travel plans are living documents and have to be "owned" by the occupiers/users of the development or separate parts of it. As the applicant will not be developing or occupying any part of the area, the travel plan can only be a framework concept document indicating the type of measures that will be introduced to encourage less dependence on the private car. Any future Green Travel Plan should also indicate targets for reducing car dependency, monitoring arrangements and enforcement methods. Appropriate detailed travel plans will need to be prepared for each section of the development, coordinated within an area travel plan to increase effectiveness. This has been conditioned and will be comprehensively enforced as part of the Reserved Matters submissions.

In addition in order to aid traffic flows and reduce the dependence on the private car, highways officers recommend a lower level of car parking in the overall development of 1 car parking space per 70 square metres on the initial phases of offices (at a similar level to other town centre approved office schemes (e.g. the conversion of Shannons Mill) and 1 car parking space per 120 square metres on later phases as public transport improvements are implemented and market confidence is ensured. The replacement of existing car parking spaces will also form part of the overall parking package.

Whilst it is noted that the proposals will have an impact on traffic flows, however the need for development in relation the regional requirements, this being the most sequentially preferable location, the need for regeneration, the potential linkages with the new College and the metro as well as improving links between the town centre, Walsall Arboretum and the north of the Borough all weigh heavily in favour of the development. The use and development of public transport and creating opportunity and aspiration for existing and future Walsall residents are key elements to this proposal. In creating skilled jobs within easy walking distance of housing developments, the opportunity for people to walk and cycle to work and use public transport becomes a more realistic opportunity. All these things are important and desirable. These offset the more obvious issue of traffic generation and impact.

Overall it is considered that with improvements to public transport and delivery through a comprehensive travel plan, the impact of the Gigaport proposals, when considered against the background growth in traffic is not significant to warrant a refusal.

The impact on air quality

The Council is charged with a duty to produce and implement an Air Quality Action Plan to demonstrate how it is working to achieve national air quality objectives. Walsall's Air Quality Action Plan is currently under consultation, and is anticipated to be presented to the Council's Cabinet for full approval in December 2008. It is therefore essential to quantify the air quality impacts and ensure sensitive receptors are not exposed to poor air quality by virtue of the direct and indirect impacts of the proposal prior to planning permission being granted as this may ultimately have consequences for design layouts, building usage and traffic management or regulation in and around the town centre.

For the purposes of evaluating air quality impact assessments associated with the proposed Gigaport, this has been undertaken on a twofold basis on behalf of the applicant. Firstly, a Screening Assessment has been carried out using the Design Manual for Roads and Bridges methodology (Department of Transport), thereafter a detailed assessment has been carried out in accordance with the requirements of the Council's Pollution Control Officers.

As this is an outline application, it is acknowledged that there are many design elements that cannot be incorporated as built forms for the purpose of air quality modelling. Notwithstanding, it is important to recognise that the key pollutant sources are traffic related, which impinge on the borough-wide Air Quality Management Area that was declared in 2006. Consequently a series of projected annual average daily traffic flows have been used together with the government's future vehicle emission factors to allow comparison of nitrogen dioxide and particulate (PM₁₀) levels against national air quality objectives within a verified model.

Naturally there are certain predicted increases in traffic flows for a number of locations, however with the information available, and accepting that further air quality work will invariably be carried out as the scheme evolves, the impacts on relevant receptors are manageable and in the majority of cases predicted pollutant levels are below air quality standard values.

Officers recognise the issues raised by the further work and recommend that further work be submitted at Reserved Matters stage and through the Council's Design

work, strategic mitigation is actively progressed to allow for air quality to be actively managed and progressed. Suitable mitigation can also be designed into the proposed buildings. Where concerns exist it is intended to mitigate air quality impacts via a low emissions strategy, which for example, can include designation of low emission zones, travel incentives, use of alternative technology and planning obligations. This is conditioned accordingly and will be progressed through further design work.

The impact on existing occupiers and businesses within and around the proposals

The support of Walsall College and comments are noted and welcomed. The College and the Gigaport will form a symbiotic relationship and will form a fundamental element of the economic success of the project with the jobs and links formed

The objections of existing business within the site (Haywoods Haulage) and next to the site (Brian Lowndes Print Ltd) are noted. Haywoods Haulage is located on the corner of Portland Street and in the northwest corner of the site. However Haywoods Haulage also owns land outside the application site on the opposite side of Portland Street. It is likely that the redevelopment of the haulage yard and the relocation of Haywoods Haulage will need to be considered by any developer bringing forward intentions on redeveloping this area of the Gigaport project.

The principal objection of Brian Lowndes Ltd relates to the amendment of the proposed Metro route. The factory was previously included in the application site but as a result of his previous objection to the planning application. The changes to the application boundary meant alteration to the indicative design and the proposed metro route. Centro's agreed metro route ran through the existing service yard and access point of this part of Portland Street however this is now shown as running through the Brian Lowndes Ltd factory.

The layout is not part of this application and this illustrated Metro route could change within the final design of the project as it progresses. The metro will be an important element to the regeneration of the town centre.

However, the route shown as part of this application has significant benefits over the route previously agreed by Centro. Firstly the proposed route follows existing adopted highways of Garden Street and Portland Street. In addition the proposals do not compromise or affect the setting of Wisemore House which will be allowed to develop its own setting at the heart of an element of public realm. Finally, the proposals would allow for any redevelopment proposals of Portland Street (both within and outside the application site) to develop a significant street frontage and therefore improve the quality of design and activity on that frontage.

As the site owned by Mr Lowndes is now outside the application site and with the precise timescale or route for the metro yet to be determined, Mr Lowndes objections are noted but are not considered to fundamentally affect the proposals and are a matter for consideration in the design of the final route of the metro and the reserved matters submissions and design work.

It is therefore considered that the proposals are acceptable in their impact on occupiers in the vicinity.

Impact on residential occupiers in the vicinity of the Gigaport proposals

Whilst indicative, the proposals have been designed to indicate that the floorspace of the proposals can be created whilst controlling the impact of the proposals on existing residential occupiers on Teddesley Street and Hatherton Street. The indicative proposals show a significant proportion of the live/work units in the vicinity of these dwellings and this will reduce the level of traffic in this area as well as creating a residential community in the area.

It is noted that the highway network, in particular, the level of traffic in Butts Road and William Street will need careful consideration so that this area does not promote rat running or adversely affect the amenity of existing residents in this area. The precise route through the Gigaport proposals and how to regulate traffic movement will be a matter for careful consideration at the design stage.

Conditions are recommended to control such matters as noise and other emissions, to control those things most likely to adversely affect neighbours. Overall, negative effects will be minimised.

The positive impacts from the development, the improved quality of the built environment, improved linkages to the town centre, job creation, improved facilities and public transport improvements should also be weighed in the balance. They will benefit the entire Borough and this inevitably includes people near the site.

The impact on the heritage of the area

The heritage aspects include Wisemore House (as a building of special architectural and historic interest), the Leather Museum, and Lichfield Street Conservation Area. However, the importance of Stafford Street, other buildings of interest (shown as being retained on the illustrative layout plan) and the archaeological heritage are and will remain important considerations in the development of the vision for the area and in the submission of reserved matters submissions.

Officers welcome the re-use of Wisemore House, the potential retention of existing historic buildings. Wisemore House should be accompanied by a detailed schedule of works, explaining how the building should be repaired, what features will be retained and details of any new materials used. Special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. All of which should be submitted with a separate Listed Building Consent application for the next stage.

The exact setting of the listed building needs to be addressed, in terms of landscaping and materials (both the building and public realm) and this should form a key element of a network of spaces and landmarks as part of an overall detailed design at the reserved matters stage.

As for the overall context of the scheme itself, the addition of the comprehensive Heritage Assessment submitted with the application is welcomed. Many of its findings are agreed with such as the recommendations of which buildings should be retained, many of which are locally listed.

The majority of the hotel would be within the Conservation Area, and its scale must be modest, with the building following the building line of the terrace and not set back. The aims of the recently adopted Lichfield Street Conservation Area Appraisal and Management Plan must be utilised here. It is proposed in the Design and Access Statement that many of the locally listed buildings, such as those in Stafford Street

will be kept as facades. Detailed design proposals will be expected to demonstrate how the façades can be successfully achieved without detriment to the quality of the built environment in the submitted plans at the Reserved Matters stage.

Any demolished buildings which have architectural and historic merit should be subject to detailed Building Recording Assessments, such as those along Hatherton/Albert Street, which should be recorded to a level as prescribed in the relevant Briefs as stated by the Black Country Archaeologist. Once new build commences, any archaeology must be recorded prior to foundations being built.

There may be the loss of the old street names (such as Albert Street) which would be unfortunate. However, as part of the delivery and design, these could be retained and promoted alongside the public realm works as well as being incorporated into the detailed reserved matter stage and will also provide a connection between the old and new in the public perception, thus encouraging a sense of belonging and ownership).

Overall the proposals have taken into account the buildings of historic quality, Planning Policy Guidance Note 15 and relevant development plan policies will require further detailed work and strengthening at the Reserved Matters stage however no objection to the proposals is raised at this stage and the proposals are considered to be acceptable.

Comments from local residents/business occupiers

The issue of blight on businesses has been considered carefully by Officers (including legal officers). It is considered that none of the development forms development as defined by Schedule 13 or Section 141 to 179 of the Town and Country Planning Act 1990 (as amended).

In considering the issue of blight it is noted that the development is not proposed by the Local Planning Authority (as an applicant) nor does this application form a Development Plan Document. It is the desire of the Council that the development will not have an adverse impact on the operations of the existing businesses and that any impact is mitigated and suitable compensation (for example from any metro corridor) will be provided. The proposals are intended to act as a catalyst and driver for private sector investment and as a guide as sites become available for development over time. There is no pressing need to relocate or compulsorily purchase any business but there is a need to ensure that all are aware of this proposal.

The proposal is meant to radically change the Walsall economy. To date, the positive press reaction to the proposals will mean that it can be expected that developers and investors will see this area as a significant opportunity for investment. The precise timing, relocation costs and when development happens is as yet undetermined for developments outside the initial phases shown on the illustrative layout plan. They may be delivered in a different arrangement, with buildings forming different shapes and complementary uses being progressed within developments, for example restaurants/cafes on the ground floors of offices. This does not affect the overall conclusion

Main benefits of the proposals

In walking around the site it is clear that the area is under-utilised and in some respects derelict. Whilst there are pockets of success within the application site, the

historic industries are not providing a vibrant and attractive location for inward investment and progression. Whilst relocation within Walsall for successful businesses should be encouraged and delivered, the overall environmental and economic benefits of the proposals would outweigh, in the Officer's opinion, the loss of industry from this area.

The main benefit from a policy and planning perspective is that the proposals will aid the delivery of the Regional Policy requirements for the provision of offices and securing the basis for allocation and delivery of a dedicated and potentially high quality area of development. The proposals will deliver a radical change to the Walsall economy (coupled with the Cabinet resolution set out above) will also allow for the Council to successfully defend applications that lack comprehensiveness and are contrary to meeting the overall aim of the proposals. The application is in advance of the Black Country Core Strategy but is supported and will be delivered in accordance with the aims of the overall emphasis to develop the town centre as a positive location for the delivery of modern employment needs.

The applicant considers that the proposals will help in the creation of a minimum of 3,000 jobs and attracting investment to the town. This will stem the flow of young professionals and educated persons away from the town and seek to deliver a significant amount of higher-skilled employment.

Through the delivery of the plan-led approach and comprehensive development the proposals will allow for a sustainable, green business community with high quality technology at its heart. The development proposals allow for the development of the Data Centre at its heart and in the initial phases which will create investment opportunities and an environment whereby modern high-technology industries can prosper.

The need to reverse the decline in the economic and environmental condition of the application site and the town centre as a whole are unquestionable and this proposal together with the Waterfront, new College and other town centre developments will aid in the fundamental and necessary change in the approach of the Town Centre. This, in turn, will bring benefits to the remainder of the Borough.

The implications of not approving the application

A significant issue is that the age of oil is drawing to a close as the age of Information and Communication Technology (ICT) and scientific progress advances and evolves at an increasing pace.

Transportation patterns, where and how people live along with the sectors and industries in which they work are evolving and changing with the regions town centres encompassing a wider range of uses that was previously decentralised to out of town locations.

Walsall's current office market does not cater for or provide significant levels of flexible, modern office development and therefore cannot attract significant levels of skilled labour and as such loses its most talented people (young and old).

The development of the Gigaport, in the short term, is probably the single most important step for the regeneration of Walsall Town Centre, evolving the centre into a modern centre and creating social and economic transformation in Walsall. The implications of refusal are not that development will move elsewhere in Walsall but

that it will not come to Walsall at all, compromising the prospects for a role as a regional strategic centre. The failure to deliver the project will lead to further economic decline and regeneration projects already in the pipeline including the new College, Waterfront, St Matthew's quarter and Canalside communities will suffer adverse effects without significant employment development and investment and continuation of the regeneration programme.

Walsall Town Centre is the most sustainable and sequentially preferable location in the Borough with the area defined by the Gigaport including some of the areas that are most in need of investment and regeneration.

The total amount of development does not meet the regional requirements of 186,250 square metres for office development by 2021 but does have the potential to deliver a significant proportion of this figure. It would create a major and significant interest to allow future regeneration and delivery of further levels of office space closer to the regional requirement and aid in the delivery of further office space to 2026 targets (220,000sqm).

Creating high quality employment and enterprise opportunity, in particular the live/work units and the innovation centre within the Gigaport proposals will encourage enterprise and students to build businesses and stay close to the community, leading to social and education improvement and aspiration.

The physical improvement to the environment around open space and with strong pedestrian links will help the College attract new students and promote higher quality educational standards and promote a higher quality of development in the town centre as a whole.

The improved linkages to the town centre, providing a greater range of uses and delivery of public transport improvements will promote walking and reduce the dependence on the car.

Importantly, Littleton Street West and the "ring road" should not be seen as a barrier to the development or expansion of the Town Centre (i.e. a concrete collar) but as the gateway through and into the town centre. The development of offices on both sides of Littleton Street West and a coordinated regeneration programme across the ring road will aid this aspiration and aid the development of Walsall Town Centre as a destination in its own right rather than as a through route to other parts of the region and country.

Essentially, it is Officers view that the failure to deliver the Gigaport proposals will fundamentally undermine the regeneration programme, compromise the delivery of social, physical and economic change necessary in order for Walsall to be maintained as a regionally important strategic centre and become a modern and vibrant business location.

Conclusion

Overall, the area is in compliance with the Regional Spatial Strategy and is allocated within the Preferred Options Joint Core Strategy and in part in the Unitary Development Plan. The issue is not if this development will occur but how to plan for it, what quantum and the need to ensure high quality design is at the core. The proposed scheme represents an exciting opportunity in the regeneration of the Borough, potentially transforming the town centre and the socio-economic health of

the area, which on balance and having regard to the many considerations highlighted above, is broadly welcomed.

Reasons for Approval

The proposals have been considered with the aims and objectives of the Development Plan (as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004). These are Regional Spatial Strategy for the West Midlands (RSS11) and the Unitary Development Plan (March 2005).

Walsall Gigaport is a significant project on the northern boundary of Walsall Town Centre (as defined in the Unitary Development Plan and Black Country Joint Core Strategy) which seeks to deliver a significant proportion of the identified regional office need to 2026 for Walsall as a Regional Strategic Centre (as defined in the Regional Spatial Strategy and Black Country Joint Core Strategy). The project aims to deliver a 21st century working environment, office led, with high quality, sustainable design at the heart of the proposals. Given the scale and quantum of development necessary it is considered that there are no other sequentially preferable sites.

Due to the proposals being in outline it is noted that the layout plan and other detailed plans are indicative do not form part of the permission. The design of the proposals will be the subject of further design work.

As highlighted by the response of the West Midlands Regional Assembly, the proposals have been found to be in conformity with the RSS, in providing strategic town centre and edge of centre office development and promoting sustainable development in an appropriate location, thereby strengthening and promoting Walsall Town Centre.

The proposals are in compliance with the aims and objectives of the Unitary Development Plan taking into account the strategic role and requirements of the town centre and the need for regeneration.

Having considered the impact of the Gigaport on other town centre regeneration projects (for example Tesco and the New College and Walsall Waterfront) and balancing the traffic impact and air quality objectives as well as setting an appropriate framework to deliver a high standard of architecture and public realm, an appropriate schedule of conditions has been developed for future Reserved Matters Submissions.

The location of the health and sports facility is not shown to be in the most sequentially preferable location and better sites may be more suitable to the south of the ring road, however it is noted that the proposals will build on and closely relate to pedestrian and public transport links being developed as part of the wider strategy for the area and with the location shown will also develop links to the new Walsall College. In addition the links for workers on the Gigaport, the Birchills area and Stafford Street Local Centre will aid the development of a sustainable facility for local users and as such is considered on balance the use can be supported.

An appropriate level of car parking has been discussed and developed as well as promoting sustainable travel initiatives (including walking, cycling and public transport) whilst not compromising the deliverability and availability of existing operators in the area and future developments. The assessment of the proposals,

have concluded that the use of Wisemore for additional bus services would not be promoted and that further work is necessary on developing public transport. This will take place through the Design Compendium, and development of the Joint Black Country Core Strategy. The layout of proposals will incorporate significant liaison with Centro and other public transport bodies.

The proposed conditions also seek to have appropriate regard for ecological issues, sustainable use of natural resources, ground conditions, flooding and the heritage of the area, in particular Wisemore House (a Grade II listed building) having regard to the special architectural and historic interest of the building.

As such, the proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular policies GP1, GP2, GP3, GP4, GP5, GP6, GP7, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, ENV9, ENV10, ENV11, ENV13, ENV14, ENV17, ENV18, ENV19, ENV21, ENV22, ENV23, ENV25, ENV26, ENV27, ENV29, ENV31, ENV32, ENV33, ENV34, ENV35, ENV39, ENV40, JP2, JP3, JP7(d), S1, S2, S3, S4, S5, S7, S8, S10, H3, H9, H10, LC1, LC2, LC6, LC7, LC8, WM1, WM4, WA3, WA4, WA5, WA6, WA7(I) and (VI), WA8, WA13, WA15, WA16, WA17, WA18, WA19, and paragraphs 4.6, 4.13 and 4.14 of Walsall Unitary Development Plan, March 2005; Policies PA1, PA2, PA3, PA4, PA5, PA6, PA10, PA11, UR1, UR3, UR4, QE1, QE2, QE3, QE4, QE5, QE7, EN1, EN2, T1, T2, T3, T4, T5, T7, T8, T9, CF1, CF4, and CF6 of the Regional Spatial Strategy for the West Midlands (RSS11); Adopted Supplementary Planning Documents including Designing Walsall SPD, on balance, having taken into account all material planning considerations, the proposal is acceptable.

The application is referred to the Government Office for the West Midlands due to the size and scale of floorspace proposed, as outlined in The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, together with article 8 of the Town and Country Planning (General Development Procedure) Order 1995.

Recommendation: Grant Subject to Conditions Subject to Referral to Government Office

For the avoidance of doubt, and to assist in interpreting the document, the following schedules are applied to the Decision Notice:

- Schedule A - Conditions relating to all of the Development
- Schedule B – Conditions relating to the proposed office (use class B1(a)) floorspace.
- Schedule C – Conditions relating to live/work units
- Schedule D – Conditions relating to leisure floorspace proposals
- Schedule E – Conditions relating to hotel floorspace proposals
- Schedule F – Conditions relating to replacement car parking provision
- Schedule G – Conditions relating to the retail floorspace proposals
- Schedule H – Conditions relating to Wisemore House
- Schedule I – Conditions relating to ground contamination, air quality and noise assessments for reserved matters submissions

- Schedule J - Conditions relating to Phase 1A and 1B (as illustrated in the Design and Access Statement submitted with the outline application and attached to this decision notice)
- Schedule K – Conditions relating to Environment Agency requirements for reserved matters submissions

In addition, the following documents are attached, for information and assistance:-

- Appendix A – Phasing plan submitted with this outline application
- Appendix B – Cabinet Report dated 18th April 2007.
- Appendix C – Officers report to committee.
- Appendix D – Approved 5W Metro route.

Attention is also drawn to the attached notes for applicant.

Schedule A - Conditions relating to all of the Development

A0. In this permission, the term “Phase” means:-

The areas of land identified in the submitted Design and Access Statement covering more than one parcel of land.

and the term “Parcel” means:-

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

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

- A1. a) The first application for approval of the Reserved Matter(s) shall be made within 3 years of the date of this decision.
- b) Application for approval of all other Reserved Matters shall be made within 7 years of the date of this decision.
- c) Each Reserved Matters application shall make clear (in accordance with condition a) the phase which includes the site, and the parcel of the site which forms part of that application. The development of that parcel under that Reserved Matters approval shall not commence until all other Reserved Matters for that parcel have been submitted to and approved by the Local Planning Authority.
- d) Each Reserved Matters approval must be begun not later than 2 years from the date of approval of that Reserved Matters application.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990, and to reflect the complexity and size of the site and to reflect the likely timescale of the review of the Black Country Joint Core Strategy. Also, to ensure that parcels of land are developed in coherent and sensible ways.

A2. The development of any parcel of land shall not be commenced until details (the “Reserved Matters”) of all of the following for that phase or parcel have been submitted to and approved by the Local Planning Authority:-

- a) The layout of the building(s);
- b) The scale of the building(s);
- c) The external appearance of the building(s)

- d) The landscaping of the site
- e) (i) For the purposes of this outline planning permission, access is defined as being only the location of the principal access points off the public highway, namely Littleton Street West, Stafford Street, Green Lane, Blue Lane East, Hatherton Street, Ward Street, Lower Rushall Street, Walhouse Street and Portland Street in the positions shown on the illustrative plans, and these are approved by this permission.
- (ii) All other access arrangements within the site (e.g. roads, drives, access to proposed buildings and car parks) will be the subject of the Reserved Matters submission(s).

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

A3. The Reserved Matters submission for each phase or parcel identified under condition A1(c) under this permission will include:

- a) Design principles for the entire area of the application in relation to:-
 - i) highway infrastructure improvements related to the development;
 - ii) pedestrian links to Walsall's primary retail core and the Arboretum;
 - iii) bus service and bus facilities improvements;
 - iv) other public transport improvements including the 5Ws metro and improvements to rail services;
 - v) a low emission strategy for air quality;
 - vi) a strategy for public art; and
 - vii) strategic public realm,
 - viii) detailed designs of work to be done as part of the application under items (i) to (vii) above
- b) A scheme for
 - i) the delivery of the works set out in the submission under part (a)(viii) of this condition, and

Reason: To ensure that the development is delivered in a comprehensive manner, minimising use of the car, and promoting other modes of transport while meeting the needs of the potential occupiers of the development.

A4. The Reserved Matters submission for each phase or parcel identified under condition A1(c) shall take account of the Design Enabling Document prepared by the Local Planning Authority and Midlands Architecture for the Designed Environment.

Reason: To define the terms of the permission and its associated Reserved Matters submissions, and to ensure the delivery of high quality design for the site.

(See also Note for Applicant "C")

- A5. a) The elevations and design of buildings submitted (drawing numbers SK-02 Rev B, SK-03 Rev B), are not approved as part of this application.
- b) The principles of the quantum of development as shown for indicative purposes only on the layout plan and elevations are to inform the eventual development of the site. Reserved Matters applications for phases or parcels that propose lesser amounts of development will need to demonstrate that they do not compromise the overall deliverability of floorspace, as envisaged in the outline application hereby approved.

Reason: To define the permission and to ensure the delivery of the total floorspace.

- A6.a) As part of the Reserved Matters submission for each phase or parcel identified under condition A1(c) a Travel Plan Framework shall be submitted for the approval of the Local Planning Authority.
- b) That Framework shall be developed in consultation with this Council's Travel Wise co-ordinator and include a mechanism for delivery of the Travel Plan.
- c) The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport, by:-
- i) The appointment of a travel plan co-ordinator,
 - ii) The establishment of targets for modal shift,
 - iii) The details of measures to be employed to achieve the identified targets,
 - iv) Mechanisms for ongoing monitoring and review of targets and travel plan measures,
 - v) Details of penalties and/or additional measures to be investigated / implemented in the event that the identified targets are not met.
 - vi) Public transport information and ticket details;
 - vii) Cycle provision, showers and lockers and associated infrastructure; and
 - viii) Walking initiatives.
 - ix) Improving overall links to the main public transport infrastructure of St Paul's Bus Station and Walsall Railway Station and the primary retail core.
 - x) Car park allocation strategy.
- d) Prior to the first occupation of each building in any phase or parcel identified under condition A1(c) (or such other period as may be agreed in writing by the Local Planning Authority) the approved measures shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including binding methods of delivery, review, and monitoring of the measures in the Travel Plan (including the requirements of this condition).
- e) The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed under part (d) of this condition, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan.
- f) The occupation and use of the development shall comply with the requirements of the revised plan approved under part (e) of this condition, at all times, unless otherwise agreed in writing by the Local Planning Authority.

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

A7. Unless otherwise agreed in writing by the Local Planning Authority, before work commences on development of any phase or parcel identified under condition A1(c), the following shall be given the opportunity of making internal and external inspections of existing buildings and structures in that phase or parcel for the purposes of making a record and identifying any artefacts or documentation meriting preservation:

* Walsall Local History Centre, Essex Street, Walsall, WS2 7AS (telephone Walsall 721305);

* Community History Officer, Leisure Services Department, Walsall MBC, Civic Centre: Darwall Street, Walsall, WS1 1TR (telephone Walsall 630805).

* Mike Shaw, Black Country Archaeologist, Planning Division, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP (telephone 01922 555493).

Reason: To secure an adequate record of the site's history and industrial archaeology.

A8. For the duration of the reclamation of the site, or any part of the site, and the duration of the construction period of any individual phase or parcel identified under condition A1(c), the accesses to the site shall include wheel cleaning / washing arrangements or equipment in accordance with details previously agreed in writing by the Local Planning Authority.

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

(NB. See Note for Applicant H)

A9. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays within 50 metres of any dwelling unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: In the interests of the amenity of adjacent occupiers.

- A10. a) The reserved matters application for any phase or parcel identified under condition A1(c) will include details of proposed refuse and waste recycling facilities for the proposed building(s) in that submission.
b) The approved scheme for any individual building shall be implemented before that building is brought into use, and shall be thereafter retained.
c) No materials, goods or refuse shall be stored or deposited in the open on any part of the site at any time, other than as may be associated with construction on the site,

Reason: To ensure the satisfactory appearance and functioning of the development, and to promote recycling.

A11. No development or reclamation shall be carried out in any phase or parcel identified under condition A1(c) until:

- a) the applicant has secured the implementation of a programme of archaeological work for that phase or parcel in accordance with both a brief written by the council's archaeologist, and a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The approved programme shall include the submission of one copy of all results to the Local Planning Authority.

b) The archaeological work shall be carried out in accordance with the approved details.

Reason: To investigate and record the archaeological significance of the site.

A12. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) details of security oriented design measures and physical security measures for all buildings and public spaces to meet Secured by Design standards and Parkmark standards for car parking areas shall be submitted for the approval of the Local Planning Authority. The approved measures shall be implemented concurrently with the relevant element of the development, and thereafter retained.

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

A13. Prior to the commencement of development of any Reserved Matters approval details of street furniture (including proposed signage, and timing of installation) for the roads bordering that site shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented prior to occupation of any part of the site.

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

A14. No individual building or built structure shall be commenced until samples of the facing materials to be used have been approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

A15. No building over two storeys in height shall be commenced until the design of window cleaning arrangements for that building have been submitted to and approved in writing by the Local Planning Authority. The building will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory design for such works, in keeping with the building.

A16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than through the accesses shown and approved as part of Reserved Matters submission, without the prior approval of a planning application.

Reason: To ensure the satisfactory functioning of the development, and in the interests of highway safety.

A17. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) a scheme for external lighting (including a timetable for installation) will be submitted for the approval of the Local Planning Authority and the lights shall be installed and thereafter retained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of adjoining premises and highway safety.

A18. The Reserved Matters submission(s) for any building(s) in the area indicated by building 04A, 04B, 05A, 05B, 06A, 07A, 08A, 09A, 09B, 09C and 10A on the indicative layout plan (Mott MacDonald drawing number SK-02 Rev B) shall bring forward an acceptable route and a minimum of one stop for the 5Ws Metro scheme.

Any variation from the approved route as shown in Appendix D shall have been agreed with the Local Planning Authority (in conjunction with Centro) prior to submission. Unless otherwise agreed in writing by the Local Planning Authority and fully justified, the proposed route put forward shall demonstrate that it does not compromise the deliverability of the quantum of floorspace, opportunities for implementation of the strategic public realm or adversely impact on the setting of Wisemore House.

Reason: To ensure the deliverability of public transport improvements to the proposed development, meet the wider aspirations for development and to safeguard the setting of Wisemore House (a statutory listed building).

A19. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) the details and locations of cycle stores shall be submitted for the approval of the Local Planning Authority. The approved details shall be implemented and completed as part of the building(s) approved.

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

A20. No site clearance in any phase or parcel identified under condition A1(c) shall be commenced until a detailed tree protection plan is submitted to and approved in writing by the Local Planning Authority. The plan shall protect all trees and hedgerows to be retained in or immediately adjacent to the boundary of the application site in accordance with BS 5837: 2005 'Trees in relation to construction'. Any tree works shall be carried out by a tree surgeon approved by the Head of Environmental Regeneration, or a person who is appropriately insured and competent in such operations.

Reason: To protect trees on the site, and to ensure the satisfactory appearance of the finished development.

A21. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) details of hard and soft landscaping works in that phase or parcel will be submitted for the approval of the Local Planning Authority. These details will include:

- * Identification of existing trees, shrubs and other vegetation to be retained
- * Wildlife habitat creation of potential benefit to protected species, particularly black redstarts and dingy skippers (species likely to benefit from the landscape existing on the site). The extent, location and design of such habitat shall be shown clearly and fully described.
- * The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- * The eradication of Japanese knotweed on the site.
- * The replacement of trees proposed to be lost in site clearance works.
- * Details of the future management of the landscape scheme.
- * Ground preparation measures to be adopted.
- * Full botanical details, numbers, locations, planting specifications and densities/seeding rates of all plant material included within the landscape scheme.
- * Existing and proposed levels.

The approved scheme shall be implemented before the development approved in that submission is brought into use. It will be managed for at least 5 years from the completion of the scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development and protect wildlife.

A22. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) details of existing and proposed levels of the site, accessway and floor levels, in relation to land adjoining the site will be submitted for the approval in writing of the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site or adjoining land.

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

A23. No development in any phase or parcel identified under condition A1(c) shall be carried out until details of the drainage of the site have been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the site can be satisfactorily drained.

A24. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) a scheme to mitigate the impact of the development in that phase or parcel on black redstarts and bats, will be submitted for the approval of the Council. The approved scheme will be implemented as part of the development, which will be thereafter maintained in accordance with the approved scheme.

Reason: To ensure protected species are not harmed by the proposals

(See Note for Applicant M)

A25.a) Each Reserved Matters application will be accompanied by a reptile survey (carried out in accordance with best practise for such surveys) of the entire area of this permission.

b) Where the survey submitted under part (a) of this condition identifies the presence of protected reptiles on or adjacent to the area of any Reserved Matters submission, that submission will be accompanied by a strategy to mitigate the impact of the proposal on those reptiles.

c) The approved development will be implemented and thereafter maintained in accordance with the approved mitigation scheme.

Reason: Parts of the site are known to be suitable for reptiles. To identify the extent of reptile presence in the relevant area, and to ensure any protected reptile species in the area of any specific proposal are not harmed by that proposal.

A26. a) The development in any phase or parcel identified under condition A1(c), other than as may be controlled by condition C1 below, will be designed, constructed and operated, at a minimum, to meet the 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, unless otherwise agreed in writing by the local planning authority.

b) Details submitted in accordance with Condition A2 [the Reserved Matters], shall include details of eco friendly measures to be incorporated within the construction of the building. These shall be approved in writing by the Local Planning Authority and provided prior to occupation and retained at all times in the future in accordance with details approved.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

A27. All windows and areas of glazing in non-residential buildings or parts of buildings, including any atrium or entrance area, shall be kept free of applied signage or other significant screening which would hinder views into an atrium or entrance area and/ or the passive surveillance of public areas, unless details have been previously submitted to and agreed in writing with the Local Planning Authority.

Reason: To aid the security of users of the site, to create and retain attractive entrance areas, and control the proliferation of advertisements on the site.

A28. Unless otherwise agreed in writing by the Local Planning Authority, at all times the internal arrangements of the non-residential ground floor uses in the buildings in the development will ensure that no

- non-transparent partitions (other than those positioned at 90 degrees to the external wall)
- storage areas,
- refuse areas
- or toilet facilities

shall be located within 2 metres of any glazed external wall .

Reason: To ensure active frontages and a satisfactory appearance on all faces of the buildings, to ensure a permanently satisfactory urban design solution to the circulation of pedestrians around all faces of the buildings.

A29. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c), the design of the roads, access ways, vehicle parking and manoeuvring areas for to support the development proposed in the application, and to connect it to the public highway shall be submitted to and approved in writing by the Local Planning Authority. Before this phase of the development is brought into use the roads, access ways, vehicle parking and manoeuvring areas approved under that Reserved Matters approval shall be surfaced in a suitable impervious hardwearing material to be agreed in writing by the Local Planning Authority. The parking and manoeuvring areas shall thereafter be retained and used for no other purpose. The parking spaces are to be clearly marked out.

Reason: To ensure the satisfactory functioning of the development.

Schedule B – Conditions relating to the proposed office (use class B1(a)) floorspace.

B1. Unless otherwise justified and agreed in writing by the Local Planning Authority the total quantum of office floorspace shall be a maximum of 144,000 square metres and a minimum of 127,000 square metres over the whole site. Developments of more than 127,000 square metres may require a reduction in other uses applied for as part of this permission.

Reason: In the interests of meeting aspirations for office-led development, comprehensive development of the application site and in the interests of highway safety.

B2. Unless otherwise agreed by the Local Planning Authority and fully justified as part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) in relation to office use, the maximum car parking ratio shall be:

- 1 space per 60 square metres on phase 1A and 1B as indicated in the Design and Access Statement and on the plan attached to this Decision Notice.
- 1 space per 120 square metres on any subsequent phase.

Reserved Matters submissions will demonstrate that the car parking provision will be delivered in a comprehensive manner and shall not be met solely on each individual parcel or phase of land identified under condition A1(c).

Reason: To ensure that the development provides an appropriate level of car parking, meets the needs of highway safety and promotes alternative and more sustainable modes of transport to the private car.

Schedule C – Conditions relating to live/work units

C1. a) The dwellings (including the residential areas of live/work units) in any phase or parcel identified under condition A1(c), shall meet the 3 star standard of the Code for Sustainable Homes.

b) The commercial element of any live/work unit shall meet 2005 Building Research Establishment Environmental Assessment Method 'very good' standard, unless otherwise agreed with the local planning authority.

c) Details submitted in accordance with Condition A2 [the reserved matters], shall include details of eco friendly measures to be incorporated within the construction of the building, for the written approval of the Local Planning Authority.

d) The approved details in any dwelling or live/work unit shall be provided / installed prior to occupation of that unit, and retained and maintained thereafter in accordance with the approved details.

Reason: In order to comply with guidance within policies ENV39 and ENV40 of Walsall's Unitary Development Plan and PPS1 in terms of sustainable development and use of natural resources.

C2. As part of the Reserved Matters submissions in all phases or parcels identified under condition A1(c), the total provision on the site shall be:-

- the maximum floorspace of live/work development shall not exceed 23,195square metres
- the maximum number of live / work units shall not exceed 238 units

unless otherwise agreed in writing by the Local Planning Authority and justified by the Reserved Matters submission.

Reason: In order to ensure that the proposals create an appropriate mix of uses and size of units on the site.

C3. a) The commercial element of the live/work units shall be a minimum of 30% of total gross floorspace of each unit.

b) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or succeeding Orders, none of the units in any phase or parcel identified under condition A1(c) identified as live/work units shall be converted entirely to residential occupation.

Reason: In order to ensure satisfactory development of the application site and to maintain the opportunity for continued use of live/work facilities.

C4. a) Prior to the occupation of any live/work unit in any phase or parcel identified under condition A1(c), the location of a communal satellite dish or dishes (including a timetable for implementation) to serve the live/work units in that phase or parcel shall be submitted to and agreed in writing by the Local Planning Authority.

b) The approved dish(es) will be erected in accordance with the approved timetable.

c) Notwithstanding the terms of the Town and Country Planning (General Permitted Development Order 1995, or succeeding legislation, no other dish will be erected on any live/work unit in that phase or parcel.

Reason: To ensure the satisfactory appearance of the building, to ensure amenities of future residential occupiers, to prevent a proliferation of satellite dishes on the building(s) and to ensure satisfactory functioning of the development.

C5. Any trade counter activity from shall not exceed 10% of the total commercial floorspace of any of the units approved. There shall be no retail activity from any live / work unit.

Reason: The site is not necessarily suitable for other uses and to define the permission.

C6. A parking allocation strategy for the live/work development in any phase or parcel identified under condition A1(c) shall be submitted to and agreed by the Local Planning Authority. The approved allocation strategy shall be implemented prior to the first occupation of the approved units.

Reason: In order to ensure an appropriate level of car parking on the site.

C7. Unless otherwise agreed in writing by the Local Planning Authority, in the event that the commercial business element of a live/work property ceases trading, and does not restart the residential element shall be vacated and made available to future live-work occupiers within 2 years of the commercial business ceasing activity.

Reason: In order to maintain the live/work elements of the proposals as such, to ensure that viable opportunities continue to be supplied for small/medium business enterprises and to ensure that adequate consideration is given for people to vacate the premises and take account of personal circumstances.

C8. In any application for Reserved Matters in any phase or parcel identified under condition A1(c), each live-work unit shall be designed to have access to a private amenity area for use by the residents of the live/work unit.

Reason: In order to provide a satisfactory living environment for future occupiers of the premises.

C9. Any application for determination of reserved matters in any phase or parcel identified under condition A1(c) shall include a management plan to provide, where

necessary, communal facilities (e.g. locker facilities, meeting rooms and internet provision).

Reason: In order to ensure that the live/work units are adequately managed.

Schedule D – Conditions relating to leisure floorspace proposals

D1. Unless otherwise agreed by the Local Planning Authority and fully justified as part of the Reserved Matters submission in any phase or parcel identified under condition A1(c), the maximum floorspace of independent sport and leisure development (under Use Class D2) shall not exceed 5,890 square metres.

Reason: To define the permission and to ensure that the development meets the needs of providing office-led regeneration.

D2. Unless otherwise agreed by the Local Planning Authority and fully justified as part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) in relation to leisure and sport use, the maximum car parking ratio shall be 1 space per 70 square metres. Reserved Matters submissions will demonstrate that the car parking provision will be delivered in a comprehensive manner and shall not be met solely on each individual parcel or phase of land identified under condition A1(c).

Reason: To ensure that the development provides an appropriate level of car parking, meets the needs of highway safety and promotes alternative and more sustainable modes of transport to the private car.

D3. Notwithstanding the Town and Country Planning (Use Classes Order) 1987 (as amended), unless otherwise agreed in writing by the Local Planning Authority, the use approved under Use Class D2 relate to a gym or similar sport and leisure facility only and does not approve other uses under Use Class D2 (e.g. nightclubs and a cinema).

Reason: Other D2 uses should be located in the town centre and should be subject to the appropriate testing under the sequential approach.

Schedule E – Conditions relating to hotel floorspace proposals

E1. Unless otherwise agreed by the Local Planning Authority and fully justified as part of the Reserved Matters submission in any phase or parcel identified under condition A1(c), the maximum floorspace of hotel development on the whole site (Use Class C2) shall not exceed 4,206 square metres.

Reason: To define the permission and to ensure that the development meets the needs of providing office-led regeneration.

E2. Unless otherwise agreed by the Local Planning Authority and fully justified as part of the Reserved Matters submission in any phase or parcel identified under condition A1(c), in relation to hotel use the maximum car parking ratio shall be 1 car parking space per 45 square metres. Reserved Matters submissions will demonstrate that the car parking provision will be delivered in a comprehensive manner and shall not be met solely on each individual parcel or phase of land identified under condition A1(c).

Reason: To ensure that the development provides an appropriate level of car parking, meets the needs of highway safety and promotes alternative and more sustainable modes of transport to the private car.

E3. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) for any hotel development, details of taxi drop off and collection facilities shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site can be adequately serviced and meet the needs of potential customers.

E4. Unless otherwise agreed in writing by the Local Planning Authority the hotel shall achieve a minimum of a 4 star rating as defined by Visit England and Black Country Tourism (or any succeeding organisation).

Reason: In order to define the permission.

Schedule F – Conditions relating to replacement car parking provision.

(To be read in conjunction with Conditions A7, B2, C5, D2 and E2)

F1. As part of the Reserved Matters submission for Phase 1A (or any part of that Phase) identified under condition A1(c), a scheme and allocation strategy shall have been developed in partnership with Walsall Council, and shall be submitted as part of the Reserved Matters submission, relating to the provision of replacement car parking for the new Walsall College and short stay car parking for the Leather Museum. The submitted scheme shall include details relating to:

- i) appropriate access for disabled persons;
- ii) management of spaces in relation to the length of stay;
- iii) relationship to and compliance with the Walsall car parking strategy;
- iv) charges shall never be less than the charges applicable to the Council's short-stay car parks; and may be up to, but never more than, twice the charges applicable to the Council's short-stay car parks
- v) the means of implementation of the scheme

Details of the parking control are to be submitted to and agreed in writing with the Local Planning Authority prior to the opening of the offices. The site operator will consult the Council in writing on any subsequent changes to the management scheme, and have regard to any representations made. The site operator may review the charges with the Council in the event that it is evident that any pricing structure fails to ensure that adequate parking remains available to customers.

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

- town centre developments should be functionally integrated and not cause congestion on the surrounding highway network;
- parking should support the Council's strategy of enhancing the centre;
- parking should serve the centre as a whole, to provide for shoppers and visitors, through management and pricing arrangements;
- parking controls should discourage commuters.
- An inappropriate regime for parking could have an adverse impact on the vitality and viability of Walsall Town Centre. The car park is intended to serve the proposed office development, College and Leather Museum and it is accepted, in this case where a town centre development is served by a car park, that food retail does have special needs, which if not reflected within the

condition could impact upon the vitality and viability of a major attractor to the town centre and thereby impact upon the vitality and viability of the town centre.

F2. Unless otherwise agreed in writing with the Local Planning Authority replacement car parking provision shall not exceed 592 car parking spaces and the amount dedicated to Walsall College shall not exceed 329 spaces.

Reason: To provide an appropriate level of car parking provision.

Schedule G – Conditions relating to the retail floorspace proposals

G1. a) This permission approves Use Classes A1, A2, A3, A4 and A5 as defined by the Use Classes Order 1987 (as amended) or any succeeding legislation in relation to the retail uses within the development hereby approved subject to the following:-

- i) At no time shall the total amount of floorspace in A1 use anywhere on the site exceed 320sq.m.
- ii) At no time will the total amount of floor space in food retailing on the site exceed 250sq.m.
- iii) At no time shall the total amount of floorspace in A2 use anywhere on the site exceed 320sq.m.
- iv) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or succeeding legislation no use in the buildings hereby approved in detail shall be converted from another use to an A1 use.

b) At no time shall any A1, A2, A3, A4 or A5 use on the site have any display of goods outside the building containing that use, nor make any active use of such an area (e.g. to provide seating), unless details (including a management plan) have been submitted to and agreed in writing by the Local Planning Authority.

c) If an outside area is approved for use under part (b) of this condition, the area shall be managed in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason To define the permission, to control the nature of retailing and town centre uses on the site, and to ensure the satisfactory appearance and functioning of the site, and in the interests of public safety and reducing anti-social behaviour.

G2. a) A1, A2, A3, A4 and A5 uses within the retail core are approved as part of this permission to a combined floorspace limit of 621sq.m. unless otherwise justified as part of a Reserved Matters submission.

- b) No further Class A1 retail use will be allowed unless otherwise justified as part of a Reserved Matters submission.
- c) A2 uses, crèches/day nurseries (D2 uses) within the ground floor of offices and live/work elements may be created, if they are justified as part of a Reserved Matters submission.
- d) Other uses such as cafes, restaurants and drinking establishments may be created, if they are justified as part of a Reserved Matters submission, in particular in and around areas of strategic public realm.

Reason: To define the permission, in relation to uses ancillary to the main elements of the proposed development.

G3. No food preparation, cooking, or catering equipment (other than domestic equipment in a dwelling or live / work unit, or small scale ancillary facilities in offices

or similar working areas) shall be installed in any part of the development until details of appropriate ventilation, grease traps and fume control equipment for that installation have been approved in writing by the Local Planning Authority. The approved details shall be implemented before the proposed preparation / catering / cooking equipment is brought into use, and shall be thereafter retained in working order.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and to safeguard the amenity of the area.

G4. No amplification equipment shall be installed in any of the non residential premises (including the non-residential areas of the live / work units) until details of the equipment and any necessary soundproofing have been submitted to and approved in writing by the Local Planning Authority and the soundproofing works shall be carried out before the amplification is brought into use.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

Schedule H – Conditions relating to Wisemore House

H1. This permission approves, subject to justification, Use Classes A1, A2, A3, A4, A5, D2, and live/work (sui generis) as defined by the Use Classes Order 1987 (as amended) or any succeeding legislation in relation to Wisemore House within the development hereby approved. Other uses should be fully justified as part of the Reserved Matters submission including Wisemore House.

Reason To define the permission, and provide for suitable uses for this Listed Building.

H2 Any Reserved Matters submission including Wisemore House shall include a full management plan for securing and safeguarding the future use of Wisemore House to be agreed in writing by the Local Planning Authority. The approved scheme shall be implemented upon approval of the Reserved Matters.

Reason: In order to preserve the historic fabric and safeguard the listed building.

H3. Any Reserved Matters submission including Wisemore House shall include a full schedule and detail plans of repair works to Wisemore House to be agreed by the Local Planning Authority in writing. The works shall be undertaken in accordance with the approved scheme to a timescale to be agreed with the Local Planning Authority in writing.

Reason: In order to preserve the historic fabric and safeguard the listed building.

H4. Any Reserved Matters submission including Wisemore House shall include a full structural survey of the building. The survey shall also include any works necessary to safeguard the building. Prior to the commencement of development on Wisemore House the works shall be agreed by the Local Planning Authority in writing. The works undertaken in accordance with the approved scheme.

Reason: In order to preserve the historic fabric and safeguard the listed building.

H5. Any Reserved Matters submission including Wisemore House shall include detailed landscaping proposals for the area surrounding the Listed Building. The

scheme to be submitted to and agreed in writing by the Local Planning Authority will address the following aspects:

- i) the setting of the Listed Building;
- ii) appropriate hard and soft landscaping materials;
- iii) pedestrian and cycling priority, with servicing and delivery provision.
- iv) outdoor seating areas, including management details (including a management plan).
- v) appropriate street furniture (excluding those detailed in part iv) and signage.

The approved scheme shall be implemented within 12 months of any part of the development including Wisemore House hereby approved being brought into use, or such other period as may be agreed in writing by the Local Planning Authority. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

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

Reason: To ensure the satisfactory appearance of the development and to preserve the historic fabric and safeguard the listed building.

Schedule I – Conditions relating to ground contamination, air quality and noise assessments for reserved matters submissions

I1. Any application for determination of reserved matters in any phase or parcel identified under condition A1(c) shall be accompanied by a comprehensive desk study assessment (Phase 1 Land Contamination Risk Assessment) of the likelihood of contamination being present upon the application site. This assessment must contain sufficient detail and substantive evidence to demonstrate that the site is suitable for intended use without further investigation and remediation, or proposals for the comprehensive investigation and assessment of the on site ground conditions to enable determination of suitable mitigation and/or remediation measures.

Reason: To ensure satisfactory development of the application site.

I2. Following demolition of any existing structures and prior to built development in any phase or parcel identified under condition A1(c) commencing an intrusive site investigation and assessment of ground contamination and ground gas as set out in Report "Phase I Contaminated Land Risk Assessment Walsall Gigaport, November 2007" submitted in support of Outline Application 08/0951/OL shall be undertaken to the satisfaction of the Local Planning Authority. A copy of the findings of the site

investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority within 1 month of completion.

Reason: To ensure satisfactory development of the application site.

13.a) Prior to built development in any phase or parcel identified under condition A1(c) commencing details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on each plot and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

b) Agreed remedial measures (as identified in part a) shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed timetable. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure satisfactory development of the application site.

14. a) Prior to built development in any phase or parcel identified under condition A1(c) commencing, noise impact assessments shall be undertaken to the written satisfaction of the local planning authority. The results of this work, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion.

b) Prior to the first occupation of any building approved as part of the Reserved Matters defined by conditions A1(c) A2 suitable noise mitigation measures to protect internal and external areas of both extant and new noise sensitive premises have been agreed in writing with the local planning authority, and the development shall not be occupied or brought into use until such measures have been fully implemented.

Reason: To ensure satisfactory development of the application site.

15. a) Prior to development commencing, a ground and structural vibration survey shall be undertaken to the written satisfaction of the local planning authority in respect of both extant and new vibration sensitive premises. The results of this survey, including details of all instrumentation used, prevailing site conditions and traceable calibration tests, shall be submitted to the local planning authority within 2 months of completion of the survey. If identified suitable vibration mitigation measures to protect internal areas of both extant and new vibration sensitive premises shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

b) If identified under part a) of this condition the development shall not be brought into use until such measures have been fully implemented and thereafter they shall be maintained in accordance with their design specification. Levels of ground and structure-borne vibration transmitted to both extant and new vibration sensitive premises shall not exceed specified criteria for 'low probability of adverse comment' with reference to British Standard BS 6472: 2008 'Guide to Evaluation of human

exposure to vibration in buildings (1 Hz to 80 Hz) Part 1 Vibration sources other than blasting’.

Reason: To ensure satisfactory development of the application site.

I6. Any application for determination of reserved matters in any phase or parcel identified under condition A1(c) shall be accompanied by a further comprehensive air quality appraisal and modelling work has been undertaken to the written satisfaction of the Local Planning Authority which satisfactorily demonstrates that air quality objectives pursuant to the Air Quality Standards Regulations 2007. Should any adverse impact be identified, the survey shall identify suitable mitigation and design solutions which shall be agreed with the Local Planning Authority. Suitable measures shall be implemented prior to the occupation of any building proposed under the reserved matters submission.

Reason: To ensure satisfactory development of the application site.

Schedule J – Conditions relating to Phase 1A and 1B (as illustrated in the Design and Access Statement submitted with the outline application and attached to this decision notice)

J1. Unless otherwise agreed in writing and fully justified as part of the Reserved Matters submission(s) for Phase 1A and 1B identified under condition A1(c) shall comprise no more than the following floorspace:

- a) 34,814 square metres of offices (Use Class B1(a));
 - b) 7,317 square metres of live/work development (Use Class sui generis); and
 - c) 4,206 square metres Data Centre facility (Use Class sui generis).
- Other uses classes may be appropriate (e.g. retail, hotel and the health and sports facility) at an earlier stage subject to agreement with the Local Planning Authority.

Reason: In order to ensure an appropriate level of floorspace; car parking; manage the impact on the highway network; deliver appropriate public transport and public realm works.

J2. In conjunction with Condition F1, Phase 1A and 1B shall deliver replacement car parking for Walsall College.

Reason: In order to deliver an appropriate level of car parking.

Schedule K – Conditions relating to Environment Agency requirements for reserved matters submissions

K1. As part of the Reserved Matters submission in any phase or parcel identified under condition A1(c) no development shall commence until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted in full to and approved by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments.

K2. Unless otherwise agreed in writing, there must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the

outside edge of the existing Ford Brook Tunnel or any other culverted watercourses inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: To maintain/improve access to the culverted watercourse structure for maintenance or future improvements and provide for overland flood flows.

K3. Prior to the commencement of development in any phase or parcel identified under condition A1(c) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
 - i) all previous uses
 - ii) potential contaminants associated with those uses
 - iii) a conceptual model of the site indicating sources, pathways and receptors
 - iv) potentially unacceptable risks arising from contamination at the site.
- b) A site investigation scheme, based on part a) of this condition to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment under part b) of this condition and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in part c) of this condition are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To prevent pollution of local controlled waters.

Summary of reasons for granting planning permission and the policies and proposals in the development plan which are relevant to the decision.

Walsall Gigaport is a significant project on the northern boundary of Walsall Town Centre (as defined in the Unitary Development Plan and Black Country Joint Core Strategy) which seeks to deliver a significant proportion of the identified regional office need to 2026 for Walsall as a Regional Strategic Centre (as defined in the Regional Spatial Strategy and Black Country Joint Core Strategy). The project aims to deliver a 21st century working environment, office led, with high quality, sustainable design at the heart of the proposals. Given the scale and quantum of development necessary it is considered that there are no other sequentially preferable sites.

The proposed development, having considered all relevant public participation responses and consultation comments is considered to comply with the relevant policies of the Development Plan (namely Walsall Unitary Development Plan and the

Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular policies GP1, GP2, GP3, GP4, GP5, GP6, GP7, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, ENV9, ENV10, ENV11, ENV13, ENV14, ENV17, ENV18, ENV19, ENV21, ENV22, ENV23, ENV25, ENV26, ENV27, ENV29, ENV31, ENV32, ENV33, ENV34, ENV35, ENV39, ENV40, JP2, JP3, JP7(d), S1, S2, S3, S4, S5, S7, S8, S10, H3, H9, H10, LC1, LC2, LC6, LC7, LC8, WM1, WM4, WA3, WA4, WA3, WA5, WA6, WA7(I) and (VI), WA8, WA13, WA15, WA16, WA17, WA18, WA19, and paragraphs 4.6, 4.13 and 4.14 of Walsall Unitary Development Plan, March 2005; Policies PA1, PA2, PA3, PA4, PA5, PA6, PA10, PA11, UR1, UR3, UR4, QE1, QE2, QE3, QE4, QE5, QE7, EN1, EN2, T1, T2, T3, T4, T5, T7, T8, T9, CF1, CF4, and CF6 of the Regional Spatial Strategy for the West Midlands (RSS11); Adopted Supplementary Planning Documents including Designing Walsall SPD, on balance, having taken into account all material planning considerations, the proposal is acceptable.

Further details are available by referring to the officer's report which can be viewed, subject to availability, in Planning Services. As the application was approved by the Development Control Committee, the report can be viewed on the Council's website at www.walsall.gov.uk <<http://www.walsall.gov.uk>>.

NOTES FOR APPLICANT:

A) The Council consider the scheme should meet the terms of the Secured by Design and Parkmark standards, and will expect the submissions under this condition to meet that concept, or provide compelling justification for not doing so.

B) If your application includes demolition work, it may be necessary for you to also notify Building Control Services of your intention to demolish (Section 80 of the Building Act 1984). This should be done as soon as possible but not less than 6 weeks before commencement of the demolition work. Helpline number 01922 652408

C) The Council, in conjunction with Midlands Architecture for the Designed Environment (M.A.D.E.) are developing design codes for the development. The reserved matters applications should be developed in accordance and in consultation with this process (see condition A4) to ensure that the development delivered will be high quality design and that public realm will be delivered to a high quality.

D) The Council expects measures submitted under Conditions A27 and C1 will address the following, though this is not intended as an exhaustive or exclusive list:

- a scheme for rainwater harvesting for reuse as part of the day to day functions of the building
- landscaping maintenance within the design of the permitted development,
- rainwater discharge,
- micro-generation of electricity, for example by solar/photovoltaic system or micro wind energy system on roofs.

E) Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings(Revised)" (CIRIA C665); or any relevant successors of such guidance. You

are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before.

F) When making assessments of any contaminants identified as being present upon the land and their potential to affect the proposed use regard should be had to the advice given in Contaminated Land Reports, R&D Publications, CLR 7 to CLR 11 and The Contaminated Land Exposure Assessment (CLEA UK) model or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

G) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Ford Brook Tunnel, designated a 'main river'.

H) The Local Planning Authority has a preference for a submission under Condition A9 showing the use of a long internal roadway with a surface hard enough to allow the mud to fall off, as with a wheel washer / spinner there is a tendency for wet mud to be thrown onto the bodywork of the lorry, falling off later, often on the road.

I) The Council will expect the required details under Condition G2 part (b) to include a management plan detailing hours of operation in which the area can be used, safety and security issues, management of the area, the details of street furniture, and storage of tables, chairs and barriers. The management plan should also detail procedures for review and monitoring of the use of any area proposed, including procedures for its closure in event of significant anti-social behaviour.

J) Separate and detailed Listed Building Consent will be required for Wisemore House when the Reserved Matters is submitted in order to be determined simultaneously. The submission shall detail the minimum of repairs and any proposed alterations (especially internal alterations). In addition a Building Assessment should be made of the building and the outbuildings, highlighting the sensitivities to the building and its internal fabric.

K) The applicant/developer is advised to contact British Waterways third party works engineer in order to ensure that any necessary consent is obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

L) Attention is drawn to the Council's Cabinet Report dated 18th April 2007.

M) The Council expects the scheme to seek to avoid areas with the potential to host black redstarts. Moreover, whether or not black redstarts occupy the development site, the mitigation scheme should include features such as green roofs, nesting sites, bird and bat boxes, urban wildlife gardens etc to encourage black redstarts and bats to utilise the site once the development has been completed.

NETWORK RAIL NOTES FOR APPLICANT:

N) Network Rail is required to recover all reasonable costs associated with facilitating these works. It is realised that much of the below does not apply directly to the

application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. Suggest any Developer contact Richard Donaldson, Senior Route Planner, Network Rail.

O) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

P) All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property.

Q) All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

R) Security of the railway boundary will be required to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Territory Outside Parties Engineer.

S) Method statements will be required to be submitted to Network Rail's Territory Outside Parties Engineer at the below address for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic which must be booked via Network Rail's Territory Outside Parties Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

T) Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

U) Children's play areas, open spaces and amenity areas should not be sited adjacent to the railway unless the developer provides and maintains a substantial fence along the boundary to a minimum height of 2 metres.

V) Where new roads, turning spaces or parking areas are to be situated adjacent to a railway which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving/rolling on to the railway or damaging the line side fencing.

W) Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted

mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

X) If not already in place, the Developer must provide a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal. Network Rail's existing fencing/wall must not be removed or damaged.

Y) Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
