



Regeneration – Planning and Building Control

Walsall Council
Miss Emma Segal
Regeneration
Civic Centre
Darwall Street
Walsall
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PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: Walsall Council

Agent:

Application Number: 11/1541/TE

Date of Application: 13/12/2011

Site Address: LAND NORTH OF WALSALL TOWN CENTRE, BOUNDED BY LITTLETON STREET WEST, HATHERTON STREET, HATHERTON ROAD. WALSALL MAGISTRATES COURT, STAFFORD STREET, WS2 8HA

Proposal: Time extension to 08/0951/OL: (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).

Part 2 – Particulars of Decision

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

CONDITIONS

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 for planning permission 08/0951/OL
- Appendix D – Officers report to committee for planning permission 11/1541/TE.
- 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 Core Strategy and Local Development Framework (e.g. Walsall Town Centre Area Action Plan). 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)(vii) 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 deliver higher quality comprehensive design, and use Design Review services provided by the Design Council or their regional offices to demonstrate high quality.

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 dinky 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. The approved scheme shall be fully implemented.

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. 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 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. 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 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 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 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. 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 PPS4 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. 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 a separate application is submitted to and agreed 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) 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;
- (b) 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.

I3.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.

I4. 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.

16. 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. 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. There shall 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.

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, have worked with Midlands Architecture for the Designed Environment (M.A.D.E.) and their Design Review panel. 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 of a high quality design with attention to a building's architectural, setting and public realm 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.

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Walsall Gigaport is a significant project on the northern boundary of Walsall Town Centre (as defined in the Unitary Development Plan and Black Country 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 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 strategic nature of the Gigaport permission sits at the heart of the economic regeneration of the town centre and modernisation and diversification of the economic base from an industrial based economic model. The need to regenerate and deliver significant economic transformation of this area plays a significant role in the regeneration of the whole of Walsall Town Centre and the Borough.

The key aims and objectives of the Gigaport are comprehensive, high quality design in buildings and landscaping, strategic public realm including the preservation of Wisemore House, promotion of walking and cycling and public transport and creating a business cluster, linking the Gigaport area to the town centre across the Gigaport, promotion of links to public transport and the safeguarding of future routes with contributions towards delivery where applicable.

Sustainable methods of construction, including the use of renewable energy sources and low carbon initiatives such as electric car charging points should also be designed into the development.

Car parking levels for office development should be at a maximum of 1space per 60sqm for the first phases of development and 1 space per 120sqm in other phases. This is necessary in order to deliver highway safety and a flow of traffic in the town centre and on the strategic highway network.

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, the Black Country Core Strategy and the Regional Spatial Strategy for the West Midlands) and national planning guidance and best practice guidance. In particular the Vision and Spatial Objectives of the Black Country Core Strategy supported by policies CSP1, CSP4, CSP5, CEN1, CEN2,

CEN3, CEN4, CEN6, CEN7, ENV1, ENV3, ENV5, TRAN1, TRAN2, TRAN5, EMP1, HOU1, HOU2, DEL1, DEL2, SC3.1, and SC3.5; saved policies GP2, GP3, GP5, GP6, T1, T2, T3, T4, T5, T6, T7, T8, T9, T10, T11, T12, T13, ENV9, ENV10, ENV11, ENV13, ENV14, ENV17, ENV18, ENV23, ENV25, ENV26, ENV27, ENV29, ENV32, ENV33, ENV34, ENV35, ENV40, JP7(d), S1, S2, S3, S4, S5, S7, S8, S10, H3, 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.

Date of Decision: 3 February 2012



David Elsworthy
Head of Planning and Building Control

NOTES FOR APPLICANT

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

you should find out whether that work falls within the scope of the Act. If it does, you must serve the statutory notice on all those defined by the Act as adjoining owners. You may wish to seek professional advice. However, two guidance booklets have been published entitled "The Party Wall etc. Act 1996: Explanatory Booklet" and "A Short Guide to the Party Wall etc. Act 1996", both are available from Communities and Local Government Publications, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0300 123 1124, Fax: 0300 123 1125. These documents are also available at

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

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

properties, you must apply to obtain your new postal address(es) using the application form that you can obtain from the Street Naming and Numbering Team, Traffic Management, Engineering and Transportation Services, Civic Centre, Darwall Street, Walsall WS1 1DG or online at www.walsall.gov.uk/street_naming_and_numbering

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

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

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

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

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

If you would like further information or clarification of the reasons for this decision contact the planning case officer Andrew Thompson on 01922 652403 or e-mail planningservices@walsall.gov.uk.

Alternative language or format

If you would like this information in another language or format contact the Planning helpline on 01922 652452 or Textphone 0845 111 2910