

**DEVELOPMENT CONTROL COMMITTEE**  
**22 April 2008**  
**SUPPLEMENTARY PAPER**

Since preparing the agenda I have received the following further information relating to items on the agenda:

Item no.	Late Paper Contents	Officer Comments
Agenda Item 10.	<p><u>Deed of Variation to S106 Obligation relating to 04/0231/FL/E2 – Morris Homes, Aldridge Road, Streetly</u></p> <p>Application 07/2491/FL/E6, for erection of 13 apartments on Unit 25 Enterprise Drive, referred to in paragraph 12.6 of the report was refused on 11<sup>th</sup> April 2008. The decision was based on design and layout, parking, amenity space and density issues. There was no objection to the principle of redevelopment for apartments.</p>	For information.
1	<p><u>08/0059/FL – Cartbridge Lane South</u></p> <p>In order to address anti-social behaviour concerns and give flexibility to allow demolition of the present buildings on site, following agreement of ecological matters, the applicant has requested minor amendments to some of the conditions.</p> <p>Further conditions have also been recommended by Transportation.</p> <p>Having further considered the District Valuer's response to their Development Viability Appraisal the developer has offered the following: £158,514.06 towards secondary school education provision.</p> <p>Three social rented three bedroom houses (type A) at a location to be agreed.</p> <p>Nil contributions towards urban open space, public art and healthcare contributions.</p> <p>A further representation has been received. The writer is in favour of</p>	<p>A replacement set of conditions is attached to these papers (appendix 1) that addresses these matters.</p> <p>Committee to consider.</p>

	<p>residential redevelopment but raises the following concerns:</p> <ul style="list-style-type: none"> <li>- need to maintain no "through road" status of Cartbridge Lane/Cartbridge Lane South</li> <li>- positioning of bollards to prevent access</li> <li>- traffic problems where vehicles join Lichfield Road</li> <li>- Use of S106 monies</li> <li>- Protection of Ford Brook during building work</li> </ul>	<p>The layout shows no through road.</p> <p>Bollards will be positioned subject to Highways and Fire Service approval.</p> <p>Access onto Lichfield Road is covered in the Transport Assessment and Transportation are satisfied that no problems will be created.</p> <p>S106 monies will be distributed in accordance with the Supplementary Planning Documents.</p> <p>Ford Brook will be protected in accordance with the Environment Agency requirements.</p>
2	<p><u>08/0394/FL Land (including factory complex AP(UK) at Heathfield Lane West/Moxley Road Darlaston</u></p> <p>Consultation response from Centro:- Accessibility to public transport from the development site is poor and does not meet Centro-WMPTA accessibility standards. The nearest bus stop to the site is located on Wiley Avenue (over 400 metres away from the majority of the development site) and is served by the hourly service to Walsall no 639. Furthermore, the geometry of the surrounding road network is unlikely to support the effective diversion of bus routes to the site. The nearest regular bus service is the every 10 minutes (20 minutes evenings and Sundays) no 79 along Moxley High Street and Moxley Road, with links to Birmingham,</p>	<p>In relation to the Police Liaison officers comments (previous refusal reason 1d in the observation section of the report), the developer is looking into the issues and where possible comments will be taken on board.</p> <p>The developer has provided an amended version of the Travel Plan. In relation to bus frequency and the distance to bus stops they refer to their TA which sets out the importance of bus frequency over distance. They conclude that should the adjacent (hourly) bus service be extended it is unlikely to attract any significant patronage as more direct routes (from Moxley Road) are available at higher frequencies. They have received no response from</p>

	<p>West Bromwich and Wolverhampton. The developer should fund improvements to pedestrian accessibility to bus services under S106 supported by UDP, T10, "planning conditions/obligations will be used to ensure that accessibility standards are met throughout the life of the development". Direct, convenient, well lit and of a safe and secure design pedestrian links should be provided through the development to the surrounding public transport network. The number of units exceeds 100 so the developer should be required to develop a Residential Travel Plan and promote sustainable travel to and from the development, secure cycle parking facilities should also be provided.</p>	<p>Travel West Midlands regarding alternations to the existing route. Research shows that 50% of journeys to work are local – with very significant proportion made by sustainable modes.</p> <p>With regard to policy T10 (c) and the use of commuted payments to support the provision of transport infrastructure, insufficient assessment work has been carried out, by the Council, which would allow for the mechanics of this policy to be applied at this stage. These requirements are not proposed to be included in the agreement.</p> <p>A condition requiring the submission and agreement of a Travel Plan prior to occupation will be imposed should the development be approved</p> <p>In relation to the need for a Travelwise Co-ordinator, (previous refusal reason 8 in the observation section of the report), the developer has stated that the site is not considered large enough to warrant an in-situ travel plan co-ordinator and as such marketing tasks are delegated to the sales company for private houses and the housing association for the affordable/rented dwellings. They have suggested that on-going marketing and monitoring could be provided externally by a consultant and a time frame could be set out within an updated travel plan. They confirm that the applicant is willing to make a</p>
--	--	---

		<p>commitment to ensure that the travel plan management is kept up for at least 5 years. Where property is managed (for instance housing association or flats) the management company would be made responsible for keeping information boards up to date. For other areas this task could be delegated to an external consultant/management company for that period.</p>
	<p>Transportation response to consultation:-</p> <p>All houses have two parking spaces and all apartments have a minimum of 125%, some 133%. This is considered acceptable.</p> <p>Some parking spaces are not conveniently located to the property they serve. This can be eased by the provision of gates into rear gardens or pedestrian doors from garages. This should be required by condition to encourage the use of off-street parking spaces. Garage dimensions – the provision of rear access from parking areas to gardens will make it more convenient for residents to provide their own storage facilities to encourage more to own and use cycles.</p> <p>Manoeuvring space and pedestrian forward visibility are now acceptable. Secure cycle storage for the apartments is now included.</p> <p>Refuse and recycle storage facilities for the apartments are now included.</p> <p>Revised swept path drawings have been provided to demonstrate that a refuse vehicle of the size used by the Council can manoeuvre around the site.</p>	<p>Noted</p> <p>Where deemed appropriate the developer has stated that they will incorporate rear access areas, with lockable gates and 2m close boarded fences to rear gardens, to ensure that parking areas are closely related to the houses/apartments they serve. A condition will be required to ensure this should the application be approved.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>

	<p>Details have been provided on arrangements for waste management from the estate. The majority of houses are provided with an integral storage area for the domestic refuse bin (this is generally in the form of a recessed porch). Further details are required on access to the highway and bin storage areas for those properties that do not front the highway but it is considered that these can be resolved by negotiation and condition.</p> <p>The applicant proposes to establish central recycling areas for residents to use. These are brick buildings located near the carriageway and generally all properties are within 50 metres of one. Council vehicles will be able to manoeuvre within the required distance to collect recycled material but there are some outstanding issues relating to lack of paths, access through parking areas etc. Again, it is considered that these issues can be resolved by negotiation and condition. Waste Management Services have confirmed that they no objections.</p> <p>The relationship of car parking to plots served has been improved and will be further enhanced by the provision of rear access etc as referred to above.</p> <p>The proposed future route of the Bridle path is indicated on the submitted plans. The existing route will need to be diverted or extinguished and this will be the subject of further discussions. It is noted that the diversion of part of the route is not directly required for built development but for improvement to Wards Pool.</p> <p>The plans indicated two areas as access to future development. As this stage, no assumptions should be made about the suitability of these access points to provide for future development.</p>	<p>A condition will be imposed requiring access details to the highway and bin storage areas for those properties that do not front the highway, should the application be approved.</p> <p>A condition will be imposed requiring details of paths, access through parking areas etc should the application be approved.</p> <p>A condition will be imposed should the application be approved Noted</p> <p>A condition will be imposed should the application be approved.</p> <p>An informative will be imposed should the application be approved..</p>
--	--	--



<p>Details of the proposed adoptable areas are required, together with details of the proposed gateway features. A condition is requested requiring approval to the surface materials.</p> <p>The majority of parking spaces in front of garages are shorter than the minimum standard required (5.5 metres). This needs to be addressed. Car ports should not be converted to garages or have gates fitted without planning approval.</p> <p>The adoptable area of the lane in front of plots 106 to 136, appears to be less than 4.1 metres and is therefore effectively a one way street. This needs to be 4.1 minimum. Ditto for other adoptable areas.</p> <p>The detail in the submitted Travel Plan needs to be substantially improved and this should be required by condition.</p> <p>English Heritage has responded. They have no objections to the proposal.</p> <p>Additional plans have been submitted by the developer to address the concerns of the Landscape and transportation Officers. Details include: Levels around the pool and Moxley Tip; Root protection zones; Concept landscape with ecological dimension; Footpath round the pool; Berm around pool to regulate the water levels; Extent of highway for adoption; Layouts showing hardstanding for bins and pathway links; Bridle way to north of pool now 4.1m with segregated footpath; Car ports to be open on three sides; Amended Travel Plan;</p>	<p>A condition will be imposed should the application be approved.</p> <p>The developer has been informed and amendments are expected.</p> <p>The developer has been informed and amendments are expected</p> <p>A condition will be imposed requiring a revised travel plan should the application be approved. See comments above.</p> <p>Noted</p> <p>The plans are being assessed. Our ecologist is not available until after the meeting and therefore these matters will remain outstanding until after committee.</p>
--	--

	<p>Still pressing public transport operators to extend their services into the site;</p> <p>The District Valuer has produced his report. He has concluded that overall there appears to be scope for the incorporation of Affordable Housing into the scheme alongside the S106 contribution.</p>	<p>The developer has been notified of this. He has discussed the viability with the DV, and has produced further information to support their case. They are still of the opinion that the appraisal is correct, if not now optimistic, based on further evidence of selling price reductions. They do not consider that any further contribution is available and have contended that on detailed examination even the contribution offered would not be payable due to the effects of the credit crunch both now and for the foreseeable future. Funding sources have raised the bar for schemes they are prepared to support and margins applied to "viable" schemes are rising accordingly. They feel that a robust approach has been taken to the viability statement and that the scheme is unable to provide more than the £503,000 suggested.</p>
3	<p>Land adj. 18 Park Road, Willenhall.</p> <p>Transportation has no objection to the development but requests further details of the cycle store and a minor amendment to disabled parking space no.3 and marking out of the disabled parking throughout.</p> <p>Amended drawings have been received which show the addition of a door to the rear elevation of block A and improved site security in the form of extra fencing and gates across the</p>	<p>This information can be required by condition.</p> <p>These amended proposals will improve the functioning of the layout and the security of the site and its neighbours</p> <p>Members are requested to</p>

	<p>majority of the car park.</p> <p>Increase contributions towards urban open space and education are required because of the change in the number of bedrooms in the scheme. The applicant has agreed to this but a deed of variation to the Section 106 Agreement made as part of the previous application is necessary to secure this.</p>	<p>authorise the completion of the deed of variation.</p>
4	<p>Murco Service Station, Pinfold Street, Darlaston</p> <p>Centro, the Fire Service and the Environment Agency have no objection to this development, the Environment Agency requests conditions relating to the investigation and treatment of contaminated land and the removal of redundant fuel tanks.</p> <p>The Police Architectural Liaison Officer advises that this is a high crime area. He raises several matters including boundary treatment (which should be strengthened), the distance between the flats and their parking (which should be reduced) and the position of the main gates (which should be flush with the front of the building to aid the overall security of residents).</p>	<p>Note. Appropriate conditions concerning contamination and fuel tanks to be prepared.</p> <p>Boundary treatment can be the subject of a planning condition.</p> <p>The relocation of the gates to the position suggested would be detrimental to highway safety which is of paramount importance on this busy road. the parking would be supervised from the building. Other security measures relating to the pedestrian accesses to the flats and the security of the bin stores can be addressed by conditions.</p>
7	<p>Further letter from the neighbour at number 9 in which he states that less than 2 years ago a smaller brick built extension to the rear of number 15 was refused by the Council and a glass type conservatory extension was later allowed. The extension at 11 is larger than the failed planned extension at 15 and 11 and 15 are at the same ground level whereas 11 is 0.6 metres higher in level than number 9.</p>	<p>There is no record of a refusal for a single storey extension to the rear of number 15. The application approved in May 2005 was for a side two storey and rear single storey and conservatory extension, to which there were no amendments requested or made. The rear part of the extension projects 2.4 metres from the shared rear wall.</p>



**SUPPLEMENTARY PAPERS APPENDIX 1**  
**08/0059/FL – Cartbridge Lane South**  
**Revised List of Conditions**

1. This development must be begun not later than 3 years after the date of this decision.

*Reason;* Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. This development shall not be carried out other than in conformity with the following approved plans and documents: -

- Site Location Plan received 11/01/08
- Planning Layout (Drg. No. 03 Rev E) received 08/04/08
- Site Sections (Drg. No. 04 Rev A) received 10/03/08
- House Type A (Drg. NO. 05) received 11/01/08
- House Type B (Drg. No. 06) received 11/01/08
- House Type C (Drg. NO. 07) received 11/01/08
- House Type D (Drg. No. 08) received 11/01/08
- House Type E (Drg. No. 09) received 11/01/08
- House Type F (Drg. No. 10) received 11/01/08
- House Type H (Drg. No. 11) received 11/01/08
- House Type J (Drg. No. 12 Rev A) received 10/03/08
- House Type K (Drg. NO. 13) received 11/01/08
- Apartment Types F1, F2, F9 & F10 (Drg. No. 14) received 11/01/08
- Apartment Types F3 & F4 (Drg. No. 15) received 11/01/08
- Apartment Types F3 & F5 – Sheet 1 of 2 (Drg. No. 16) received 11/01/08
- Apartment Types F3 & F5 – Sheet 2 of 2 (Drg. No. 17) received 11/01/08
- Apartment Type F6 (Drg. No. 18) received 11/01/08
- Apartment Types F7 & F8 (Drg. No. 19) received 11/01/08
- Street Scenes (Drg. No. 20 Rev A) received 10/03/08
- Garage (Drg. No. 21) received 11/01/08
- Bin Stores (Drg. No. 22 Rev A) received 10/03/08
- Topographical Survey (Drg. No. 040707/1) received 11/01/08
- Topographical Survey (Drg. No. 040707/2) received 11/01/08
- Topographical Survey (Drg. No. 040707/3) received 11/01/08
- Topographical Survey (Drg. No. 040707/4) received 11/01/08
- Topographical Survey (Drg. No. 040707/5A) received 11/01/08
- Topographical Survey prepared by
- Design & Access Statement prepared by DK Partnership dated November 2007 received 11/01/08
- Extended Phase 1 Habitat Survey prepared by Marishal Thompson & Co. dated 18/12/07 received 11/01/08
- Pre-Development Tree Condition Survey prepared by Marishal Thompson & Co. (ref: D/2007071420/PW vs.1) received 11/01/08
- Initial Site Appraisal of Archaeological Risk prepared by Marishal Thompson Group Ecology (ref: E/2007071422/AW vs.1) received 11/01/08

- Report on Existing Noise Climate prepared by Hoare Lee dated 03/12/07 received 11/01/08
- Flood Risk Assessment prepared by JMP Consulting dated 13/12/07 received 11/01/08
- Geotechnical Assessment prepared by Enviros Consulting Limited dated November 2006 received 11/01/08
- Transport Assessment prepared by ADL Traffic Engineering received 11/01/08
- Development Appraisal
- Statement of Community Engagement prepared by DK Partnership dated December 2007 received 11/01/08

*Reason:* To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3. 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 such works shall otherwise only take place between the hours 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

*Reason:* In the interests of the amenity of the surrounding residents of the proposed development.

4. Prior to built development commencing details of remediation measures to deal with the identified and potential hazards of any land contamination and/or ground gas present and a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority.

*Reason:* To ensure the satisfactory development of the site.

5. Agreed remedial measures 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 the satisfactory development of the site.

6. No built development shall be carried out until samples of facing materials to be used in external walls and roofs of the development and the surrounding garden walls and other structures and boundary treatments (including details of the gates to the secure parking areas), has been submitted to and approved in writing by the Local Planning Authority.

*Reason:* To ensure the satisfactory appearance of the development.

7. Prior to commencement of any built development further details of the exact siting, design and construction of the proposed footbridge/cycle path across Ford Brook shall be submitted to the Local Planning Authority for approval and then implemented in accordance with the approved details and maintained throughout the life of the development unless the Local Planning Authority agrees in writing to any variation.

*Reason:* To ensure the satisfactory development of the site.

8. The development hereby permitted shall not be brought into use until the accesses, turning area's and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained, and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall be thereafter be retained and kept available for those uses at all times.

*Reason:* To ensure the satisfactory development of the site.

9. No development, excluding demolition, shall be carried out until full details of existing and proposed levels of the site, access way and floor levels for the proposed dwellings, have been approved in writing by the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate this development and shall show floor levels set at least 600mm above the modelled 1 in 100 year flood level climate change of 123.60 metres above Ordnance Datum. The development shall be carried out and retained in accordance with these approved details.

*Reason:* In the interests of the amenity and to protect the development from flooding.

10. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

*Reason:* To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

11. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing by the local planning authority. This route must be in place before any occupancy of the building(s).

*Reason:* To provide safe access and egress during flood events and reduce reliance on emergency services.

12. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of the banks of Ford Brook inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

*Reason:* To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

13. The development shall be constructed in accordance with the Code of Sustainable Homes '3 stars' or Eco Homes 'good' standard relating to energy efficiency / CO<sub>2</sub>, water efficiency, surface water management, site waste management, household waste management and use of materials, unless otherwise agreed in writing with the local planning authority.

*Reason:* In order to provide high performance sustainable homes and protect the environment in accordance with strategic policy aims 2.1, 2.2, 3.17 and 3.18 and policies GP2 and ENV39 of the Walsall Unitary Development Plan

14. Prior to the commencement of the development measures to safeguard protected species and wildlife habitats, shall be submitted to and agreed in writing by the Local Planning Authority and any compensation or mitigation measures identified implemented in accordance with the agreed details unless the Local Planning Authority agrees to any variation. Such measures shall include a further bat emergence survey to be carried out during an appropriate time of year (between May and August) and white clawed crayfish survey to be carried out during the optimal crayfish season (July until mid-September) under the supervision of a suitably qualified ecologist.

*Reason:* To ensure the protection of wildlife and protected species on the site.

15. 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 and any areas that fail to establish shall be reinstated;
- (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.

16. Levels of ground and/or structure-borne vibration transmitted to occupied buildings emanating from the railway shall not exceed specified criteria for 'low probability of adverse comment' with reference to British Standard BS 6842: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).

*Reason:* To ensure the satisfactory development of the site.



17. No built development shall take place until suitable noise mitigation measures as recommended in the report on this site from Hoare Lea Acoustics dated 3<sup>rd</sup> December 2007 to protect internal areas have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

*Reason:* To ensure the satisfactory development of the site.

18. Prior to the first occupation of the proposed development, improvements to Cartbridge Lane South as shown on drawing 2055/04 Revision C, shall be carried out to a specification to be agreed in writing with the Local Planning Authority. No construction work on the site shall commence until engineering details of the improvements to the public highway have been approved in writing by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

*Reason:* To ensure the satisfactory development of the site.

19. Prior to the first occupation of the proposed development and following revision of the Traffic Regulation Order for the emergency access route along Cartbridge Lane, the details of the specification and precise location of the emergency bollard shall be submitted to and approved in writing by the Local Planning Authority, to meet Highway and Fire Service Standards.

*Reason:* To ensure the satisfactory development of the site.

20. Means of vehicular access for construction traffic to the development hereby approved shall be from Lichfield Road and along Cartbridge Lane South only.

*Reason:* In the interests of highway safety.

21. Development shall not begin until parking has been provided for site operatives, machinery, and visitors within the application site in accordance with details to be submitted to and approved by the Local Planning Authority, and such provision shall be retained and kept available during construction of the development, to prevent indiscriminate parking along Cartbridge Lane South, in the interest of highway safety.

*Reason:* In the interests of highway safety.

22. Any junctions created that forms part of the proposed development as carriageway or shared surface shall provide a visibility splay of 2.4m X 25m, and within those splayed areas nothing shall be erected, planted or allowed to grow within the area described that exceeds a height of 600mm, in the interests of highway safety.

*Reason:* In the interests of highway safety.



23. Any individual driveways that are created as a result of the proposed development that joins the carriageway or shared surface shall provide a visibility splay of 2.0m x 25m, and within those splayed areas nothing shall be erected, planted or allowed to grow within the area described that exceeds a height of 600mm, in the interest of highway safety.

*Reason:* In the interests of highway safety.

24. Prior to the development being first brought into use the part of "Beacon Way" public footpath that links Cartbridge Lane and Lichfield Road shall be upgraded, to ensure the application meets the access criteria.

*Reason:* In order to meet accessibility standards in accordance with policy T12.

25. If it is the developers intention to request that Walsall Council, as the Highways Authority, to adopt the proposed roadwork's as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all the necessary drainage arrangements and run off calculations shall be submitted to. No works on the site of the development shall be commenced until these details have been approved and an agreement under Section 38 of the Highways Act, 1980 entered into.

*Reason:* To ensure the satisfactory development of the site.

26. This permission does not authorise the resiting or installation of any street lighting columns or illuminated road traffic sign(s) affected by the proposed development. Precise details of all works within the public highway shall be agreed prior to any works carried out, and the developer shall contact Walsall Council's Street Lighting Department for the necessary approval.

*Reason:* To define the permission.

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

The proposed development is considered to comply with the relevant policies of the development plan, in particular Policies 3.3, 3.6, 3.7, 3.16, 3.23, GP2, GP3, GP4, GP7, ENV4, ENV14, ENV17, ENV18, ENV24, ENV32, ENV33, H3, H9, H10, 8.8, LC1, LC8, T7 and T13 of Walsall Unitary Development Plan March 2005, and, 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 web site at [www.walsall.gov.uk](http://www.walsall.gov.uk)

### **Notes to applicant**

You are advised to refer to the agreement under Section 106 of the Town & Country Planning Act 1990, which has been completed in conjunction with the development.

#### **In relation to condition 4**

*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.*

#### **In relation to condition 16.**

*The magnitudes at which the probability of 'adverse comment' arises shall be assessed with reference to British Standard BS 6472: 1992 'Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz).*

#### **In relation to condition 17.**

*With regard to suitable noise mitigation measures to protect internal and/or external residential areas, reference should be made to guidance and criteria contained in British Standard BS 8233, 1999 and World Health Organisation Guidelines for Community Noise 2000 and the following are relevant:*

a). *internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(8 \text{ hours})}$ , of 35 dB together with a maximum instantaneous level of 45 dB  $L_{AFmax}$ , between the hours 23.00 to 07.00;*

b). *internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level,  $L_{Aeq(16 \text{ hours})}$ , of 45 dB between the hours 07.00 to 23.00*

*Sound level measuring instrumentation shall conform to either 'Type 1' of British Standards BS EN 60651: 1994 'Specification for sound level meters' and/or BS EN 60804: 1994 'Specification for integrating-averaging sound level meters' and/or Class 2 of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications (or any superseding standards as applicable) which shall have been verified in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' within a preceding 2 year period.*

*Current guidance, procedures, recommendations and information to assist in the completion of a suitable noise survey may be found in:*

*Planning Policy Guidance Note PPG 24 'Planning and Noise'. 1994;*

*Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England. 2005*

*British Standard BS 7445: 2003 "Description and Measurement of Environmental Noise".*

*British Standard BS 7445-1: 2003 - Description and measurement of environmental noise - Part 1: Guide to Quantities and Procedures;*

*British Standard BS 7445-2: 1991 - Description and measurement of environmental noise - Part 1: Guide to the acquisition of data pertinent to land use*

*British Standard BS 7445-3: 1991 - Description and measurement of environmental noise - Part 3: Guide to application to noise limits.*

*British Standard BS 4142: 1997 – Method for Rating industrial noise affecting mixed residential and industrial areas*

*Calculation of Road Traffic Noise, 1988*

*Calculation of Railway Noise, 1995*

*This is not an exhaustive list.*

*Noise surveys should adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to take account of changes in noise levels on account of height above ground floor level. Additionally, a noise survey may have to take into consideration changes in a noise climate between normal weekdays and weekends, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys will be required by the local planning authority in some instances to corroborate a continuous single noise survey.*

*Submitted noise measurement data must include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of verification checks pursuant to British Standard BS 7580 Part 1: 1997 Specification for The verification of sound level meters Part 1 Comprehensive procedure conducted within the previous 12 month period, and recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.*