



TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION OF DECISION ON AN APPLICATION FOR PLANNING PERMISSION

Site: FORMER REDHOUSE JMI SCHOOL SITE, GORSEY WAY & ADJACENT GARAGE COURT IN GRETTON CRESCENT, ALDRIDGE, WALSALL

Application No: 07/2074/OL/E11

Particulars of Development: OUTLINE: Proposed Residential Development And Community Building

Walsall Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described above, as shown in the plans which accompanied the application.

Subject to the following conditions and reasons:

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

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

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

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

3. This development shall not be commenced until details of the Appearance, Scale, Layout and Landscaping Reserved Matters has been submitted to and approved by the Local Planning Authority.

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

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

- Location Plan received 21/09/07
- Design & Access Statement
- Existing Site and Levels (drwg. 51372MBMH/001)
- Proposed Drainage & Flood Routing During 1 in 100 year storm event (drwg. 51372MBMH/002 Rev B)
- Flood Risk Assessment dated 16 March 2007



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- Noise & Vibration Assessment dated 18/04/07
- Arboricultural Implication Study dated 31/10/06
- Plan 01 showing existing trees dated 20/10/06
- Plan 02 showing protective fencing- trees for removal shown with broken lines dated 01/11/06
- Desk Study Report (Ref: GF/15070250/100) dated June 2007-11-19

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).

5. No development shall commence until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

6. No development shall commence on site until details of the disposal of both surface and foul water drainage, to include a scheme for the provision and implementation of a surface water run-off limitation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved programme and details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

7. No development shall be carried out until full details of proposed levels of the site, access way and floor levels for the proposed buildings, 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. The development shall be carried out and retained in accordance with these approved details.

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

8. No development shall commence on site until details of all boundary treatment have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the premises.

Reason: In the interests of securing the development.

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



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Reason: In the interests of protecting residential amenity.

10. Application for approval of reserved matters shall be accompanied by a noise survey which shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, 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.

Reason: In the interests of protecting residential amenity.

11. No development shall take place until suitable noise mitigation measures 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: In the interests of protecting residential amenity.

12. Application for approval of reserved matters shall be accompanied by a ground vibration survey which shall be undertaken to the written satisfaction of the local planning authority. 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.

Reason: In the interests of protecting residential amenity.

13. No development shall take place until suitable vibration mitigation measures to protect internal areas of occupied buildings have been agreed in writing with the local planning authority. 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.

Reason: In the interests of protecting residential amenity.

14. Levels of ground and/or structure-borne vibration transmitted to occupied buildings attributable to railway traffic shall not exceed specified criteria for 'low probability of adverse comment'.

Reason: In the interests of protecting residential amenity.

15. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice and approved in writing by the Local Planning Authority shall be undertaken. A copy of the findings of the site investigation, ground contamination survey and landfill 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 as soon as they become available.

Reason: In the interests of protecting residential amenity.



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

Reason: In the interests of protecting residential amenity.

17. 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: In the interests of protecting residential amenity.

18. Notwithstanding the submitted plans this permission confers no approval to the highway linkage illustrated on drawing ERS 41544.

Reason: To define the permission and control the eventual design of the highway layout.

19. No more than 25 dwellings built on the application site, unless the applicant has made appropriate provision towards affordable housing on the site, or a contribution towards affordable housing off site in accordance with policies GP3 and H4 of the Unitary Development Plan and the Affordable Housing Supplementary Planning Document.

Reason : To ensure that the health and educational and housing needs of the potential occupiers of a large development on the site are met.

20. No more than 30 dwellings built on the application site, unless the applicant has made appropriate contributions towards health facilities in the area in accordance with policies GP3 and 8.9 of the Unitary Development Plan and Healthcare Supplementary Planning Document.

Reason : To ensure that the health needs of the potential occupiers of a large development on the site are met.

21. No more than 10 dwellings shall be built on the application site, unless the applicant has made appropriate provision for off-site open space and education facilities in the area in accordance with policies GP3, LC1 and 8.8 of the Unitary Development Plan and Education and Urban Open Space Supplementary Planning Documents.

Reason : To ensure adequate amenity space and education provision for the potential occupiers of the development.

22. No residential properties shall be occupied on site until or unless the proposed community facility has been completed in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority, and implemented in accordance with the agreed details unless otherwise



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agreed in writing by the Local Planning Authority.

Reason : To define the permission for the avoidance of doubt.

23. No more than 10 dwellings built on the application site unless the applicant has undertaken an upgrade to a local facility as equal compensatory provision for the loss of the playing field in accordance with policies GP3 and LC6 of the Unitary Development Plan and Planning Policy Guidance 17 Planning for Open Space, Sport & Recreation.

Reason: To ensure adequate compensatory provision for loss of the playing field.

24. No more than 50 dwellings built on the application site unless the applicant has undertaken a Transport Statement and no more than 80 dwellings built on the application site unless the applicant has undertaken a Transport Assessment and Travel Plan which shall be first submitted to and agreed in writing by the Local Planning Authority and then implemented in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site and encourage sustainable travel.

25. The proposed community facility building shall be single storey only and shall be constructed in materials that accord with the surrounding context.

Reason: To ensure the satisfactory appearance of the site.

26. No unauthorised vehicular access link shall be provided between Linley Wood Road/Gorsey Way and Gretton Crescent.

Reason: To avoid rat-running and potential amenity and road safety problems in surrounding local roads.

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 GP2, etc T13 and LC9 of Walsall's Unitary Development Plan 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

Note to applicant in relation to condition 9

Bank and Public holidays for this purpose shall be: Christmas Day;
Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday
Monday and August Bank Holiday Monday.



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Regeneration - Planning and Building Control, Walsall Metropolitan Borough Council,
The Civic Centre, Darwall Street, Walsall, WS1 1DG
Fax: 01922 623234 Minicom: 01922 652415

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Note to applicant in relation to conditions 10 and 11

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, LAeq(8 hours), of 35 dB together with a maximum instantaneous level of 45 dB) LAFmax, 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, LAeq(1 hour), of 45 dB between the hours 07.00 to 19.00; and
- c). internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq(1 hour), of 40 dB between the hours 19.00 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



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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.

Note to applicant in relation to condition 12

Vibration surveys shall be conducted having regard to the advice, recommendations or requirements contained in British Standards: BS 6472: 1992 ‘Guide to Evaluation of human exposure to vibration in buildings (1 Hz to 80 Hz); BS 7385-1: 1990 Evaluation and measurement for vibration in buildings Part 1 ‘Guide for measurement of vibrations and evaluation of their effects on buildings’; BS 7385-2: 1993 Evaluation and measurement for vibration in buildings Part 2 ‘Guide to damage levels from groundborne vibration’. This is not an exhaustive list.

Guidance on physical mounting on accelerometers may be obtained from British Standard BS ISO 5348: 1998 Mechanical vibration and shock – Mechanical mounting of accelerometers.

Note to applicant in relation to condition 14

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).



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Note to applicant in relation to condition 15

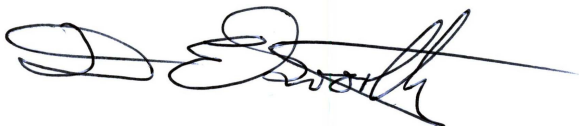
Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in Planning Policy Statement 23 – Planning and Pollution Control; British Standard BS10175: 2001 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 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 installation of same.

Note to applicant in relation to condition 16

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.

REASONS FOR APPROVAL

Date of Decision: 09/01/2008



David Elsworthy
Regeneration, Head of Planning and Building Control

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



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Notes for Applicant:

- 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 helpline number 01922 652408 should you require further advice.
- ii This permission does not grant approval or in any way overrides 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" or "A Short Guide to the Party Wall etc. Act 1996", both are available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB. Tel: 0870 1226 236, Fax: 0870 1226 237. This document is also available on the ODPM website: <http://www.safety.odpm.gov.uk/bregs/walls.htm>

- iiii **Street Naming & Numbering:** Please contact Street Naming and Numbering if this decision grants permission for new development, subdivision or a conversion that will give rise to new addressable properties. It is essential that you submit an application form to obtain your new postal address(s)
Download our application form at: www.walsall.gov.uk/street_naming_and_numbering
Request a hard copy application form by ringing 01922 652418/652472 or writing to Street Naming and Numbering Team, Traffic Management, Engineering and Transportation Services, Civic Centre, Darwall Street, Walsall, WS1 1DG
Further information is available on our website at:
www.walsall.gov.uk/street_naming_and_numbering



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NOTE

1. This notice does not constitute an Approval under the Building Regulations. This decision is given only under the Town and Country Planning Act 1990, and the Town and Country Planning (General Development Procedure) Order 1995. You are reminded of the need to ensure due compliance with the Building Regulations 1985 and to other legislation. Permission does not modify or affect any personal or retrospective covenant applying to the land or any right of any person entitled to the benefit thereof.
2. If you are aggrieved by the decision of the Council to refuse permission or approval for the proposed development, or grant permission or approval subject to conditions, you may appeal to the First Secretary of State **within six months of the date of this decision**. Appeals must be made on a form which is obtainable from the Planning Inspectorate, **Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**, or you can download the forms from the planning inspectorate's web site: **www.planning-inspectorate.gov.uk**. The First 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 First 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.
3. If permission to develop land is refused or granted subject to conditions, whether by the Council or by the First 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.
4. 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 First 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.
5. 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).



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