



Planning, Engineering and Transportation

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PLANNING DECISION NOTICE

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended)
The Town and Country Planning Act 1990 (as amended)

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: AECOM
Agent:
Application Number: 16/0806
Site Address: PLAYING FIELDS, GREAT BRIDGE ROAD, BILSTON
Proposal: 196 space car park to support the existing Bradley Lane Metro stop

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

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 (as amended).

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

- Location plan- area of works received 27/9/16

- Existing site layout received 21/7/16
- Proposed layout received 27/9/16
- Proposed layout cross sections received 8/6/16
- Stairs elevation received 22/8/16
- Ramp elevation received 22/8/16
- Lighting strategy received 22/8/16
- Landscaping strategy received 22/8/16
- Flood Risk Assessment received 19/8/16
- Tree Survey Report received 8/6/16
- Planning Statement received 8/6/16
- Coal Mining Risk Assessment received 8/6/16
- Design and Access Statement received 8/6/16
- Preliminary Ecological Appraisal received 8/6/16
- Geo-technical and Geo-environmental Engineering: Preliminary Assessment received 8/6/16
- Transport Assessment received 8/6/16

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3a. No development shall commence until full engineering details of all works within the existing highway, including:

- i) the new bellmouth access point onto Belmont Street,
- ii) the improvements to the Belmont Street and Great Bridge Road junction,

have first been submitted to and approved in writing by the Local Planning Authority

3b. Prior to the car park first coming into use, the highway infrastructure works detailed under Condition 3a above shall be fully implemented in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety.

4a. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority showing how the development complies with the PARK MARK Safer Parking scheme.

4b. The approved details shall be incorporated within the design of the development prior to it first being brought into use and shall be retained at all times thereafter.

Reason: In the interests of community safety in an area with historically high levels of recorded crime.

5a. No development shall commence until a detailed landscape scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- Measures to be taken to protect existing trees and planting during construction of the development
- Details of topsoiling depths and specifications– when existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified. Topsoil depths – shrub/hedgerow planting areas should be at least 450mm: grass seeded / turfed areas should be at least 150mm
- Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching.
- Full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.

5b. The approved scheme shall be implemented in accordance with the approved timetable of works, retained for 5 years and managed in accordance with the approved management details. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.

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

6a. No development shall commence until a remediation strategy to deal with the coal mining legacy at the site to ensure the safety and stability of the proposed development has been submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be undertaken in accordance with any approved remediation measures.

Reason: To ensure the safety and stability of the development.

7a. No development shall commence until details for a surface water drainage scheme, based on sustainable principles and the principles embodied with the AECOM Flood Risk Assessment dated September 2016 has been submitted to for written approval by the Local Planning Authority. The scheme shall include on-site drainage system that will accommodate a 1 in 100 year storm plus allowance for 40% climate change and the responsibility for the future maintenance of drainage features. The scheme shall also demonstrate that surface water will be contained within the boundary of the development and not compromise the drainage of the sports playing pitches.

7b. The scheme shall be fully implemented in accordance with the approved details and thereafter maintained.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

8a. No built development shall commence until a schedule of facing materials to be used within the access ramp and steps have been submitted to and approved in writing by the Local Planning Authority.

8b. The development shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development.

9a. No built development shall commence until full details of the proposed boundary treatment of the site has been submitted to and approved in writing by the Local Planning Authority.

9b. The development shall not be brought into use until the approved details have been fully installed.

9c. The approved boundaries shall thereafter be retained and maintained.

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

10. The development hereby approved shall not be brought into use until the re-located pitches shown on the approved layout drawing received on 27/9/16 have been laid out, goal posts erected and the playing pitches are available for use. The re-alignment and improvement of the pitches shall be substantially in accordance with Football Association Technical Standards [including Grass Pitch Quality Performance Standard, Technical Standards Information and Goalpost and Pitch Sizes].

Reason: To ensure the reduction in the size of the playing field does not reduce the capacity and quality of the residual playing field to contain pitches and sustain the level of play.

11. All site clearance shall take place outside the bird nesting season (the bird nesting season is March to September inclusive). Where this is unavoidable a breeding birds survey shall be undertaken by a suitably qualified and experienced ecologist prior to any works commencing. If breeding birds are discovered site clearance and other operations should be delayed until young birds have fledged. All wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 and subsequent amending legislation. It is an offence to damage or destroy a nest of a wild bird. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England.

(Please note that feral pigeons are protected and destruction of nests could only take place on the grounds of public health or public safety.)

Reason: To protect local bird populations.

12. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New

Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

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

13a. Prior to the development first coming into use, a Lockit safe Hamble cycle shelter shall be provided.

13b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

14a. Prior to the car park first coming into use, the car park and access road shall be fully consolidated, hard surfaced and drained and the parking bays and other road markings clearly demarcated on the ground.

14b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development, to encourage improvements to air quality and encourage a low-carbon environment, in accordance the NPPF, BCCS policy ENV8 and with UDP Policy GP2, T7 and T13 and in the interests of highway safety.

15a. Prior to the car park first coming into use, full details of the proposed management of the car park and access road, including details of the enforcement regime to prevent indiscriminate parking on the access road, together with details of any proposed car park charging regime if it is intended to charge for parking, shall be submitted to and approved in writing by the Local Planning Authority.

15b. The development shall be operated in accordance with the approved details.

Reason: To ensure that the car park and access road are suitably managed to prevent unauthorised and indiscriminate parking, which could lead to displaced parking or queuing on the public highway, in the interests of highway safety.

POSITIVE AND PROACTIVE STATEMENT

Officers have liaised with the applicant following issues raised in regard to Flood Risk Assessment and Coal Mining Legacy, further work has been undertaken to resolve these issues and to enable support to be given to the proposal.

Your attention is drawn to the notes for applicant

Date of Decision: 08-Nov-2016



Steve Pretty - Head of Planning, Engineering and Transportation

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 (Development Management Procedure) (England) Order 2015 (as amended) and The Town and Country Planning Act 1990 (as amended).
3. 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 652600 should you require further advice.
4. 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.
5. 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.

This booklet has been produced by the Department to explain in simple terms how the Party Wall etc Act 1996 ("the Act") may affect someone who either wishes to carry out work covered by the Act (the "Building Owner"), or receives notification under the Act of proposed adjacent work (the "Adjoining Owner").

This booklet has been simplified and updated to provide some answers to regularly

asked questions. For example: what a party wall award can cover, what to do if a building becomes unsafe or there is excessive noise from the work being carried and the role of the surveyor.

The Party Wall Act 1996 Guidance can be found online at:
<https://www.gov.uk/party-wall-etc-act-1996-guidance>

6. Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant your application subject to conditions permission for the proposed development, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at **www.planningportal.gov.uk/pcs**
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Please Note: You must also send a copy of the appeal form direct to us, with copies of any documents or plans you are sending to the Planning Inspectorate that we do not already have.

FURTHER APPEAL ADVICE

You can find further comprehensive advice on the appeal procedures on the Planning Portal **www.planningportal.gov.uk/planning/appeals**

7. 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.

8. 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.
9. 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).
10. 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**
11. 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.

The Council does not accept any liability for loss or damage of any nature relating to the foul or storm water drainage of the site.

12. Please refer to the attached Coal Authority advice note.
13. *Pollution Control:* The area of this proposed development has been identified as having localised ground contamination that may present Health and Safety implications for persons undertaking ground works. The Geotechnical & Geo-environmental Engineering: Preliminary Assessment has also identified the potential for ground gas accumulation within trenches. This information should be brought to the attention of the builder or contractor undertaking the development in order that

they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

14. Highways:

- i. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- ii. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 for all works within the existing public highway.

If you would like further information or clarification of the reasons for this decision contact the Planning Helpline on 01922 652677 or email 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 652677 or Textphone 0845 111 2910



The Coal
Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/the-coal-authority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

This Informative Note is valid from 1st January 2015 until 31st December 2016