



Planning, Engineering and Transportation

Gerald Owen
Cory Environmental (Central) Ltd
3-6 Greyfriars Business Park
Frank Foley Way
Greyfriars
Stafford
Staffordshire
ST16 2ST

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: Gerald Owen
Agent:
Application Number: 16/0465
Site Address: HIGHFIELDS SOUTH QUARRY, WALSALL ROAD, WALSALL WOOD, WALSALL, WS9 9AH
Proposal: Variation of condition 4 of planning permission 07/0046/WA/E1 to allow additional 9.2 years, until 31/12/2025 to complete the existing approved scheme for the phased filling and restoration of Highfields South Quarry to create open space.

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. The deposit of wastes shall be carried out in accordance with the progressive infilling and restoration phasing approved under the terms of planning permission 11/0953/FL and shall cease no later than 31 December 2025.

Reason: To define the period for deposit of waste material and to secure completion of restoration of the site in an environmentally acceptable manner.

2. The following types of waste are approved for importing, depositing and disposal within the site:

- Any waste classified as non - hazardous and inert within the European Waste Catalogue or any successor classification

Reason: To define the permission.

3. The scheme for the protection and enhancement of Bithynian Vetch as set out within section 4.4 of the approved Management Plan approved under the terms of condition discharge application 09/1179/DOC is hereby superseded by amended Bithynian Vetch Management plan received by the Local Planning Authority on 1/6/16. The measures to protect and enhance the colony shall take place during landfilling operations and for a further period of five years following completion of restoration.

Reason: Bithynian Vetch is a Red Data Book species of national and regional importance and its protection is essential to the successful restoration of the site.

4. The Great Crested Newt Management Plan approved under the terms of condition discharge application 09/1779/DOC shall continue to be implemented in accordance with the approved details.

Reason: The Great Crested Newts, which are present at the site, are a European Protected Species.

5. The Water Vole Management Plan approved under the terms of condition discharge application 09/1779/DOC shall continue to be implemented in accordance with the approved details.

Reason: To avoid undue disturbance and physical harm to water voles which are a protected species.

6a. No operations for waste filling other than essential maintenance or pumping shall be carried out other than between the following times:

- Monday-Friday 7.00am-6.00pm
- Saturday 7.00am-1.00pm

6b. Except for emergency work, essential maintenance servicing and pumping, no operations shall take place on Sundays, Bank Holiday or other public holidays.

Reason: To protect the amenity of nearby residential occupiers and patrons of the Barons Court Hotel.

7. When circumstances demand it, all surfaced and unsurfaced roads and hardstandings shall be sprayed with water to minimise emissions of dust generated by vehicle movements and sufficient water bowers shall be available for watering purposes. A mechanical brush shall be used on the access road to remove potentially dust creating materials.

Reason: To minimise airborne dust in the interest of nearby properties and users of the highway.

8. At no time during the operations permitted shall any operations take place which, despite the use of dust control measures would give rise to airborne dust levels sufficient to cause nuisance to properties around the site. At such times as the prevention of dust nuisance proves impossible, then the operations which cause that nuisance shall temporarily cease until such time as the weather conditions change and dust suppression become effective.

Reason: To minimise airborne dust in the interest of nearby properties and users of the highway.

9. Dust monitoring equipment and its findings and records of weather conditions for any three month period shall be maintained throughout the period of waste disposal.

Reason: To ensure mitigation measures continue to operate in a satisfactory way.

10. There shall be no storage or treatment of gas and leachate on the site such as may give rise to malodours outside the site boundary.

Reason: To protect the amenity of nearby residential occupiers.

11. Except at such locations and for such periods as may be agreed in writing by the Local Planning Authority, operational plant, machinery or other equipment on the development site, as measured on (or at the cartilage of) any residential premises shall not exceed 55 dBA Leq, 1Hr.

Reason: To protect the amenity of nearby residential occupiers.

12. Notwithstanding condition 11 sound levels attributable to the operation of plant, machinery or other equipment on the development site during temporary activities, including soil stripping, construction and removal of baffle mounds, as measured on (or at the cartilage of) any residential premises shall not exceed 70dBA Leq. 1hr and no such operations shall take place over a maximum period of 8 weeks in any 52 week period.

Reason: To protect the amenity of nearby residential occupiers.

13. All plant and machinery operating on the site shall be fitted with silencer(s) which are, and which shall be maintained, in good working order. No plant or machinery shall be operated with any of the covers or panels removed except for the purposes of maintenance.

Reason: To protect the amenity of nearby residential occupiers.

14. All existing hedgerows and trees shall be maintained and protected for the duration of the development. The retained hedgerows and trees shall not be damaged or destroyed, uprooted, felled, lopped or topped during the duration of the development without the previous written consent of the Local Planning Authority. Any hedgerow or tree(s) removed without such consent or those dying or severely damaged or diseased during these periods shall be replaced in the first available planting seasons with trees or hedgerows of details to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and local biodiversity.

15. No oil, fuel lubricant, paint or solvent shall be stored on the site in any manner which could lead to such materials contaminating topsoil or subsoil or reaching any watercourse. No liquid storage tank shall be located on the site except within a bund with a capacity of not less than 110% of the volume of the store liquids. All filling points, vents and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To ensure that the drainage of the site does not contaminate adjoining land and watercourse and to safeguard the quality of groundwater in the area.

16. Once deposited at the site in accordance with the terms of the permission, no waste shall be excavated or removed.

Reason: In the interests of the amenity of the area.

17. The Local Planning Authority shall be given written notice of the completion of restoration within each phase within 4 weeks of the said date.

Reason: To ensure restoration is completed within the earliest possible timeframe.

18. Aftercare shall commence upon the date of completion of each phase of restoration as notified to the Local Planning Authority under condition 19 and shall continue throughout the lifetime of the infill operations. For the first five years following the completion of the approved restoration scheme the site shall be maintained in accordance with the aftercare scheme approved under condition discharge application 10/0224/DOC.

Reason: To ensure the establishment of the restored landform.

19. Restoration of the site to wetland, woodland, grassland and other habitat in accordance with the details approved under condition discharge application 10/0224/DOC shall be completed within 12 months of completion of infilling operations at the site.

Reason: To ensure the site is restored to a high ecological value and in keeping with the

local landscape character.

20. Not less than 7 days advance notice in writing shall be given to the Local Planning Authority prior to the following events taking place:

- The completion of landfilling operations in the void
- The completion of restoration.
- The commencement of aftercare.

Reason: To ensure restoration is completed within the earliest possible timeframe.

POSITIVE AND PROACTIVE STATEMENT

The applicant undertook pre-application discussions and the submission of a Screening Opinion prior to the submission of this application. Accordingly no further positive or proactive working has been required to enable full support to be given to the development.

Your attention is drawn to the notes for applicant

Date of Decision: 02-Sep-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.

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

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

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

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

This Standing Advice is valid from 1st January 2015 until 31st December 2016