



Planning, Engineering and Transportation

Mr Jag Raan
WALSALL METROPOLITAN
BOROUGH COUNCIL
THE CIVIC CENTRE
DARWALL STREET
WALSALL
WS1 1DG

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: Walsall Council
Agent: Mr Jag Raan
Application Number: 15/0744/FL
Site Address: LAND ADJACENT TO WILLENHALL LAWN CEMETERY,
BENTLEY LANE, WALSALL, WV12 4AE
Proposal: Extension to existing cemetery, re-routing of public rights of way (Will 35,36,37), landscaping and sustainable drainage.

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 received 3/11/15
- Site survey received 14/5/15
- Proposed layout received 6/11/15
- Proposed landscaping received 6/11/15
- Proposed and existing rights of way received 3/11/15
- Proposed drainage layout received 6/11/15
- Existing contours received 6/11/15
- Proposed contours received 6/11/15
- Proposed longitudinal and cross sections (1 of 3) received 6/11/15
- Proposed longitudinal and cross sections (2 of 3) received 6/11/15
- Proposed longitudinal and cross sections (3 of 3) received 6/11/15
- Proposed general arrangements 6/11/15
- Ecological Assessment received 14/5/15
- Geo-Environmental Investigation received 14/5/15
- Tree report received 14/5/15
- Transport Statement received 14/5/15
- Surface Water Drainage Strategy received 3/11/15
- Flood Risk Assessment received 14/5/15

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 an intrusive site investigation confirming the mining conditions and any remediation measures required to ensure the safety and stability of the proposed development have been submitted to and approved in writing by the Local Planning Authority.

3b) The development shall be undertaken in accordance with any approved remediation measures.

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

4a) No development shall commence until details for a surface water drainage scheme, based on sustainable principles and the principles embodied with the Opus Surface Water Drainage Strategy, dated March 2014, reference: J-B0596.00 R3.1 and Drwg No. HM683/05-01 Rev B - 'Drainage Layout' has been submitted to for written approval by the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

4b) 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.

INFORMATIVE: Detailed design details shall include including cross-sections and capacity of the proposed balancing pond, swales & filter drains.

5a) No development shall commence until details identifying on-site pluvial flood flow pathways and a scheme to sympathetically route overland flows though the site to avoid burial areas has been submitted to and approved in writing by the Local Planning Authority.

5b) The approved scheme shall be fully implemented in accordance with section 6.11 of the Opus Surface Water Drainage Strategy, dated March 2014, reference: J-B0596.00 R3.1 and approved drawing HM683/05-01 Rev B.

Reason: To mitigate against overland flow and to steer flows to an appropriate area within the site.

6a) No development shall commence until full details of the final footpath alignment and specification have been submitted to and approved in writing by the Local Planning Authority. Details are to include path width, construction, drainage, signs/ waymarker posts, verges and proposed landscaping within them.

6b) The development shall be completed in accordance with the approved details.

Reason: To ensure the satisfactory access provision for the relocated public right of way.

7a) Prior to the commencement of development full details of hard and soft landscaping works, including replacement tree planting and a timetable for planting shall have first been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed tree and shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- staking details for proposed trees
- details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period
- details of the phased clearance of trees required to be removed to ensure maximum tree cover until particular areas are required for burial space.
- ground preparation measures to be adopted.
- existing and proposed levels.

7b) 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.

8) 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

9) The weldmesh fence hereby approved shall be finish in a moss green colour.

Reason: In the interests of visual amenity.

POSITIVE AND PROACTIVE STATEMENT

Officers have been working with the applicant to address concerns with the original submission which have resulted in a re-design of the scheme to which full support can be given.

Your attention is drawn to the notes for applicant

Date of Decision: 05-Feb-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. *Coal Authority*

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for a Coal Authority Permit and further guidance can be obtained from The Coal Authority's website at: <http://coal.decc.gov.uk/en/coal/cms/services/permits/permits.aspx>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: <http://coal.decc.gov.uk/assets/coal/whatwedo/4265-policy-for-building-over-or-within-the-influencing.pdf>

13. *Highways*

The grant of planning permission does not give authority to divert or stop up a footpath or bridleway. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the paths are affected by the development. An application must be made for a stopping up and diversion order under Section 257 of the Town and Country Planning Act 1990. New footpaths must be in place and existing paths are to remain undisturbed/ unaffected by the development until the order

is completed.

In accordance with the Highways Act 1980, Lawful and Unlawful Interference with the Highway, prior to commencement of any work the applicant must provide details of the proposed work to Highways, Walsall Council and apply for any necessary permits including a scaffold permit and/or temporary prohibition of traffic order. Upon completion, the applicant must reinstate the public right of way to its present condition. No excavations, scaffolding, hoarding, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or under the adjoining public right of way without prior agreement of the highways authority.

14. *Pollution Control*

The report identifies that there is organic matter in made ground on the proposed development site and that it is located within 250m of a site (described as land north of Bentley Lane), both of which could be sources of elevated levels of ground gas. Therefore, in addition to any builder or contractor undertaking the development, this information should also be brought to the attention of the employer of any employees involved with activities associated with digging graves on the proposed development; in order that they can implement any Health and Safety at Work precautions they feel appropriate when undertaking work at the site.

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