



Walsall Council

Planning and Building Control

Planning Decision Notice

Grants Planning Permission Subject to Conditions

Application number: 23/1505

Site address: 16, BEACON ROAD, WALSALL, WS5 3LF

Development proposal: Demolition of existing dormer bungalow to be replaced with a new 5 bed two storey dwelling.

Applicant: Lotlikar 17 Woodlands Ave, Walsall, Walsall, WS5 3LN

Decision

Walsall Council, as Local Planning Authority, hereby Grants Planning Permission Subject to Conditions for the development described above, and in accordance with the application and plans submitted for the following reasons:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Proposed Plans and Elevations and Site Plan, drawing no 31124 Rev A, submitted 17/05/2024
- Internal/External Bat Survey, conducted by Dr Stefan Bodnar, dated February 2024

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. 3a: Notwithstanding the details as submitted, prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces, including details of the colour, size, texture, material and specification of bricks, roof tiles, rainwater products and soffits, shall be submitted in writing to and approved in writing by the Local Planning Authority. 3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be maintained and retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

4. 4a. Prior to commencement of the development hereby permitted details of drainage plans for the disposal of foul and surface water flows shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. Prior to occupation of the development hereby permitted shall not be carried out otherwise than in accordance with implementation of the approved drainage plans and the drainage plans shall be thereafter retained for the lifetime of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and to accord with saved UDP policies GP2 and ENV10 and Walsall's Site Allocation Document EN3.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be erected or installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of Walsall's Unitary Development Plan.

6. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the:

- Ground floor side facing shower room window with an outlook towards no. 18 Beacon Road;
- First floor side facing en suite bathroom window with an outlook towards no. 18 Beacon Road;
- First floor side facing en suite bathroom window with an outlook towards no. 14 Beacon Road;
- First floor side facing bathroom window with an outlook towards no. 18 Beacon Road

shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and the privacy of occupiers of the application property, and to comply with policy GP2 of Walsall's Unitary Development Plan.

7. 7a. Notwithstanding the Internal/External Bat Survey, conducted by Dr Stefan Bodnar, dated February 2024, prior to commencement of the development hereby permitted all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

7b. If during the construction period bats or evidence of bats or their roosts are found:

- i. bats shall not be handled or touched
- ii. the vicinity of the roost shall be immediately reinstated.
- iii. no further destructive works shall be carried out until the need for Natural England licence has been established.
- iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation
- v. The development hereby permitted shall not be carried out continue otherwise than in accordance with the approved mitigation measures and the approved timetable throughout the period of construction

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

8. Notwithstanding the details submitted prior to occupation of, the development hereby permitted shall not be carried out otherwise than in accordance with the integration of 1 brick bat box and 1 bird box into the southern (rear) elevation of the dwelling. The bat box and the bird box shall be located at a point not lower than 3 metres from the natural ground level where there are no obstructions to the entrances or be affected by artificial light and thereafter retained for the lifetime of the development.

Reason: To conserve local bat and bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 2 minor operations,

- Class A (gates, fences, walls),
- Class B (means of access to a highway),

shall be installed in any part of this development.

Reason: To prevent encroachment of any fencing or wall closer to the highway, that would harm the openness of the area or impact upon visibility to the driveways and to comply with policies GP2 and ENV32 of Walsall's Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

- Class A (enlargement, improvement or other alterations)

shall be installed in any part of this development.

Reason: To safeguard the character of the locality and the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

We would like to draw the attention of the applicant to the below notes to applicant.

Date of decision: 23-May-2024



Signed: Michael Brereton - Head of Planning and Building Control

Notes for applicant.

Before starting any work, it is essential to read this decision notice in its entirety.

Conditions that require the submission of additional details, must be approved by the council before commencing work.

The conditions must be fully complied with in accordance with the time frame set out in the condition. Failure to do so may result in the Council taking enforcement action.

This decision relates strictly to the development described in the application and shown on the approved drawings. Should you wish to vary/amend the development you should contact the Planning Service as any changes may require separate consent.

An Officer from the Planning Service may at any time undertake a site visit, in order to ascertain that any works being carried out have been completed in accordance with the approved application.

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. The National Planning Policy Framework encourages pre-application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens. In this instance the council has been able to support the proposed development and has worked with the applicant as detailed in the planning report.

This decision is issued under The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and The Town and Country Planning Act 1990 (as amended).

This permission does not grant Building Regulations for which a separate application may be required.

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.

The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval.

For more information, please visit the GOV.UK website. <https://www.gov.uk/party-walls-building-works>.

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.

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 the Town and Country Planning Act.

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).

Development, subdivision or a conversion that will give rise to new dwellings or businesses, you must apply to the Street Naming and Numbering service of the Council in order to obtain the relevant postal address(es).

Adoption of private sewers and lateral drains by Severn Trent Water.

The Water Industry (Schemes for Adoption of Private Sewers 2011) transfers the ownership of all privately owned shared drains Severn Trent.

Householders and developers planning to build over or close to (within 3 metres of) a public sewer have to seek permission from the relevant sewerage company.

Contact details for Severn Trent can be found on their website www.stwater.co.uk.

If your proposal is affected by an adopted sewer (Public Sewer) you are required to apply for a Full Plans Building Regulations application.

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

The right to light is a legal property right and falls outside planning legislation.

The Coal Authority Standing Advice.

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.

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

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

Standing Advice valid from 1st January 2023 until 31st December 2024

Case Specific Notes for Applicant

1. Severn Trent

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface

water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

NOTE: we would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

2. West Midlands Fire Service

Adherence is required to Approved Document B Volume 1 2019, Dwelling Houses, Access and facilities for the fire service B5, Section 13: Vehicle access.

3. Ecology

Any lighting proposed for the development should be minimised in accordance with the guidance available within Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018.

Appeals to the Secretary of State.

You can appeal this decision if the following apply:

- you object to the conditions in this decision.

Deadline for appealing.

You must appeal:

- for minor commercial applications, you must appeal within 12 weeks from the date of this decision.
- for non-major and major applications, you must appeal within 6 months from the date of this decision.

Examples of a minor commercial applications include ground floor alterations like shop fronts and security shutters.

For more information about the appeals process and how to make an appeal, please visit the [GOV.UK](https://www.gov.uk) website.

Planning Inspectorate contact details.

Customer services and general enquiries: Room 3 O/P, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Phone: 0303 444 5000

Website: <https://www.gov.uk/government/organisations/planning-inspectorate>