



Late Item – the reason for urgency is to ensure that the Counsels position can be clarified prior to the Planning Appeal commencing 15th July, 2008.

DEVELOPMENT CONTROL COMMITTEE

Date: 29th May 2008

Report of Head of Planning and Building Control- Regeneration

New Access Road and Enabling residential development at Branton Hill Quarry Application No 06/0169/OL/E4

1.0 **PURPOSE OF REPORT**

To seek Committee's views on a proposed amended scheme.

2.0 **RECOMMENDATIONS**

That Committee instructs Officers to advise the applicants and the Secretary of State that they are (a) able to support the amended scheme for the access and (b) would ask that means of access is not reserved for subsequent approval and that full details are provided now to confirm the level of enabling development required.

3.0 **FINANCIAL IMPLICATIONS**

None arising directly from the report.

4.0 **POLICY IMPLICATIONS**

Policy M2 of the Unitary Development Plan states that further extensions to the area of Branton Hill Quarry will be required to demonstrate that the existing vehicular access problems can be overcome. Other policies aim to direct development to suitable locations and resist inappropriate development which would harm the openness and character of the green belt. Relevant policies include GP1: Sustainable Location of Development, GP2: Environmental Protection, ENV2: Control of Development in the Green Belt and ENV32: Design & Development Proposals.

5.0 **LEGAL IMPLICATIONS**

The matter is subject to a "Call In" by the Secretary of State who will determine the application following a Public Local Inquiry. Any further advice from Counsel regarding this matter will be reported at the meeting.

6.0 **EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

7.0 **ENVIRONMENTAL IMPACT**

Full details of the access road will enable assessment of the environmental impact to be addressed fully.

8.0 **WARD(S) AFFECTED**

Aldridge/Central & South

9.0 **CONSULTEES**

Transportation – Supports the proposals for the revised access arrangements.

10.0 **CONTACT OFFICER**

Alison Deakin

Principal Planning Officer 01922 652487

11.0 **BACKGROUND PAPERS**

Planning Application 06/0169/OL/E4.

David Elsworthy

Head of Planning and Building Control.

Development Control Committee
29th May 2008

12.0 BACKGROUND AND REPORT DETAIL

12.1 At the meeting on the 20th November 2007 the Committee resolved that planning application 06/0169/OL/E4 be approved, contrary to Officers recommendations, for the following reasons. (The background to this decision is set out in paragraphs 12.2 - 12.10 below)

- (1) The matter is a local issue needing resolution to alleviate the traffic problems in Branton Hill Lane and to satisfy the Councils UDP in particular policy M2 in seeking alternative access and allowing vehicles to access the arterial road network more speedily;
- (2) The existing Branton Hill Lane will have to be closed permanently on completion of the proposed new access from Chester Road;
- (3) To assist the Quarry to expand and allow the development control committee to determine the outstanding applications for mineral extraction;
- (4) That Bliss Sand and Gravel are unable to finance the costs of this proposal without the “enabling development”;
- (5) That the residential development be limited to a maximum of 24 dwellings, thus moving towards the District Valuer and the applicant’s agents professional calculations;
- (6) To provide an opportunity for aspirational dwellings to attract entrepreneurs to the Black Country which at present has limited availability;
- (7) That Officers be requested to finalize all conditions for technicalities such as access arrangements, landscaping, noise abatement and Section 106 contribution by way of Planning Obligations.

12.2 As a result, the application was referred to Government Office for the West Midlands as a departure from the Development Plan. Subsequently the application has been called in for determination by the Secretary of State for Communities and Local Government instead of being dealt with by the Council as the proposals may conflict with national policies on important matters. A Public Local Inquiry has been called to consider the case and examine the resolution of the Development Control Committee. This is due to take place on the 15-17th July 2008.

12.3 The application relates to land at Chester Road, Aldridge. The site incorporates a frontage to the A452 Chester Road and 520 Chester Road (Simon’s Restaurant premises), Bourne Farm buildings including access, outbuildings and paddock and part of the frontage of William Wheat & Sons Garden Centre. The site borders on the west of the existing Branton Hill Quarry and to the north the railway line. The site area is 4.3 hectares.

12.4 The application is made on behalf of Bliss Sand & Gravel Company Limited and seeks outline planning permission for residential development and construction of a new

access road to serve Branton Hill Quarry. All matters except for the means of access are reserved for subsequent approval.

12.5 The existing access to the quarry is via Branton Hill Lane, past residential properties to the north of the railway, over a narrow bridge and via right angled turns down a steep slope towards the site offices and haul road. The original proposal sought to change this access by constructing a new access off Chester Road comprising a roundabout which will provide a revised access to the garden centre and also serve the proposed new residential development and Branton Hill Quarry. The roundabout would have four arms, the proposed access to the quarry having a 7.3m wide carriageway narrowing to 5.5m wide with verges on both sides. The proposed access to the residential development is shown as having a 4.5m X 90m right hand visibility splay and visibility splay to the junction in the opposite direction, and has a 2m wide footway on its eastern side. The access road would be in a deep cutting, as it approaches the quarry at Branton Hill, with planting along its boundaries.

12.6 The site falls within the Green Belt and lies partly within Minerals Safeguarding Area One, which is referred to in UDP Policy M1 and shown on the UDP Proposals Map. Bourne Farm is a Locally Listed building and there are 16 individual trees and two groups of trees protected by Tree Preservation Orders within the proposed development site. The site also lies above a groundwater source protection zone, which means that development is subject to regulation by the Environment Agency.

12.7 The applicants have stated that the residential development has been included as an enabling development that is to help finance the provision of the new access road to the quarry. The supporting planning statement originally suggested that the site could provide in the region of 67-102 dwellings. The committee resolved that a maximum number of 24 houses be allowed.

12.8 The applicants have offered to enter into a planning obligation requiring the existing quarry access off Branton Hill Lane to be closed and the new access from Chester Road to be brought into operation before construction commences on any new dwellings.

12.9 In support of the application a Highway Assessment, Stage 1 Road Safety Audit, Landscape Appraisal, Baseline Bat Survey, Planning Statement and Planning History have been provided. In response to initial consultation responses the applicants have also provided additional supporting information covering a range of matters including appeal cases where housing has been acceptable in the Green Belt.

12.10 The District Valuer advised that the originally proposed new road and roundabout would cost approximately £1 million which together with the estimate for reorganisation of the offices/yard would give a total cost of £1.5 million. For a scheme based on 16 residential units this would give a profit level of 16% which is normally a viable level for a new build low risk development of this kind. A scheme of 20 units would result in an 18.7% profit.

12.11 I am advised that the applicants now intend to amend the proposals which were supported by Committee, to include the following new elements:

- A. The roundabout junction with Chester Road is to be replaced with a priority junction with localised widening of Chester Road and the site curtilage is to be extended to accommodate the changes to the proposed access.

B. That the means of access be treated as a Reserved Matter.

12.12 With regard to point A; the amendments propose a priority junction with localised widening on Chester Road and revised access design which has been reduced in scale. The Transportation officer supports this proposal in preference to the originally proposed roundabout. Part of the revised access route also falls outside the original application site boundary. Whilst officers have no objection to these proposals, as the application is to be determined by the Secretary of State it is for her to be satisfied that the revisions are acceptable.

12.13 With regard to point B; Unitary Development Plan policy M2 in principle supports a new access to facilitate an extension to the quarry. The key factor in the application is how this access can be achieved. Therefore it is crucial that full information is presented at an early stage to justify the acceptance of this route in principle. Important matters such as ecological issues, costs and their inextricable link with the level of enabling development must all be resolved at this stage. It is difficult to see how the matter can proceed to the Public Inquiry and properly advise the Inspector to make an informed decision in the absence of this full and essential information. It is the officer's view therefore that means of access should be resolved at this outline application stage and cannot be reserved for subsequent approval. Counsel opinion on this matter may be available at the meeting and will be reported verbally.