PLANNING APPLICATION NUMBER:P11/0233

Type of approval sought		Full Planning Permission
Ward		SEDGLEY
Applicant		Mr Stephen Miller, Morris Homes Limited
Location:	BEACON CENTRE FOR THE BLIND, WOLVERHAMPTON ROAD EAST, WOLVERHAMPTON, WV4 6AZ	
Proposal	VARIATION OF CONDITION 18 OF PLANNING APPLICATION P09/0288/A2 TO BE REVISED TO "THE DEVELOPMENT HEREBY PERMITTED SHALL BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING APPROVED PLANS W101/P/PL02 REV N PLANNING LAYOUT 02"	
Recommendation Summary:	APPROVE SU	IBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1. The site is situated on the west side of Wolverhampton Road East north of Sedgley and close to the boundary with Wolverhampton Metropolitan Borough. It adjoins on two sides the new Beacon Centre for the Blind. The other boundaries are adjoined by a detached house (235 Wolverhampton Road East) and fields. The site falls within the Green Belt. It contains a large electricity pylon and is partly crossed by overhead power lines. There is a row of mature conifer trees along the boundary with No.235 on the applicants side.
- Planning permission was granted for 55 houses and flats in 2009. These are currently under construction. The approved flats at the front of the site have not been started.

PROPOSAL

3. This application is to vary the approved layout plan for the new residential development now known as Eden Fields.. The change involves slightly repositioning proposed because Eon have notified the applicants of their revised recommended

no-build zone under the overhead power lines. This would mean moving the rear part of the frontage block about 1.9m towards No.235 Wolverhampton Road East.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
No.			
P06/0962	Residential development (Outline)	Approved	
P09/0288	Erection of 55 dwellings	Approved	23.06.09
	(Approval of Reserved Matters)		

PUBLIC CONSULTATION

- Four email objections have been received, three from residents living at No.235.
 The objections are:
 - Would damage or kill the conifer trees on the boundary with No.235
 - Would affect the 'quality of life' of the occupiers of No.235
 - Would be an eyesore
 - Would structurally damage No.235
 - Would affect the privacy and light of the occupiers of No.235
 - Would tower over the garage at No.235

OTHER CONSULTATION

5. <u>Head of Environmental Health and Trading Standards</u>: No objection.

RELEVANT PLANNING POLICY

- 6. Black Country Joint Core Strategy
 - DEL1 Infrastructure Provision

- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility

Saved UDP policies

- DD1 Urban Design
- DD4 Development in Residential Areas

Supplementary Planning Documents

- New Housing Development A Guide to Establishing Urban Context
- Planning Obligations

Supplementary Planning Guidance

• Planning Guidance Note 3 – New Housing Development

National Planning Guidance

- Planning Policy Statement 1 Delivering Sustainable Development
- Planning Policy Statement 3 Housing

ASSESSMENT

- 6. The key issues are:
 - Impact upon the occupiers of No.235 Wolverhampton Road East
 - Impact upon the street scene
 - Impact upon the conifer trees
 - Planning Obligations
 - Structural matters

Impact upon the occupiers of No.235

 The proposed change would result in the rear part of the L-shaped block of flats containing flats 1 – 9 moving 1.9m closer to the boundary with No.235. Although this block is three storeys high and would contain ten windows, it would still be nearly 14m from the boundary and only three of the windows would be to habitable rooms (kitchens) and not obscurely glazed . Furthermore, the tall conifer screen, which extends virtually to the ridge of No.235, would remain and prevent any overlooking of that property. As long as the conifers remain, the occupiers of No.235 would not actually see the part of the block of flats that is proposed for resiting. Also, the re-sited part would have no effect at all upon the garage at No.235 nor would it have any discernible impact upon light to that property or the privacy of the occupiers.

Impact upon the street scene

8. The impact upon the street scene compared with what has already been approved would be minimal and in no way detrimental. The block of flats is set well back from both Wolverhampton Road East and the new road serving the development and the new Beacon Centre.

Impact upon the conifer trees.

9. The proposed re-siting would bring the rear part of the block 1.9m closer to the hedge of conifers. However, it would still be a minimum of 12m away from the trees and there would be no alteration to the ground level around the trees. At this distance, there would be no effect at all upon the health of the trees.

Planning Obligations

10. As the application is only for a slight amendment to the new housing development and does not involve additional or enlarged units, there would be no requirement for any change to the planning obligation the applicant entered into when planning permission was granted.

Structural matters.

11. The effect of development upon the structural integrity of adjoining or nearby properties is not normally a material planning consideration. In any case, the new building is sufficiently far removed from No.235 not to have any effect upon its structural stability.

CONCLUSION

12. The proposed repositioning of the rear part of the approved three-storey block of flats Nos.1-9 by 1.9metres would not adversely affect the street scene or the amenities of any existing residents. There would be no impact upon the existing conifer hedge along the boundary with No.235 Wolverhampton Road East which is to be retained in the development. There would be no impact upon the structural integrity of No.235. The proposed development accords with all the relevant policies of the Black Country Joint Core Strategy and the Unitary Development Plan.

RECOMMENDATION

13. It is recommended that the application be approved subject to conditions.

Reason for the grant of planning permission.

The proposed repositioning of the rear part of the approved three-storey block of flats Nos.1-9 by 1.9metres would not adversely affect the street scene or the amenities of any existing residents. There would be no impact upon the existing conifer hedge along the boundary with No.235 Wolverhampton Road East which is to be retained in the development. There would be no impact upon the structural integrity of No.235. The proposed development accords with all the relevant policies of the Black Country Joint Core Strategy and the Unitary Development Plan.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Joint Core Strategy and the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations.

The above is a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report. Conditions and/or reasons:

- 1. The development hereby permitted shall be begun before 1st June 2011.
- 2. Car parking shall be provided in accordance with the approved Car Parking Schedule (drawing no. W101/P/CP01). All spaces shall be provided before the development is completed and shall be retained for the parking of residents and their visitors for the life of the development.
- The cycle stores shown on the layout plan hereby approved (drawing no. W101/P/PL02/Rev. C) shall be provided before any of the flats in the blocks they are intended to serve are first occupied. Such cycle stores shall be retained for the life of the development.
- 4. The blocks of apartments containing units Nos. 1-14 shall be constructed in accordance with the sections and finished floor levels indicated on the approved Site Sections drawing no. AAC4862/01/Rev. A.
- 5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6. The Landscape Structure Plan (drawing No. 3316.03 Rev. B) hereby approved shall be implemented before the end of the first planting season following initial occupation of the development.
- All the windows in the south facing elevations to the flats on plots 7,8,9,10,11 and 12 shall be fitted with obscure glass and any opening lights shall be high-level and top-hinged. Such windows and glass shall be retained for the life of the development.
- 8. No development shall take place until there has been submitted to, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.

c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.

d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and

constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 'Trees in Relation to Construction – Recommendations'.

- 9. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'.
- 10. Prior to the commencement of development, details of the [boundary treatments /walls/fences] to be installed on the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include location of boundary treatment. Elevation details shall also be supplied, or planting species/distances, as appropriate. The development shall proceed in accordance with the approved details, which shall be installed on site prior to occupation and thereafter maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- 11. Prior to the commencement of development, a scheme of works to provide mitigation for bats crossing the site shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme shall be implemented before any of the dwellings are occupied and maintained for the life of the development.
- 12. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.

c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.

d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 'Trees in Relation to Construction – Recommendations'.

13. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

- 14. The existing trees shown on the approved layout plan to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development or at any time throughout the life of the development without prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during the construction period or for a period of five years following the substantial completion of the development shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.
- 15. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees'
- 16. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
- 17. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely BS 5837:2005 'Trees in Relation to Construction' and Arboricultural Advisory & Information Service Practice Note 'Driveways Close to Trees' (1996). Any driveway / parking areas within 3 metres of existing trees must be constructed using "no-dig" techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct of indirect damage caused by trees.



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