



Economy and Environment, Development Management

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Nantwich
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CW5 5UQ

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)
The Town and Country Planning Act 1990 (as amended)

Grants Planning Permission Subject to Conditions

Part 1 – Particulars of Application

Applicant: Wienerberger
Agent: Paul Malam
Application Number: 15/0303/FL
Site Address: WIENERBERGER LTD,SANDOWN WORKS,STUBBERS GREEN ROAD,ALDRIDGE,WEST MIDLANDS,WS9 8BL
Proposal: Application under section 73 for the variation of condition 14 of planning permission BA17797P, (as amended by 08/1338/FL) to allow an increase in the limit on the percentage of imported clays used in the production of bricks at the brickworks from 65% to 95%

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 shall not be carried out other than in conformity with the approved plans and documents approved under the terms of planning permission BA17797P, except as may be required by other conditions of this permission.

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.

2. Noise levels emitted from operations carried out within the buildings (including external fixed plant and machinery) of the development hereby permitted, and measured at 1.0 metres from the nearest noise sensitive building shall not exceed:

- a) Between the hours of 0700 and 1900 hours a Leq (1 hour) of 50 d.B.A. with an A weighted slow maximum of 55 d.B.A at any one time
- b) Between the hours of 1900 and 2300 hours a Leq (1 hour) of 45 d.B.A. with an A weighted slow maximum of 50 d.B.A at any one time
- c) Between the hours of 2300 and 0700 hours a Leq (1 hour) of 40 d.B.A. with an A weighted slow maximum of 45 d.B.A at any one time

Reason: To safeguard the amenity of surrounding occupiers

3. No bricks shall be stored on the site to a height greater than 5 metres.

Reason: To safeguard the amenity of the area.

4. The premises shall be used for brickworks purposes and for no other purposes within the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: The site lies within an area within which Green Belt policies apply and as such any other use may conflict with Green Belt policies.

5. Any quarry plant and machinery storage and repair compounds shall only be on concreted areas draining to oil and grease interceptors, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

6. There shall be no storage of clay within a distance of 5 metres from the south eastern boundary of the site.

Reason: To ensure that surface drainage water is diverted away from the adjoining Site of Special Scientific Interest and therefore prevent its contamination by the precipitation of suspended clay particles.

7. Office development on the site shall be limited to that required in connection with the operation of the brickworks development hereby permitted and shall be occupied only for office purpose which are ancillary to the brickworks and for no other purpose.

Reason: The site lies within an area within which Green Belt policies apply and as such any other use may conflict with Green Belt policies.

8. The development hereby permitted shall only continue in association with the adjoining clay extraction operations such that no more than 95% of the clay used in the production of bricks each year shall be imported from elsewhere (i.e. sources other than Sandown Quarry). Confirmation of the tonnages of clay sourced from Sandown Quarry and imported from elsewhere (categorised by each source) annually (i.e. during the annual monitoring period 1st April-31st March) and the remaining clay reserves at Sandown Quarry at 31st March each year shall be submitted to the

Mineral Planning Authority by the 1st May each year that the brickworks continues to operate.

Reason: To ensure that the brickworks, which are in the Green Belt and were permitted on the basis that the works remain ancillary to the adjoining quarry, only continue to operate in association with the quarry. Annual updates of clay supplies and usage and the extent of permitted clay reserves at Sandown Quarry are required to enable the Mineral Planning Authority to monitor compliance with the permission.

9. For the duration of the development hereby permitted facilities shall be provided, and thereafter maintained and utilised on site to prevent risk of mud being carried onto the public highway. Prior to implementation of any proposed changes to these measures details shall first be submitted for written approval by the Local Planning Authority.

Reason: To ensure that the development hereby permitted does not prejudice the flow of traffic or conditions of general safety along the adjoining highway.

10. Visibility splays of 9 metres by 95 metres shall be provided at the permitted points of entry to the site from Stubbers Green Road. No parking or other obstruction greater than 600mm in height shall be permitted within these splays.

Reason: In the interests of highway safety on Stubbers Green Road.

POSITIVE AND PROACTIVE STATEMENT

Officers have liaised with the applicant's agent during the application process to ensure full information has been provided to enable full support to be given to the scheme.

Your attention is drawn to the notes for applicant

Date of Decision: 08-Sep-2015



David Elsworth - Head of Planning and Building Control

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. 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

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