

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)
TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

DEPOSITED ON: 24 November 2023

APPLICATION NUMBER: P23/1582

**APPLICANT:
THE OCCUPIER
NEW WOOD FARM,
HYPERION ROAD,
STOURTON,
STOURBRIDGE,
DY7 6SJ**

**AGENT:
ANDREW DENHAM
ECLIPSE ARCHITECTURE
14 HIGH STREET
PENSNETT
KINGSWINFORD
DY6 8XD**

**SITE:
LAND ADJACENT TO PUBLIC CAR PARK AT PARK STREET, AMBLECOTE,
STOURBRIDGE**

**PARTICULARS OF PROPOSED DEVELOPMENT:
ERECTION OF 1NO DETACHED BUNGALOW**

The Dudley Metropolitan Borough Council as local planning authority hereby **grants** permission for the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, a copy of which is attached to this notice.

Subject to the following:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) 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 be carried out in accordance with the following approved plans: Proposed Bungalow 2339/001.
REASON: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence (excluding demolition, site clearance and initial ground works) until a landscape strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable for the implementation of the works and their ongoing maintenance, and shall be implemented in accordance with the approved details.
REASON: In order to make a positive contribution to place-making and provide a high quality landscaping in accordance with BCCS Policies CSP4 - Place-Making, ENV 2

Date of Decision: 18-Jan-2024

Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) as landscaping is integral to providing a high quality and sustainable development.

4. No above ground development shall begin until details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority

REASON: In order to make a positive contribution to place-making and provide a high quality public realm in accordance with BCCS Policies CSP4 - Place-Making, ENV 2 Historic Character and Local Distinctiveness, ENV3 - Design Quality and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S6 Urban Design and

Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

This detail is required prior to the commencement of above ground works as the required works may need to be incorporated into buildings on the site and as well as needing to protect the amenity of existing and proposed occupiers.

5. No above ground development shall commence until a schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual amenities of the area and to comply with BCCS Policies CSP4 - Place-Making and ENV2 - Historic Character and Local Distinctiveness and Borough Development Strategy 2017 Policy S6 Urban Design and Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part)

6. Prior to commencement of the permitted use, a scheme for a continuous acoustic barrier constructed along the boundary of the rear garden of the site with the adjoining car park, of minimum height of 2 metres measured from the ground level of the car park and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by, the Local Planning Authority

All works which form part of the approved scheme shall be completed before first residential occupation.

The barrier shall be retained throughout the life of the development.

Reason: To protect the amenities of residents and comply with Saved UDP policy EP7.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

The parking of vehicles of site operatives and visitors

Loading and unloading of plant and materials

Storage of plant and materials used in constructing the development

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

Wheel washing facilities

Measures to control the emission of noise, dust and dirt during construction

A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To protect the amenity of residents in the vicinity of the site during construction of the development and to comply with Borough Development Strategy 2017 Policy L1

Housing Development, extensions and alterations to existing dwellings

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

Wheel washing facilities

Measures to control the emission of noise, dust and dirt during construction

A scheme for recycling/disposing of waste resulting from demolition and construction works

8. In the event that contamination is found at any time when carrying out the approved development which was not previously identified, development shall STOP on that part of the site affected by the unexpected contamination and it must be immediately reported in writing to the Local Planning Authority. An additional investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared, which shall be submitted to and approved in writing of the Local Planning Authority. Following approval, such remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the risks associated with any contamination are reduced to acceptable levels and that the health and wellbeing of future occupiers are protected and to ensure that the development complies with Borough Development Strategy 2017 Policy D3 Contaminated Land and the NPPF.

9. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 hours Mondays to Fridays and 09:00 hours to 17:00 hours on Saturdays nor at any time on Sundays or Public Holidays
- REASON: To protect the amenities of nearby residents in accordance with Borough Development Strategy 2017 Policy D5 Noise Pollution, Policy L1 Housing Development, extensions and alterations to existing dwellings and Policy D2 Incompatible Land Uses (in part).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking or re-enacting that order with or without modification) no development referred to in Schedule 2, Part 1, Class A, of that order shall be carried out without the express grant of planning permission.

REASON: In the interests of the privacy and amenity of surrounding residents in accordance with Borough Development Strategy 2017 Policy L1 Housing Development,

extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part).

11. In order to minimise the impact of the development on local air quality, any gas boilers provided within the development must meet a dry NO_x emission concentration rate of <40mg/kWh. The specification of the gas boiler(s) shall be submitted to and approved in writing by the Local Planning Authority and the approved specification of boiler(s) shall thereafter be fitted in accordance with such details.

REASON: To safeguard the air quality of the Borough which is an Air Quality Management Area in compliance with the Black Country Core Strategy Policy ENV8 and the adopted Air Quality SPD.

Approval Statement Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 38 of the National Planning Policy Framework 2018.

Land Ownership Informative

This consent is given on the basis that all parts of the development including the guttering (foundations and fascia) are carried out on land within the ownership of the applicant.

If you intend to carry out building work which involves one of the following categories:

- Work on an existing wall or structure shared with another property (section 2 of the Act)
- Building a free standing wall or wall of a building up to or astride the boundary wall with a neighbouring property (section 1 of the Act)
- Excavating near a neighbouring building (section 6 of the Act)

You must find out whether that work falls within the Party Wall Act 1996. If it does, you must notify all adjoining neighbours.

Japanese Knotweed Informative

The responsibility to properly address any presence of Japanese Knotweed on the application site, including safe disposal, lies with the owner/developer of the site. Further information can be found here:

<https://www.dudley.gov.uk/residents/environment/countryside-in-dudley/grounds-maintenance/japanese-knotweed/>

In addition to the above you should also be aware of the notes attached to this decision notice.



Carl Mellor
Head of Planning

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. If you have any concerns regarding such matters, you should contact Severn Trent Water, Edgbaston Depot, Waterworks Road, Edgbaston, Birmingham, B16 9DD

This is not a Decision under the Building Regulations or other Legislation

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions then you can appeal to the secretary of state:
 - a) Under Section 78 of the Town and Country Planning Act 1990 (non-householder)
 - b) under section 78 of the Town and Country Planning Act 1990 (householder)
 - c) in the case of Listed Building Consents under Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990
 - d) in the case of Certificates of Lawful Use or Development under Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended)
 - e) in the case of advertisements under the Town and Country Planning (Appeals)(Written Representations Procedure)(England) and (inquiries Procedure) Rules 1974

- If you want to appeal, then you must do so within 6 months of the date of this notice in respect of appeals referred to in paragraphs a) and c) above (with the exception of minor commercial developments which must be received within 12 weeks of decision date), within 12 weeks of this notice in respect of appeals referred to in paragraph b) above, or within 8 weeks in respect of appeals referred to in paragraph e). There is no time limit in respect of appeals referred to in paragraph d) above. Appeals must be made using a form which can be obtained online at www.planningportal.gov.uk/pes or from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. N.B. **Only the applicant has the right to appeal.**

- The Secretary of State can allow longer periods for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances which excuse the delay in giving notice of the appeal.

- The secretary of state need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the secretary of state does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

- You have the right to appeal to the secretary of state where consent to fell or lop trees is refused or if you object to any conditions attached to your consent. The appeal must be made within 28 days of receiving the decision on your application. The secretary of state may allow or dismiss an appeal or vary the original decision by the authority in any respect. As in any case of orders to which there are objections, the appeal will normally be decided on the basis of written representations but both the applicant and the authority have the right to a public local enquiry or hearing. To appeal a decision made on an application relating to trees, you should contact the Planning Inspectorate, The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

PURCHASE NOTICE

- If either the local planning authority or the secretary of state refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonable beneficial use, by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

- This decision is given under the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (amended).

- You are reminded of the need to ensure due compliance with the Building Regulations 1991 (as amended), with other Public General Enactments relating to the development (in particular the Public Health Act 1936 and 1961, Clean Air Act 1993 the Highways Acts 1959, 1971 and 1980, the Control of Pollution Act 1974, the Planning (Hazardous Substances) Act 1990, the Environmental Protection Act 1990, and with the Local Enactments for the time being in force in the Borough. Nothing herein contained is to be regarded as dispensing with such compliance beyond the extent (if any) herein specified. The permission specified does not modify or affect any personal or restrictive covenant applying to the land or any right of any person entitled to the benefit thereof.

- Should the development result in the provision of a building or premises to which the public are admitted or in which persons are to be employed, the applicant is reminded of the need to observe Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 (as amended) and the codes of practice "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300).

- If the development will result in the provisions of an educational building then the applicant is reminded of the need to observe Sections 7 and 8 of the Chronically Sick and Disabled persons Act 1970 and DfES constructional standards.

It is advisable that this notice be carefully retained, possibly with the deeds of the property