

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

DEPOSITED ON: 05 January 2023

APPLICATION NUMBER: P23/0015

**APPLICANT:
THE OCCUPIER
DUDLEY MBC HOUSING SERVICES,
WATERFRONT WEST,
BRIERLEY HILL,
DUDLEY,
DY5 1LN**

**AGENT:
STEVE FAIZEY
S.P. FAIZEY, 1 STATION COURT,
GIRTON ROAD,
CANNOCK,
STAFFS,
WS11 0EJ**

**SITE:
HURST HILL COMMUNITY CENTRE, HURST ROAD, COSELEY, BILSTON, WV14 9EU**

**PARTICULARS OF PROPOSED DEVELOPMENT:
DEMOLITION OF EXISTING COMMUNITY CENTRE BUILDINGS AND ERECTION OF 4
HOUSES AND 4 FLATS**

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: 20033/1; 20033/2B; 20033/4B; 20033/5A; 20033/6A; 20033/7A; 20033/8A; 20033/9A; 20033/10A and 20033/11
REASON: For the avoidance of doubt and in the interests of proper planning.
3. Prior to first occupation the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.
REASON: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

Date of Decision: 17-Feb-2023

4. 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.
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.
5. No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.
REASON: These details are required prior to the commencement of development 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.
6. Where the approved risk assessment (required by condition 5 above) identifies contamination posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such contamination has been submitted to and approved in writing by 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: These details are required prior to the commencement of development 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.
7. Following implementation and completion of the approved remediation scheme (required by condition 6 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.
REASON: To ensure that the risks associated with any contamination have been 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.
8. No development shall commence until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. The assessment should include mine gas. Such an assessment shall be carried out in accordance with authoritative UK guidance.
REASON: These details are required prior to the commencement of development 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.
9. Where the approved risk assessment (required by condition 8 above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a

detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by 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: These details are required prior to the commencement of development 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.

10. Following implementation and completion of the approved remediation scheme (required by condition 9 above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

REASON: To ensure that the risks associated with any ground gases or vapours have been 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.

11. The parking areas hereby approved shall be completed with a surface and sub-strata that is permeable, or provision shall be made to direct run-off water from the hard surface to a permeable area within the curtilage of the site, which shall be retained as such for the life of the development.

REASON: To provide a necessary facility in connection with the proposed development and to prevent uncontrolled runoff of rainwater from front gardens onto public roads/drainage in accordance with BCCS Policy ENV5 and Borough Development Strategy 2017 Policy S5 Minimising Flood Risk and Sustainable Drainage Systems (SuDS).

12. The soft landscaping as shown on the plan ADL374 'Landscaping' shall be implemented within the first planting season following the first occupation of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to make a positive contribution to place-making and provide a high quality landscaping and to ensure that the approved landscaping is properly maintained 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).

13. All 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)

14. 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)

15. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the local planning authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.

REASON: To minimise the impacts to air quality associated with the development and to protect the health and well being of residents in accordance with BCCS Policy ENV8 - Air Quality.

16. No development (other than demolition) shall commence until a) a scheme of intrusive site investigations has been carried out on site and submitted to and approved in writing by the Local Planning Authority to establish the risks posed to the development by past coal mining activity, and b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure the site is made safe and stable for the development proposed. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

REASON: The site has most likely have been affected by historic coal mining and such the applicant needs to demonstrate that development can proceed without impacting on the stability of the site. Consideration has been given to Dudley Borough Development Strategy Policy D4 - Unstable Land and Paragraphs 193 and 184 of the National Planning Policy Framework (2021).

17. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: The site has most likely have been affected by historic coal mining and such the applicant needs to demonstrate that development can proceed without impacting on the stability of the site. Consideration has been given to Dudley Borough Development Strategy Policy D4 - Unstable Land and Paragraphs 193 and 184 of the National Planning Policy Framework (2021).

18. No part of the development shall be occupied until visibility splays from Strathern Drive onto Hollywell Street been provided with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

19. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (Strathern Drive) with an 'x' set back distance of 2.4 metres and a 'y' distance of 43 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

20. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (Footway) with an 'x' set back distance of 2.4 metres and a 'y' distance of 2.4 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

21. No part of the development shall be occupied until visibility splays to the new access have been provided at the junction between the proposed means of access and the highway (Hollywell Street) with an 'x' set back distance of 2.4 metres and a 'y' distance of 59 metres. No structure or vegetation exceeding 600mm in height above the adjoining highway shall be placed or allowed to grow within the visibility splay for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and to comply with Borough Development Strategy 2017 Policy S6 Urban Design, Policy L1 Housing Development, extensions and alterations to existing dwellings Policy D2 Incompatible Land Uses (in part) and policies CSP5, DEL1, TRAN2, CEN8 and TRAN5.

22. The development shall take place in complete accordance with the tree protection measures identified in the Tree protection plan prepared by Tree Heritage Drawing Number: THL-0945-5 dated 04/01/2023 with measures to be implemented under Arboricultural supervision in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. - Recommendations.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality having regard to the Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
23. All excavations to be undertaken within the Root Protection Area (as defined by Clause 4.6 of British Standard BS:5837 - 2012 'Trees in Relation to Design, Demolition and Construction- Recommendations') of any existing trees on site shall be undertaken in accordance with NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (NJUG Volume 4).
REASON: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part)
24. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period 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 that period shall be replaced with healthy trees of such size and species as may be submitted to and agreed in writing by the local planning authority. The replacement trees shall be provided in accordance with a time table to be submitted to and agreed in writing by the local planning authority and shall thereafter be retained for the life of the development.
REASON: To maintain the visual and environmental quality of the site and surrounding area in accordance with Borough Development Strategy 2017 Policy S22 Mature Trees, Woodland and Ancient Woodland (in part).
25. Prior to the first occupation or use of the development the agreed provision of Bat Boxes as shown on drawing 20033/4B.
REASON: In order to enhance, encourage and protect the nature conservation value of the site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation Policy S20 The Borough's Geology (in part) Policy S1 Presumption in favour of Sustainable Development (in part) and Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part) Policy S19 Dudley Borough's Green Network (in part) Black Country Core Strategy Policy ENV1 Nature Conservation (in part) This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.
26. Prior to the first occupation or use of the development the agreed provision of Bird Boxes as shown on drawing 20033/4B shall be installed on site and thereafter maintained and retained for the lifetime of the development.
REASON: In order to enhance, encourage and protect the nature conservation value of the

site and in accordance with BCCS Policies ENV1 - Nature Conservation, CSP3 Environmental Infrastructure and DEL1 - Infrastructure Provision and Borough Development Strategy 2017 Policy S21 Nature Conservation Enhancement, Mitigation and Compensation

Policy S20 The Borough's Geology (in part)

Policy S1 Presumption in favour of Sustainable Development (in part) and

Policy S21 Nature Conservation Enhancement, Mitigation and Compensation (in part)

Policy S19 Dudley Borough's Green Network (in part)

Black Country Core Strategy Policy ENV1 Nature Conservation (in part). This detail is required pre commencement (excluding demolition, site clearance and initial ground works) in that the required works may need to be incorporated into buildings on the site.

27. 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, Classes A, B, C, D and E 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).

28. Demolition or construction works shall not take place outside the hours of 07:00 to 18:00 hours Mondays to Fridays and 08:00 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).

Approval Statement Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive, proactive and creative 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 paragraph 38 of the National Planning Policy Framework 2021.

Coal Mining Areas Informative - Referral Area (High Risk)

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); sites of recorded mine gas incidents and former surface mining. Although such features are seldom readily visible, they are often present and problems can occur, particularly as a result of new development taking place.

Any form of development over, or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice should be sought to ensure a suitable engineering solution can be designed, which takes into account all the relevant risk factors, including mine gas and mine water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

IMPORTANT – COMMUNITY INFRASTRUCTURE LEVY

This development is exempt from the Community Infrastructure Levy (CIL) and therefore you are only required to comply with the conditions attached to this notice.

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



Helen Martin
Director of Regeneration & Enterprise

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