

**SANDWELL METROPOLITAN BOROUGH COUNCIL
PLANNING PERMISSION**

TOWN & COUNTRY PLANNING ACT 1990

THE TOWN & COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Name and Address of Applicant	Name and Address of Agent
Selbourne Homes 74a Worcester Road Stourbridge DY9 0NJ	Selbourne Homes 74a Worcester Road Stourbridge DY9 0NJ

Site Land off
Newcomen Drive
Tipton

Particulars of Development Erection of 32 detached and terraced dwellings and the construction of associated roads and sewers.

Valid application received on 20 May 2002, as amended 10 Sep and 02 Dec 2002.

The Borough Council of Sandwell as local planning authority considered the application as described above on 18 Dec 2002.

PLANNING PERMISSION IS GRANTED for the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto, copies of which are attached to this notice, subject to the following conditions:-

Conditions

1. The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).
2. The development must be begun not later than the expiration of 5 years from the date of this permission.

Continued overleaf

Reasons

1. To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the basis of which permission is being granted, except in so far as other conditions may so require.
2. Pursuant to section 91 of the Town & Country Planning Act 1990

Date **16 MAY 2003**

Signature

Head of Planning and Development Services

THIS APPROVAL IS SUBJECT TO AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

N.B.

1. **THIS IS A PLANNING PERMISSION ONLY. IT IS NOT AN APPROVAL:-**
(A) **UNDER THE BUILDING REGULATIONS (WORK WHICH REQUIRES SUCH APPROVAL MUST NOT START UNTIL IT HAS BEEN OBTAINED): OR**
(B) **UNDER ANY OTHER STATUTORY PROVISION**
2. **YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.**

DC/02/39284Conditions continued

3. Before the development is commenced details of the materials to be used for the external surfaces of the development shall be submitted to and approved by the local planning authority.
4. Before the development is commenced details of the height, type, and position of all site and plot boundary walls or fences to be erected on the site shall be submitted to and approved by the local planning authority.
5. The approved boundary walls or fences shall be erected within eight months of the dwellings being occupied.
6. Before the development is commenced a detailed landscaping and planting scheme shall be submitted to and approved by the local planning authority.
7. The approved landscaping and planting scheme shall be implemented within eight months of the development being brought into use.
8. Any tree, hedge or shrub planted as part of the landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting, shall be replaced in the next planting season.
9. Before any dwelling is occupied its associated car parking area(s) shall be laid out, graded, and surfaced in accordance with details to be submitted to and approved by the local planning authority.
10. Before the development is commenced details of the finished floor levels of the proposed dwellings, including their relationship to the levels of the highway and existing development, shall be submitted to and approved by the local planning authority.
11. Before the development is commenced details of the street/car park lighting shall be submitted to and approved by the local planning authority.
12. Before the development is commenced a survey and site investigation shall be carried out to assess the likely hazards to the proposed development of any contamination of the land resulting in the presence of potentially toxic substances or combustible fill materials, the possibility of chemical attack on building materials, the emission of toxic or flammable gases, or general problems of stability, drainage, odour, leachate production, and surface run-off.
13. A copy of the survey and site investigation carried out in pursuance of the preceding condition of this permission, together with a report setting out any remedial measures proposed to counter the hazards from any contamination of the land, shall be submitted to and approved by the local planning authority before the development is commenced.
14. Before any part of the development is first occupied the remedial measures proposed to counter the hazards from any contamination of the land and contained in the report approved by the authority in pursuance of the preceding condition of this permission shall be carried out.
15. Before the development is commenced details of the sprinkler system to be fitted in each dwelling shall be submitted to and approved by the local planning authority.
16. No dwelling shall be occupied until the approved sprinkler system has been fitted.

17. Before the development is commenced details of the surfacing, lighting and maintenance of the pedestrian route from Coneygree Road shall be submitted to and approved by the local planning authority.

18. Before the development is commenced details of the 2m high solid fence to be erected along the southern boundary of the site and the acoustically rated trickle vents to be provided to all first floor habitable rooms at plots adjacent to that boundary shall be submitted to and approved by the local planning authority.

Reasons continued

3. To ensure the satisfactory appearance of the development.

4&5.

To ensure the satisfactory appearance of the development and safeguard the privacy of the residents.

6,7&8.

To enhance the appearance of the development.

9. To ensure that the parking areas can be used conveniently and in all weather.

10. To ensure the satisfactory appearance of the development and in the interests of privacy between dwellings and of the convenience and safety of the occupants of the proposed dwellings and users of the highway.

11,12,13,14,15,16&17.

In the interests of public safety.

18. To safeguard the dwellings from undue noise.

NOTE FOR APPLICANT

The Following Policies And Proposals Contained Within Sandwell Council's Unitary Development Plan Are Relevant to the Determination of this Application:

The site is allocated for residential purposes in the Adopted UDP, and in the UDP Review (Revised Deposit Plan).

Policy RL6 of the Adopted UDP states that

"The Council will endeavour to safeguard the current provision of sports pitches by resisting their redevelopment, unless the facilities are replaced elsewhere in the Borough".

However, Policy OS7 of the Proposed Modifications to the UDP Review states that:

Proposals for development that would involve the loss of existing sports pitches or facilities will not be permitted. In exceptional circumstances, such proposals may be allowed, where there would be a net gain in benefit to the community

through the benefits of the proposed development and through compensatory measures, which must be:

the provision of alternative facilities of at least equivalent community benefit near to the development;

or,

the enhancement of existing nearby facilities, subject to the level of enhancement being of at least equal community benefit.

Policies H4, RL3, RL4 and E7 of the Adopted UDP are also relevant to the determination of this application.

NOTES

Unstable or Contaminated Land

Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination.

In cases where the question of stability or contamination has been a material consideration, resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the **granting of planning permission does not give a warranty of support or stability or of freedom from contamination.**