

**SECTION 70 - TOWN & COUNTRY PLANNING ACT 1990 (as amended)
DISCHARGE OF PLANNING CONDITIONS**

DEPOSITED ON: 27-Apr-2018

APPLICATION NUMBER: P18/0633/METRO

Applicant:

**JOHN MICKLETHWAITE-HOWE
MIDLAND METRO ALLIANCE**

Agent:

SITE:

Midland Metro Extension, Wednesbury to Brierley Hill

PARTICULARS OF PROPOSED DEVELOPMENT:

DISCHARGE OF CONDITION 2 (ADDENDUM TO EXISTING ENVIRONMENTAL STATEMENT TO THE MIDLAND METRO EXTENSION WEDNESBURY TO BRIERLEY HILL) TO THE TRANSPORT AND WORKS ACT FOR THE METRO EXTENSION DEEMED PLANNING PERMISSION

The Dudley Metropolitan Borough Council as local planning authority hereby determines the following conditions submitted in relation to this application as follows:

Conditions Discharged:

Condition 2 – ES Addendum – Discharged on the basis of the plans submitted with application.

Notes

Should as more design work is undertaken that further areas of track are located within the outer limits of deviation than a further application to discharge condition 2 will be required.



Helen Martin
Chief Officer – Regeneration & Enterprise

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, 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/pcs 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