

Sandwell Metropolitan Borough Council  
Development Planning Section  
P.O. Box 2374  
Council House  
Freeth Street, Oldbury  
West Midlands. B69 3DE



Application No. DC/23/68822

## SANDWELL METROPOLITAN BOROUGH COUNCIL

### PLANNING REFUSAL TOWN AND COUNTRY PLANNING ACT 1990

### THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

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Site: Land Adjacent To Q3 Academy Wilderness Lane Great Barr Birmingham

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Particulars of Development:	Proposed 150 dwellings, a countryside park and associated works (Outline application for access only).
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Valid application received on: 16 Nov 2023.

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The Borough Council of Sandwell as local planning authority hereby **REFUSE PLANNING PERMISSION** for the above described development proposed in the application numbered as shown above and in the plans and drawings refused as listed below, subject to the following reasons:-

1. The proposal is contrary to paragraph 11(d) of the adopted National Planning Policy Framework (NPPF) in that the development is on land designated as Green Belt land, the proposal is considered inappropriate this this location and the applicant has been unable to demonstrate very special circumstances as to why this policy should be set aside. The harm resulting from the proposals would not be outweighed by other considerations. Therefore paragraph 152 of the NPPF is clear that the planning application should be refused.
2. The proposed development would be contrary to the interests of nature conservation as it would adversely affect the habitat of fauna and/or flora on the site which is designated as a SINC.

**REFUSED PLANS AND DRAWINGS:-**

<b>Plan Description</b>	<b>Reference</b>	<b>Version</b>
<b>Location Plan</b>	<b>100</b>	<b>D</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-0001</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-00002</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-0010</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-0011</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-0012</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-0013</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>07381-CI-A-0014</b>	<b>P02</b>
<b>Planning Layout - Proposed</b>	<b>09364-FPCR-XX- ZZ-DR-L-0010</b>	<b>P11</b>
<b>Planning Layout - Proposed</b>	<b>09364-FPCR-XX- ZZ-DR-L-0012</b>	<b>P07</b>
<b>Planning Layout - Proposed</b>	<b>09364-FPCR-XX- ZZ-DR-L-0013</b>	<b>P01</b>

Date 17.01.2024.....

Signature



John Baker, Assistant Director of  
Development Planning & Building Consultancy

**YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.**

## **NOTE FOR APPLICANT**

### **Applicant Engagement Statement**

In dealing with the application the local authority has considered solutions and proactively engaged with the applicant in line with the National Planning Policy Framework.

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

#### **CSP1 The Growth Network**

By 2026, the Strategic Centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton will have a much stronger role at a regional and sub-regional level, providing:

- Additional 345,000 square metres gross comparison retail floorspace and additional 880,000 square metres gross office floorspace;
- Major new leisure and cultural facilities;
- 7,500 new homes<sup>1</sup> of mixed type and tenure - the majority built at high densities as part of mixed use developments;
- Excellent public transport links, making the centres highly accessible to increased catchment areas, including new residential communities in the Regeneration Corridors;
- Significantly improved built and green environments integrated into the development of centres.

#### **CSP2 Development Outside the Growth Network**

By 2026, the areas outside the Strategic Centres and Regeneration Corridors will provide:

- A strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible;
- A mix of good quality residential areas where people choose to live;
- A strong network of green infrastructure, centres and community facilities;
- Strong and seamless links to regenerated areas in Regeneration Corridors and Strategic Centres, via access and design improvements to spread regeneration benefits and ensure integration of existing and new communities;
- A constant supply of small-scale development opportunities;
- A limited supply of large-scale development opportunities through allocations on free-standing employment sites and other surplus land.

The main roles of free-standing employment sites and areas outside the Growth Network are to provide local employment opportunities to serve communities outside the Regeneration Corridors and Strategic Centres and to provide a supply

of housing land at appropriate densities to meet local needs.

The nature and extent of land use change required in the free-standing employment land located within each local authority area is set out in Appendix 3. The Aldridge free-standing employment site, shown on the Economy Key Diagram, will be protected for employment use. Other free-standing employment sites will be protected for employment use until a Development Plan Document is adopted which allocates the site for a particular use.

By 2026 free-standing employment sites and areas across the Black Country will collectively provide:

- 103 ha of strategic high quality employment land
- 139 ha of retained local employment land
- 3110 new homes\*

Additional site allocations and windfall developments will also occur in the following areas shown on the Key Diagrams:

- Housing Market Intervention Areas - areas requiring housing renewal activity;
- Housing renewal Hubs - current foci for housing renewal activity
- Centres - protection and enhancement of the network, to serve new and proposed development

The broad approach to development in other areas will be to focus on previously developed land, locations with best access to services (where appropriate) and areas of lowest flood risk.

Green Belt boundaries will be maintained and protected from inappropriate development.

Environmental Infrastructure improvements will be focused in the environmental infrastructure network.

\*including commitments, after discount

### **CSP3 Environmental Infrastructure**

Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

The environmental infrastructure network comprises open space, sport and recreation facilities, areas of biodiversity and geodiversity importance, wildlife corridors, the canal network, watercourses and drainage systems, air quality and renewable energy generation, pedestrian and cycle routes, areas and buildings of high design quality, and the special character and historic aspects of locally distinctive elements of the Black Country.

This will be achieved by:

- The production and implementation of the Black Country Environmental

## Infrastructure Guidance Phase 2;

- Resisting any development that compromises the integrity and quality of environmental infrastructure;
- Requiring development proposals to improve the quality and quantity of the area's environmental infrastructure in a manner appropriate to the character and needs of the area.

### **CSP4 Place-Making**

The Black Country has a unique heritage and urban structure which requires a bespoke approach to place-making and a high quality of design of the built and natural environment.

All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement in the following spatial terms:

- The hierarchy of centres will provide a focus and concentration for essential local services and activities with easy access by walking, cycling and public transport. Its diverse, accessible, affordable and active villages, towns and neighbourhoods will encourage commercial activity, promote prosperity and support the well-being of the area's inhabitants.
- The Black Country will operate on a permeable street network with pedestrian priority that gives maximum freedom of movement and a good choice of means of transport. Vibrant streets and spaces, defined by surrounding buildings and with their own distinct character, should provide the framework for a coherent interconnected network of places that supports social interaction and displays a clear hierarchy of private, commercial and civic functions.
- A high quality of design and utility of all transport proposals will be sought to ensure that interventions make a positive contribution to place making as well as increasing accessibility and connectivity.
- The Black Country's transformation will be supported by buildings providing a range of functions, tenures, facilities and services to support its diverse local communities. A mix of building designs and types will be sought that are appropriate to the Black Country, set within appropriately scaled neighbourhoods.
- The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.
- The Black Country will be a safe and secure place through organising the urban environment in ways that encourage people to act in a civil and responsible manner. The pedestrian environment should be closely associated with active

frontages at street level and an appropriate intensity of use in all areas at all times.

- An integrated multifunctional open space network will not only provide space for sport and recreation and help support a balanced ecological environment but help mitigate flood risk, provide space for wildlife and informal recreation for local people.
- The protection and enhancement of the historic canal network and the area's natural waterways which provide a unifying characteristic of the Black Country's urban structure and landscape.
- In appropriate circumstances, the provision of public art will be required as part of new developments through on and off-site provision, to support and enhance the cultural and social development and identity of the Black Country.

The use of carbon-based products, energy and non-renewable resources will be minimised through the efficient design of buildings and their layout and site orientation.

## **DEL1 Infrastructure Provision**

All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

Unless material circumstances or considerations indicate otherwise, development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements and proposals are provided. These will be secured through planning obligations, the Community Infrastructure Levy, planning conditions or other relevant means or mechanisms, to an appropriate timetable that is prioritised, resourced, managed, delivered and co-ordinated across the sub region as a whole where appropriate.

To deliver and monitor the implementation of the development across the Black Country in Local Development Documents, the relevant Black Country Authorities will jointly set out:

- The range of infrastructure to be provided or supported;
- The prioritisation of and resource for infrastructure provision;
- The scale and form of obligation or levy to be applied to each type of infrastructure,
- Guidance for integration with adjoining Local Authority areas;
- Including maintenance payments and charges for preparing agreements;
- The defined circumstances and procedure for negotiation regarding infrastructure provision, where viability is at issue.

## **HOU1 Delivering Sustainable Housing Growth**

Sufficient land will be provided to deliver at least 63,000\* net new homes over the period 2006 - 2026. The majority of the requirement will be met through committed sites and the phased allocation of sites within the Regeneration Corridors, Strategic Centres, appropriate Free-Standing Employment Sites and housing renewal areas as detailed in Tables 5, 6, & 7, the Housing Key Diagram and Appendices 2 and 3.

Additional housing capacity will also be sought elsewhere in the Black Country through allocations and planning permissions on suitable sites. The estimated net effect of housing redevelopment up to 2026 will be reviewed annually and taken into account in the calculation of housing land supply.

At least 95% of new housing (gross) will be built on previously developed land.

## **HOU2 Housing Density, Type and Accessibility**

The density and type of new housing provided on each site will be informed by:

- The need for a range of types and sizes of accommodation to meet identified sub-regional and local needs;
- The level of accessibility by sustainable transport to residential services, including any improvements to be secured through development;
- The need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.

Each authority will aim to provide an overall mix of house types over the plan period, tailored to best meet local and sub-regional needs.

Developments of 15 dwellings or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, in line with information available from the Strategic Housing Market Assessment and Housing Needs Surveys and with reference to the targets above.

All developments will aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2.

All site allocations made in Local Development Documents will indicate the density and house type mix to be sought. Detailed guidance on the application of this policy in local areas will be provided in Site Allocation Documents and Area Action Plans, and through individual local authority Supplementary Planning Documents.

## **HOU3 Delivering Affordable Housing**

The Local Authorities will aim to provide a minimum 11,000 new affordable dwellings between 2006 and 2026, in partnership with developers and the Homes and Communities Agency.

Local Planning Authorities will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. The tenure and type of affordable units sought will be determined on a site by site basis, based on best available information regarding housing need, site surroundings and viability considerations.

On sites where 25% affordable housing is proven not to be viable, the maximum proportion of affordable housing will be sought which will not undermine the development's viability, subject to achieving optimum tenure mix and securing other planning obligations necessary for the development to gain planning permission. Financial viability assessments conforming to an agreed methodology will be required and, where necessary, independently appraised by the local planning authority at the cost of the applicant. Claw back and other flexible arrangements will be sought through planning agreements, wherever possible, to allow for changing market conditions in future years.

## **TRAN2 Managing Transport Impacts of New Development**

Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, in particular, access by walking, cycling, public transport and car sharing. These proposals should be in accordance with an agreed Transport Assessment, where required, and include implementation of measures to promote and improve such sustainable transport facilities through agreed Travel Plans and similar measures.

## **TRAN4 Creating Coherent Networks for Cycling and for Walking**

Joint working between the four local authorities will ensure that the Black Country has a comprehensive cycle network based on integrating the four local cycle networks, including common cycle infrastructure design standards

Creating an environment that encourages sustainable travel requires new developments to link to existing walking and cycling networks. The links should be safe, direct and not impeded by infrastructure provided for other forms of transport. Where possible, existing links including the canal network should be enhanced and the networks extended to serve new developments. New developments should have good walking and cycling links to public transport nodes and interchanges.

Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance, e.g. in close



proximity of main front entrances for short stay visitors or under shelter for long stay visitors. The number of cycle parking spaces required will be determined by local standards in supplementary planning documents.

## **TRAN5 Influencing the Demand for Travel and Travel Choices**

The Black Country Local Authorities are committed to considering all aspects of traffic management in the centres and wider area in accordance with the Traffic Management Act 2004.

The priorities for traffic management in the Black Country are:

- The pricing of parking - ensuring that it is not used as a tool for competition between centres;
- The type of parking - ensuring that where appropriate long stay parking is removed near to town centres to support parking for leisure and retail customers and encourage commuters to use more sustainable means and reduce peak hour traffic flows;
- Maximum parking standards - ensuring that a consistent approach maximum parking standards is enforced in new developments as set out in supplementary planning documents;
- The location of parking - by reviewing of the location of town centre car parks through the "Network Management Duty Strategy" to ensure that the flow of traffic around the town centres is as efficient as possible;
- Identifying appropriate strategic and local Park and Ride sites on current public transport routes to ease traffic flows into centres;
- Working together with the rest of the region to manage region wide traffic flows through the West Midlands Metropolitan Area Urban Traffic Control (UTC) scheme and further joint working;
- Promoting and implementing Smarter Choices measures that will help to reduce the need to travel and facilitate a shift towards using sustainable modes of transport (walking, cycling, public transport, car sharing).

## **ENV1 Nature Conservation**

Development within the Black Country will safeguard nature conservation, inside and outside its boundaries by ensuring that:

- development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;
- locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them;
- the movement of wildlife within the Black Country and its adjoining areas, through both linear habitats (e.g. wildlife corridors) and the wider urban matrix

(e.g. stepping stone sites) is not impeded by development;

- species which are legally protected, in decline, are rare within the Black Country or which are covered by national, regional or local Biodiversity Action Plans will not be harmed by development.

Adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.

Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature, damage must be minimised. Any remaining impacts, including any reduction in area, must be fully mitigated. Compensation will only be accepted in exceptional circumstances. A mitigation strategy must accompany relevant planning applications.

Current designated nature conservation sites including Local Nature Reserves will be carried forward from existing Proposals Maps, subject to additions and changes arising from further studies. Local Authorities will look to designate additional nature conservation sites as necessary in conjunction with the Local Sites Partnership and consequently sites may receive new, or increased, protection over the Plan period.

All appropriate development should positively contribute to the natural environment of the Black Country by:

- extending nature conservation sites;
- improving wildlife movement; and/or
- restoring or creating habitats / geological features which actively contribute to the implementation of Biodiversity Action Plans (BAPs) and/or Geodiversity Action Plans (GAPs) at a national, regional or local level.

Details of how improvements (which are appropriate to the location and scale) will contribute to the natural environment, and their ongoing management for the benefit of biodiversity and geodiversity will be expected to accompany planning applications. Local authorities will provide additional guidance on this in Local Development Documents.

## **ENV2 Historic Character and Local Distinctiveness**

All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

### **ENV3 Design Quality**

Each place in the Black Country is distinct and successful place-making will depend on understanding and responding to the identity of each place with high quality design proposals. Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits by demonstrating that the following aspects of design have been addressed through Design and Access Statements reflecting their particular Black Country and local context:

1. Implementation of the principles of "By Design" to ensure the provision of a high quality network of streets, buildings and spaces;
2. Implementation of the principles of "Manual for Streets" to ensure urban streets and spaces are designed to provide a high quality public realm and an attractive, safe and permeable movement network;
3. Use of the Building for Life criteria for new housing developments, to demonstrate a commitment to strive for the highest possible design standards, good place making and sustainable development, given local circumstances;
4. Meeting Code for Sustainable Homes Level 3 or above for residential development and Building Research Establishment Environmental Assessment Method (BREEAM) Very Good or above for other development, or the national requirement at the time of submitting the proposal for planning permission, to demonstrate a commitment to achieving high quality sustainable design;
5. Consideration of crime prevention measures and Secured By Design principles.
6. Including design features to reduce the urban heat island effect such as tree cover, green roofs and the inclusion of green space in development.

### **ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island**

The Black Country Authorities will seek to minimize the probability and consequences of flood risk by adopting a strong risk-based approach in line with PPS25. Development will be steered to areas with a low probability of flooding first through the application of the sequential test. The Exception test will then be required for certain vulnerable uses in medium and high probability flood areas.

Proposals for development must demonstrate that the level of flood risk associated with the site is acceptable in terms of the Black Country Strategic Flood Risk Assessment and its planning and development management recommendations as well as PPS25 depending on which flood zone the site falls into and the type of development that is proposed (see PPS25, table D1: Flood Zones to explain appropriate uses in flood zones).

To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should:

- Incorporate Sustainable Drainage Systems (SUDs), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SUDs used will be dependent on ground conditions;
- Open up culverted watercourses where feasible and ensure development does not occur over existing culverts where there are deliverable strategies in place to implement this;
- Take every opportunity, where appropriate development lies adjacent to the river corridors, or their tributaries or the functional floodplain, to benefit the river by reinstating a natural, sinuous river channel and restoring the functional floodplain within the valley where it has been lost previously;
- On sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates;
- Create new green space, increase tree cover and/or provide green roofs;

No development will be permitted within a groundwater SPZ1 which would physically disturb an aquifer, and no permission will be granted without a risk assessment demonstrating there would be no adverse effect on water resources.

## **ENV6 Open Space, Sport and Recreation**

In addition to the values and functions of open space set out in Government Policy and Guidance, development proposals should recognise the following roles that are of particular importance in the Black Country:

- Improving the image and environmental quality of the Black Country;
- Defining and enhancing local distinctiveness;
- Reducing potential urban heat island effects;
- Preserving and enhancing diversity in the natural and built environment;
- Preserving and enhancing industrial, archaeological and architectural heritage, including canals;
- Providing components of a high quality, multifunctional green space network or "Urban Park";
- Enhancing people's mental and physical well-being;
- Strengthening (through extension, increased access and enhanced value) the existing greenway network.

Development that would reduce the overall value of the open space, sport and recreation network in the Black Country will be resisted. Development that would increase the overall value of the open space, sport and recreation network will be encouraged, especially in areas of deficiency.

Each Local Authority will set out, in Local Development Documents and on Proposals Maps, policies and proposals for specific open space, sport and

recreation facilities and planning requirements for open space, sport and recreation, in order to:

- Move towards the most up-to-date local open space, sport and recreation standards for each Local Authority. In order to balance achievement of these standards, in some cases a loss in quantity of open space or facilities may be acceptable if compensatory gains in quality and / or accessibility which are of a greater value can be secured in the local area;
- Deliver the broad open space, sport and recreation proposals for each Regeneration Corridor and Strategic Centre set out in Appendix 2;
- Address the priorities set out in Black Country Environmental Infrastructure Guidance;
- Make more efficient use of urban land by:
  - creating more multifunctional open spaces;
  - significantly expanding community use of open space, sport and recreation facilities provided at places of education (see Policy HOU5);
  - providing opportunities to increase appropriate open space, sport and recreation use of the Green Belt;
  - making creative use of land exchanges and disposing of surplus assets to generate resources for investment; and
  - increasing access to open space, sport and recreation facilities, including for people with disabilities;
- where there is a cross boundary impact, identifying the most appropriate location to maximise community access and use of new facilities.

## **ENV7 Renewable Energy**

Proposals involving the development of renewable energy sources will be permitted where the proposal accords with local, regional and national guidance and would not significantly harm the natural, historic or built environment or have a significant adverse effect on the amenity of those living or working nearby, in terms of visual, noise, odour, air pollution or other effects.

All non-residential developments of more than 1,000 square metres floor space and all residential developments of 10 units or more gross (whether new build or conversion) must incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. The use of on-site sources, off-site sources or a combination of both should be considered. The use of combined heat and power facilities should be explored for larger development schemes. An energy assessment must be submitted with the planning application to demonstrate that these requirements have been met.

The renewable energy target may be reduced, or a commuted sum accepted in lieu of part or all of the requirement, only if it can be demonstrated that:

- a variety of renewable energy sources and generation methods have been assessed and costed;

- achievement of the target would make the proposal unviable (through submission of an independently assessed financial viability appraisal); and
- the development proposal would contribute to achievement of the objectives, strategy and policies of the Core Strategy.

## **ENV8 Air Quality**

New residential or other sensitive development, such as schools, hospitals and care facilities, should, wherever possible, be located where air quality meets national air quality objectives.

Where development is proposed in areas where air quality does not meet (or is unlikely to meet) air quality objectives or where significant air quality impacts are likely to be generated by the development, an appropriate air quality assessment will be required. The assessment must take into account any potential cumulative impacts as a result of known proposals in the vicinity of the proposed development site, and should consider pollutant emissions generated by the development.

If an assessment which is acceptable to the local authority indicates that a proposal will result in exposure to pollutant concentrations that exceed national air quality objectives, adequate and satisfactory mitigation measures which are capable of implementation must be secured before planning permission is granted.

## **SAD H2 - Housing Windfalls**

Proposals for residential development on sites not specifically allocated for residential use will only be permitted if they meet all of the following requirements:

- The site is previously developed land that is suitable for residential development or conversion to residential development;
- Development of the site for housing will not lead to an unacceptable reduction in the supply of employment land (in accordance with Core Strategy Policy DEL2, Managing the Balance Between Employment Land and Housing);
- The use is compatible with other development plan policies.

Proposals for residential development on unallocated greenfield land will only be considered where:

- The site is not protected as community open space and is deemed low quality, low value within the Council's Green Space Audit; or,
- The site is a piece of Council-owned land that is deemed surplus to requirements; or,
- The development of the site will bring an under-used piece of land back into beneficial use; or,
- The development of the site is infill and will meet the requirements of other policies/guidance within the LDF.

### **SAD H3 - Affordable Housing**

The Council will expect the size, type and tenure of future affordable housing to be in accordance with the information provided by the latest Housing Needs and Demands Study and any other information that the Council may collect with regard to housing need. Smaller sites, which could reasonably be expected to form part of a larger site in future, will also need to take this policy into account.

### **SAD TRAN 3 - Car Parking**

Certain classes of development will be subject to maximum car parking standards, as defined by Planning Policy Guidance Note 13 - Transport). These standards are outlined in the table below:

#### Maximum Parking Standards

Food Retail - 1 space per 14m<sup>2</sup> for developments over 1000m<sup>2</sup> gross floorspace

Non Food Retail - 1 space per 20m<sup>2</sup> for developments over 1000m<sup>2</sup> gross floorspace

Cinemas and Conference Facilities - 1 space per 5 seats for developments over 1000m<sup>2</sup> gross floorspace

D2 (other than cinemas, conference facilities and stadia) - 1 space per 22m<sup>2</sup> for developments over 1000m<sup>2</sup> gross floorspace

B1 including offices - 1 space per 30m<sup>2</sup> for developments over 2500m<sup>2</sup> gross floorspace

Higher and Further Education - 1 space per 2 staff + 1 space per 15 students (see note 1) for developments over 2500m<sup>2</sup> gross floorspace

Stadia - 1 space per 15 seats (see note 2) for developments over 1500 seats

### **SAD HE 1 - Listed Buildings**

The Council will safeguard and encourage appropriate enhancement of listed buildings and their settings.

Listed Building applications for alterations, extensions or change of use of Listed Buildings should include a Heritage Statement that identifies significant aspects of the building in order to demonstrate that the proposal will either conserve or enhance the special historic and/or architectural significance of the listed building. Pre-application discussions with the Council's Conservation Officer together with information sources such as the Historic Environment Record (HER) should be carried out in order to understand the significance of the asset and assess the potential impact of the proposal on this significance.

Proposals for demolition of a listed building will be resisted unless every option for its restoration, retention and alternative use has been exhausted. Applicants should provide evidence that the total loss of the building is necessary in order to deliver substantial public benefits that outweigh the loss. In addition supporting information should include:-

- Marketing of the building has proven that no medium or long term uses can be found for the listed building.
- Grant funding is not possible.
- The loss of the building is outweighed by the public benefit of bringing the site back into use.

The Council will also consider the use of planning conditions to secure the recording of concealed features of archaeological significance following consent for demolition or alteration of a listed building.

The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by preservation of trees and landscape features.

## **SAD HE 5 - Archaeology & Development Proposals**

In Areas of Potential Archaeological Importance (APAI) and any other areas where the Council considers there to be archaeological potential, the local planning authority will require archaeological information (derived, if necessary, from an archaeological evaluation), prior to the determination of planning applications. This information will be needed to assess the archaeological implications of the development proposals and to identify requirements for archaeological preservation or investigation.

Referral of applications for development will also disclose sites or areas where archaeology or conservation is necessary before redevelopment or demolition is permitted to take place.

In considering proposals for development, the Council will seek to ensure that special heritage assets of national or possibly high regional importance are identified as being particularly worthy of preservation in situ. Other heritage assets will be preserved wherever possible, but where it would be unreasonable to withhold planning permission for the development of such sites, provision will be made through agreements and conditions of planning permissions for an appropriate level of archaeological evaluation and recording (preservation by record), prior to damage or destruction through development. Evaluations and recordings will be included within the Sandwell's Historic Environment Record.

It is essential that heritage assets and their settings are preserved and enhanced so as to fully exploit their archaeological, recreational and educational value, and, where appropriate, made attractive to visitors.



## **SAD EOS 1 - The Green Space Hierarchy**

The Council will use the following hierarchy to analyse existing provision of green/open space, to identify strengths and weaknesses in the provision, and to guide decisions about improvements, new and replacement provision, and development proposals which impact on the provision.

## **SAD EOS 2 - Green Belt**

The boundaries of the Green Belt are shown on the Policy Map. Within the Green Belt, inappropriate development as defined in PPG2 will not be permitted, except in very special circumstances, where the harm of the development is clearly outweighed by other considerations.

## **SAD EOS 4 - Community Open Space**

Community Open Spaces are open spaces which are physically accessible and publicly available. These are shown on the Policy Map.

The Council will seek the provision of Community Open Space at a minimum ratio of 2 hectares per 1000 population, and will seek to ensure that at least 1 hectare of Community Open Space is provided within walking distance (0.4 km) of all the Borough's residents.

Quality Community Open Space is seen as an integral part of quality living space, and should be provided as part of new housing developments where such spaces are not currently available within easy access\* of the development. Where provision locally is adequate in terms of quantity, greater emphasis will be placed on improving the quality of existing nearby Community Open Space.

## **SAD EOS 5 - Environmental Infrastructure**

Sandwell will promote environmental infrastructure within all new developments and opportunities should be fully explored to build in environmental infrastructure improvements to existing developments.

When considering proposals for environmental infrastructure regard should be given to the Environmental Infrastructure Guidance Phase 1 and 2 Technical work and any relevant design guidance given in a subsequent EIG Design Guidelines SPD.

## **SAD EOS 9 - Urban Design Principles**

The Council will assess all applications for new development in accordance with

policy ENV3, Design Quality, of the Black Country Core Strategy.

The Council will reject poor designs, particularly those that are inappropriate in their locality, for example, those clearly out of scale with or incompatible with their surroundings.

Particular regard will be paid to how the development relates to the street, its relationship with the public realm, the ease with which the public are able to move through and around the development, and the nature and height of any buildings and their effect on the surrounding urban area.

### **SAD DC 4 - Pollution Control**

The Council will only permit pollution-sensitive developments in close proximity to potentially polluting uses where it can be shown that there would be no detrimental impact on the health or amenity of future occupiers. Where appropriate, conditions or planning obligations will be applied to ensure any impacts are minimised.

### **SAD DM 1 - Access for Disabled People**

In accordance with BCCS Policies CSP5 and TRAN1, developments will be required to demonstrate appropriate provision for access for disabled people and people with mobility difficulties, including access to transport, buildings, and the external environment. Specifically, the design and layout of developments which include public access must have regard to the needs of disabled people and others with mobility difficulties.

Developments in Town Centres, District Centres, Local Centres, and residential areas need to include well-defined and safe access arrangements for disabled motorists. Consideration should also be given to safe access for disabled pedestrians, particularly those who are blind or partially sighted. In particular, walkways, pavements and other public areas should include flat or adequately ramped areas either as primary means of access and travel, or as alternatives where steps are provided.

Major redevelopment proposals (such as those requiring Environmental Impact or Transport Assessments) are expected to positively enhance links with adjacent areas to improve access for disabled people and others with mobility difficulties.

Planning conditions may be imposed to require improvements relating to pedestrian routes, public transport facilities (such as bus stops), parking spaces and their management and use, the provision of information, and other relevant matters, such as the priority given to pedestrians, including disabled people. Where such conditions are imposed, the Access Officer will be consulted with regard to compliance.

A planning, development, or design brief for a proposed development must be

produced in consultation with the Sandwell Access Group and the Sandwell Access Officer. Detailed advice on access issues is available from the Council's Access Officer, who will be pleased to comment on proposals at pre-application or design brief stage.

Parking for disabled people will be provided in accordance with Policy Car Parking for Disabled People and People with Mobility Difficulties.

## **SAD DM 5 - The Boroughs Gateways**

When assessing proposals and applications for planning permission that will affect the environment of the Borough's gateways, the Council will apply the following principles:

- Key landmark buildings, structures and features will be preserved and improved;
- The topography of the area will be emphasised in the design and location of new buildings or features;
- New development should be of a high quality, architectural design, using good quality, modern materials.

In addition, the Council will work towards improving the image of the area at the gateways through:

- The removal or refurbishment of insensitively designed buildings where possible;
- More strict control of advertising;
- The provision of high quality street furniture, boundary treatment and paving materials;
- The incorporation of Environmental Infrastructure features;
- The removal of redundant street clutter;
- The incorporation of public art; and
- Improving ease of movement for all modes of transport.

## **NOTES**

### **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 under section 78 of the Town & Country Planning Act 1990.

If you want to appeal, then you must do so within eight weeks of the date of this notice in the case of an advertisement application, 12 weeks of the date of this notice in the case of a householder application, 12 weeks of the date of this notice in the case of a minor commercial application and within six months of the date of this notice in any other case, using a form which you can get from the Secretary

of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate).

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 determine 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 the statutory requirements, to the provisions of any development order and to any direction given under a development order.

In practice, the Secretary of State is unlikely to refuse to consider appeals solely because the local planning authority based its decision on a Direction given by him.

### **Purchase Notices**

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 reasonably beneficial use in its existing state nor can he render the land capable of reasonably 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 in whose area the land is situated. 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.