

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



Application No.DC/13/56038

SANDWELL METROPOLITAN BOROUGH COUNCIL

**OUTLINE PLANNING CONSENT
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Name and Address of Applicant	Name and Address of Agent
Nighthawk Limited C/o Agent	Mr Graham Parker P J Planning Limited 82 Northwood Street Birmingham B13 9DN

Site: Land At Seven Stars Road Oldbury B69 4JR

Particulars of Development: Renewal of extant outline application DC/10/51951 - (pursuant to approval -DC/06/46302) for the erection of 30 houses, 156 apartments, 274 car parking spaces and amenity space.

Valid application received on: 17 Jun 2013.

The Borough Council of Sandwell as local planning authority hereby **GRANT OUTLINE PLANNING PERMISSION** for the above described development proposed in the application numbered as shown above and in the plans and drawings approved as listed overleaf, subject to the following condition(s):-

Conditions

1. The development hereby permitted shall not be commenced until details of the reserved matters have been submitted to and approved by the local planning authority. The reserved matters are:-
(a) layout (b) scale (c) appearance (d) access (e) landscaping

2. In the case of any reserved matters application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
3. The development hereby permitted shall be begun not later than whichever is the later of the following dates:-
 - (a) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The implemented 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 (an of) the following condition(s), or approved amendments(s).
5.
 - a) Prior to the commencement of development, a desktop study will be undertaken to assess the risk of the potential for on-site contamination. If the desktop study identifies potential contamination, a further detailed site investigation will be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. Where necessary, details of remediation measures shall be provided. Details of the desktop study, site investigation and remediation measures shall be submitted in writing and approved in writing by the Local Planning Authority prior to the commencement of development. All works must conform to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004) and be carried out by a competent person.
 - b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
 - c) Where remediation works have been carried out in pursuance with the preceding conditions, a post remediation report shall be submitted in writing to and approved by the Local Planning Authority before the development is first occupied. The post remediation verification report should detail the remedial works undertaken and demonstrate their compliance. The report should be produced in accordance with CLR11 "Model Procedures for the Management of Land Contamination".
6. Before the development is commenced details of the finished floor levels of the proposed dwellings and apartments, including their relationship to the

levels of the highway and existing development, shall be submitted to and approved by the local planning authority.

7. No building within the application site shall be more than four storeys in height.
8.
 - a) Before the development is commenced, details of a noise protection scheme to mitigate against noise from industrial units on the opposite of Seven Stars Road and from the nearby elevated section of M5 motorway, shall be submitted to and approved by the local planning authority.
 - b) The development shall be carried out in accordance with the approved noise mitigation scheme.
9.
 - a) Before the development is commenced details of a scheme for street and external lighting within the site shall be submitted to and approved by the local planning authority.
 - b) The development shall be carried out in accordance with the approved street and external lighting details.
10. No development shall take place within 14 metres of the high pressure gas pipeline located beneath the canal towing path adjacent to the southern boundary of the application site.
11. All access roads serving the proposed development shall have a minimum visibility splay of 4.5 metres by 70 metres at the junction with Seven Stars Road.
12. The development shall not be commenced until provision has been made for a financial contribution in relation to the construction of a new pedestrian crossing along Seven Stars Road.
13.
 - a) Before the development is commenced, a survey of the Seven Stars Road footpath adjacent to the application site shall be undertaken to ascertain areas which require re-surfacing and widening and any redundant vehicular crossovers that need re-instating as footway. This survey shall be submitted to and approved by the local planning authority.

- b) Before the development is brought into use, the approved works to the Seven Stars Road footpath shall be carried out.

14.

- a) Before the development is commenced details of space to be provided within the curtilage of the site for the access, manoeuvring and parking of vehicles in connection with the development shall be submitted to and approved by the local planning authority.
- b) The development shall not be brought into use until the approved space for the access, manoeuvring and parking of vehicles has been provided.
- c) When provided the approved space for the access, manoeuvring and parking of vehicles shall be retained as such.

15.

- a) No development shall commence until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted in full to and approved by the local planning authority.
- b) The development shall be carried out in accordance with the approved drainage details.

16.

- a) Before the development commences details of the proposed means of compliance with Policy HOU3 of the Black Country Core Strategy and H3 of The Site allocations and Delivery Development Plan Document shall be submitted in writing and approved by the Local Planning Authority.
- b) No dwelling shall be occupied unless and until the approved means of compliance for Affordable Housing has been implemented.
- c) When implemented the relevant dwellings shall be retained for Affordable Housing thereafter.

17.

- a) Before the development commences details of the proposed means of compliance with Policy SAD EOS 4 - Community Open Space of The Site allocations and Delivery Development Plan Document shall be submitted in writing and approved by the Local Planning Authority.

- b) No dwelling shall be occupied unless and until the approved means of compliance with the aforementioned policy has been implemented.
18. The overall development of the site shall not exceed a density of 75 units per hectare.
- 19.
- a) Before the development is commenced details of bin storage facilities within the site shall be submitted to and approved by the local planning authority.
 - b) The development shall be carried out in accordance with the approved bin storage scheme.
20. No approval, even in principle, is hereby conveyed to the submitted sketch layout on DC/06/46302 (Drawing 1682.05, revision E, dated 10. 2005) which was for indicative purposes only.
- 21.
- a) Before the development is commenced details of secure cycle storage facilities within the site shall be submitted to and approved by the local planning authority.
 - b) The development shall be carried out in accordance with the approved secure cycle storage scheme.

Reasons

1. This permission is issued on an outline application submitted under Article 3 of the Town & Country Planning (General Development Procedure) Order 1995.
- 2&3 Pursuant to section 92 of the Town & Country Planning Act 1990.
4. 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.
5. In the interests of Public Safety.
6. To ensure the satisfactory appearance of the development and in the interests of privacy between dwellings/ apartments and of the convenience and safety of the occupants of the proposed dwellings/ apartments and users of the highway.
7. In order to ensure the satisfactory appearance of the development

8. To safeguard future occupiers from undue noise and disturbance.
9. In the interests of public safety.
10. In the interests of public safety.
11. In the interests of the safety and convenience of users of the highway.
12. In the interests of the safety and convenience of users of the highway.
13. In the interests of the safety and convenience of users of the highway.
14. To ensure the provision of adequate off-street facilities in the interests of the convenience and safety of users of the highway.
15. To ensure that the development does not increase the risk of flooding to the site itself or adjacent existing developments.
16. To ensure that the development conforms within the provisions set out for affordable Housing.
17. To enhance the proposal complies with the provisions set out for open space.
18. This density is deemed appropriate for the location of the application site and is in accordance with the provisions of the Council's Adopted Supplementary Planning Document on Residential Intensification.
19. To ensure the satisfactory appearance of the development and provision of adequate waste disposal facilities for residents.
20. For the avoidance of doubt and because the drawing has been submitted to show the development potential of the site only.
21. To accord with the provisions of the Council's Adopted Cycling Supplementary Planning Guidance.

Date 16 SEP 2013

Signature 
Area Director - Regeneration and Economy

N.B.

1. THIS IS AN OUTLINE 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.

REASON FOR DECISION

After giving consideration to the existing pattern of development in the area and the relevant provisions of the Development Plan, as summarised below, it is considered that subject to the conditions attached to this permission, the proposed would be in accordance with the Development Plan and would be compatible with the existing pattern of development.

APPROVED PLANS AND DRAWINGS:-

Plan Description	Reference	Version
Location Plan	1682.06	

NOTE FOR APPLICANT**Applicant Engagement Statement**

In dealing with this application the local planning authority has worked with the applicant in a positive and proactive manner in compliance with paragraphs 186 and 187 of 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:

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

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

Policy

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.

ENV2 Historic Character and Local Distinctiveness

Policy

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.

All proposals should aim to sustain and reinforce special character and conserve the historic aspects of the following locally distinctive elements of the Black Country:

- The network of now coalesced but nevertheless distinct small industrial settlements of the former South Staffordshire Coalfield, such as Darlaston & Netherton;
- The civic, religious and commercial cores of the principal settlements of medieval origin such as Wolverhampton, Dudley, Wednesbury & Walsall;
- Surviving pre-industrial settlement centres of medieval origin such as Tettenhall, Aldridge, Oldbury and Kingswinford;
- Areas of Victorian and Edwardian higher density development which survive with a high degree of integrity including terraced housing and its associated amenities;
- Areas of extensive lower density suburban development of the mid 20th century including public housing and private developments of semi-detached and detached housing;
- Public open spaces, including Victorian and Edwardian municipal parks, often created upon and retaining elements of relict industrial landscape features;
- The canal network and its associated infrastructure, surviving canal-side pre-1939 buildings and structures together with archaeological evidence of the development of canal-side industries and former canal routes (see also Policy ENV4);
- Buildings, structures and archaeological remains of the traditional manufacturing and extractive industries of the Black Country including glass making, metal trades (such as lock making), manufacture of leather goods, brick making, coal mining and limestone quarrying;
- The Beacons shown on the Environment Key Diagram and other largely undeveloped high prominences lying along:
 - the Sedgley to Northfield Ridge, including Sedgley Beacon, Wrens Nest, Castle Hill and the Rowley Hills (Turner's Hill);
 - the Queslett to Shire Oak Ridge (including Barr Beacon); including views to and from these locations.

In addition to statutorily designated and protected historic assets particular attention should be paid to the preservation and enhancement of:

- locally listed historic buildings and archaeological sites;
- historic parks and gardens including their settings;
- locally designated special landscape areas and other heritage based site allocations.

Development proposals that would potentially have an impact on any of the above distinctive elements should be supported by evidence included in Design and Access Statements which demonstrates that all aspects of the historic character and distinctiveness of the locality have been fully assessed and used to inform proposals. In some instances local authorities may require developers to undertake detailed Historic Landscape Characterisation studies to support their proposals.

ENV3 Design Quality

Policy

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.

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 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 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.

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.**

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 for the Environment Transport and the Regions under section 78 of the Town & Country Planning Act 1990.

If you want to appeal, then you must do so within 12 weeks of the date of this notice in the case of a householder application and within six months of the date of this notice in any other case, using a form which you can get from The Planning Inspectorate, 3/17 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN

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 the General Permitted Development Order 1995 or any other relevant Development Order and to any Directions given under such Order(s).

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 for the Environment Transport and the Regions 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 & Country Planning Act 1990.

West Midlands County Council Act 1980 Section 46 - Access for Fire Brigade.

In accordance with section 46(2) of the above Act notice is hereby given as to the following provisions of the said section:-

Where plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless after consultation with the fire authority they are satisfied that the plans show:

- (a) that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.

N.B. For the purposes of this notice the expression "district council" now includes Sandwell Metropolitan Borough Council.

Chronically Sick & Disabled Persons Act 1970:

Your attention is drawn to the provisions of the above Act as amended by the Disabled Persons Act 1981 and to the British Standards Institution's "Code of Practice for Access for the Disabled to Buildings" referred to as BS 5810:1979 as appropriate.