

SANDWELL METROPOLITAN BOROUGH COUNCIL**OUTLINE PLANNING CONSENT
TOWN AND COUNTRY PLANNING ACT 1990****THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988**

Name and Address of Applicant	Name and Address of Agent
Mar City Development 1036 Stratford Road Shirley Solihull B90 4EE	Mar City Development 1036 Stratford Road Shirley Solihull B90 4EE

Site: Former W H Keys Ltd Church Lane West Bromwich West Midlands

Particulars of Development: Outline application for residential use (C3 Class).

Valid application received on: 6 Mar 2006. Amend on 5 May 2006

The Borough Council of Sandwell as local planning authority considered the application as described above on 2nd August 2006. **OUTLINE 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.

Conditions

- 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) siting (b) design (c) external appearance
(e) the landscaping of the site
- 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.
- The development hereby permitted shall be begun not later than whichever is the later of the following dates:-
(a) the expiration of five years from the date of this permission; or
(b) 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.
- 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). Continued overleaf

Reasons

- 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,

Date **16 AUG 2006**

Signature 
Director of Planning & Transportation

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 Unitary 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 Unitary Development Plan and would be compatible with the existing pattern of development.

Conditions continued:

5. The landscaping scheme to be approved in pursuance of condition 1 (e) of this outline permission shall be implemented within eight months of the development being brought into use.
6. 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.
7. 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.
8. 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.
9. Before the development is commenced details of any walls or fences to be erected on the boundaries of the site shall be submitted to and approved by the local planning authority.
10. Before the development is commenced details of how the development is to be drained shall be submitted to and approved by the local planning authority.
11. Before the development is commenced details of how affordable housing is to be provided as required by policy H9 of the adopted Unitary Development Plan for Sandwell shall be submitted to and approved by the local planning authority.
12. The affordable housing provision approved in pursuance of the preceding condition shall be implemented in accordance with the approved details.
13. Before the development is commenced details of how public open space is to be provided as required by policy DC9 in the adopted Unitary Development Plan for Sandwell shall be submitted to and approved by the local planning authority.
14. The public open space requirement approved in pursuance of the preceding condition shall be implemented in accordance with the approved details.

Reasons continued:

5. To enhance the appearance of the development.
6. In the interests of public safety.

7. In the interests of public safety.
8. In the interests of public safety.
9. To ensure the satisfactory appearance of the development and safeguard the privacy of the residents.
10. To ensure the development has adequate drainage.
11. In order to comply with policy H9 (Affordable Housing) in the adopted Unitary Development Plan for Sandwell.
12. In order to comply with policy H9 (Affordable Housing) in the adopted Unitary Development Plan for Sandwell.
13. In order to comply with policy DC9 (Provision of Community Open Space and Play Space in New Residential Areas) in the adopted Unitary Development Plan for Sandwell.
14. In order to comply with policy DC9 (Provision of Community Open Space and Play Space in New Residential Areas) in the adopted Unitary Development Plan for Sandwell.

NOTE FOR APPLICANT

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

E2 BUSINESS ZONES

Business Zones, as identified on the Proposals Map, are areas of predominantly industrial use and are the focus for much of the future industrial employment in the Borough. Within Business Zones, sites and premises will be safeguarded for industrial use (B1 (b), (c), B2 and B8). In addition, offices that are ancillary to existing or proposed industrial uses will be permitted in Business Zones. However, commercial and public offices, falling within Class B1 (a), will not be permitted in out-of-centre locations unless it can be demonstrated that there are no suitable sites available in, or on the edge of, established town centres and that the proposed location has a high degree of public transport accessibility.

Complementary uses, including hotels, conference centres and training facilities, may be permitted where they are compatible with nearby uses and accessible by a choice of means of transport. Development for other uses will not be permitted. However, the Council will not seek to remove existing non-industrial uses unless there is an overriding environmental or economic need.

H3 WINDFALLS

Proposals for housing development on sites not allocated in the development plan will be considered on the basis of:

- the site being previously developed land that is suitable for residential development, or involves the reuse or conversion of an existing building;
- compatibility with other plan policies;
- compatibility with adjacent uses;
- the character and quality of the proposed residential environment;
- proximity to public transport and local facilities.

H7 AMENITY OF NEW HOUSING

New housing developments, of 10 dwellings or more, will be required to provide appropriate levels of Community Open Space, including children's play areas. (See policies OS5, OS8 and Development Control Policy DC9 - Provision of Open Space and Play Space in New Residential Areas). Developers will be required to carry out landscaping schemes on developments where appropriate. Consideration will be given to demand for other supporting facilities e.g. schools and community centres, where appropriate to the development proposals.

H8 THE RELATIONSHIP BETWEEN RESIDENTIAL AND INDUSTRIAL USES

New housing will not be permitted in normal circumstances near to uses that currently, or have the potential to, cause adverse impacts on the environment in terms of noise, pollution, traffic congestion or access problems.

H9 AFFORDABLE HOUSING

On all sites of at least 1ha or 25 dwellings in size, the Council will seek to negotiate an element of affordable housing up to 25% of the total units to be provided, unless it can be demonstrated to the Council's satisfaction that:

- The site does not have access to local centres and public transport;
- There is no demonstrable need for affordable housing in the area;
- There are abnormal development costs which will prejudice the viability of the development if an element of affordable housing is included.

The type and size of units to be provided will be determined by the Council's latest Housing Needs Survey and based on local 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.

The Council will also use planning conditions and S106 Agreements to provide affordable housing at another location if it would better meet identified needs for affordable housing and not compromise the acceptability of the development proposed.

POLICY UD1 GENERAL URBAN DESIGN PRINCIPLES

The Council will expect all new developments to be of good quality design and constructed of high quality materials. The Council will reject poor designs, particularly those designs that are inappropriate in their locality, for example, those clearly out of scale 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. The Council will also encourage the innovative use of greenspace and the natural habitat where appropriate.

The Council will produce and adopt relevant design guidance to assist all applicants when applying for planning permission. In addition, the design of the urban form must incorporate appropriate security and safety measures in accordance with Policy UD3 - Security and Safety, and the Supplementary Planning Guidance (SPG) - Community Safety.

POLICY PC6.LAND AFFECTED BY TIPPED MATERIAL GENERATING LANDFILL GAS

The Council will give appropriate weight to the advice of the Waste Disposal Authority in the determination of planning applications where the possibility of landfill gas is a material consideration, and seek appropriate remediation measures to allow the development to safely proceed.

DC9 PROVISION OF COMMUNITY OPEN SPACE AND PLAY SPACE IN NEW RESIDENTIAL AREAS

All new residential development of 10 dwellings or more, should contain provision for Community Open Space and play space and its maintenance, based on 20 sq.m. per person generated by the development. The number of people generated by a development is equal to the number of bedrooms, for example, a three bed roomed house generates three people.

It is the intention that existing areas of Community Open Space will be improved in quality before new areas of Community Open Space are provided. Where new residential development takes place in town centres, or in areas where sufficient quantity of existing Community Open Space in appropriate locations to serve the new development, commuted sums for the improvement of adjacent facilities will be required. Policy OS1 - Open Space Hierarchy, has analysed existing provision and identified areas for improvement.

Where the Council is satisfied that a development will not, during its lifetime, generate demand for play space, the requirement for children's play will not be necessary. However, this will not automatically reduce the overall open space requirements as indicated by policies H8 - Amenity of New Housing, OS5 - Community Open Space, OS8 - Community Open Space in Association with New Housing Developments. Examples of developments that will not require play space include developments for the elderly, one-bedroomed flats etc.

Where provision for play space is required, the Council will look at the type of space most required in a defined area, initially within 500m of the new development. However, where there are no appropriate sites within 500m, other sites can be taken into account where appropriate. Play space should then be calculated as 40% of the total Community Open Space provision, or 8 sq.m./person. Of this 8 sq.m., 2.4 sq.m. per person should be for formal play provision. The remaining 5.6 sq.m. of play space is for informal children's play space.

The following should be taken into account when siting playing spaces for children :

It is important that play spaces are part of the design of an area and not just an after thought;

All play spaces should be accessible by safe, practical routes;

All play spaces should be sited in welcoming, open areas, not on backland or land that is undevelopable for other purposes;

Play spaces should be accessible from pedestrian routes and away from major vehicle movement;

Play spaces should be sited on land that is suitable for the type of play space identified. For example, equipped or kickabout areas on slopes are inappropriate;

Play spaces should be over-looked by houses or well-used pedestrian routes, but also be far enough away from houses to reduce the likelihood of general disturbance; Play spaces should be linked with other open spaces, play spaces and footpath systems etc;

Psychological, as well as physical, barriers should be avoided. Such barriers could include, territorial barriers of having to move from one housing area to another, or the fear of having to use a bridge to cross a busy road;

A wide a range of play opportunities should be provided. Playgrounds should include unobstructed open space to kick or throw a ball, as well as natural opportunities for play for creative development;

Play spaces need to be attractive and safe to encourage children to play there, as well as meet the needs of the wider area, particularly those people living nearby.

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 six months of the date of this notice, 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.