

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



Application No. DC/21/66125

SANDWELL METROPOLITAN BOROUGH COUNCIL

PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Site: Newcomen Drive Open Space Newcomen Drive Tipton

Particulars of Development: Proposed industrial/warehousing development (use classes B2/B8) together with associated access, servicing, parking and landscaping.

Valid application received on: 7th October 2021

The Borough Council of Sandwell as local planning authority considered the application as described above on 20th July 2022 and 16th February 2023.
PLANNING PERMISSION IS GRANTED for the above described development proposed in the application numbered as shown above and in the plans and drawings approved as listed below, subject to the following conditions: -

Conditions

1. The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).

APPROVED PLANS AND DRAWINGS:-

Plan Description	Reference	Version
Site/Block Plan	19-103-PA-03	A

Location Plan	19-103-PA-01	A
Site/Block Plan	19-103-PA-02	A
Boundary Treatment Plan	19-103-PA-03 - 1	
Floor Plan - Proposed	19-103-PA-04	A
Floor Plan - Proposed	19-103-PA-05	A
Floor Plan - Proposed	19-103-PA-06	A
Elevation Plans - Proposed	19-103-PA-07	A
Elevation Plans - Proposed	19-103-PA-08	A
Elevation Plans - Proposed	19-103-PA-09	A
Sectional Detail Plan	19-103-PA-10	A
Boundary Treatment Plan	19-103-PA-11	A

2. The development must be begun not later than the expiration of 3 years from the date of this permission.
3. a) The development hereby approved shall be finished in the external surfaces as shown on approved plans **19-103-PA-07 Rev A**, **19-103-PA-08 Rev A**, and **19-103-PA-09 Rev A**, unless agreed in writing by the Local Planning Authority.
4. a) Before the development is first occupied the soft landscaping and planting scheme as shown in plan **7564/ASP3/LSP** shall be implemented.
 - b) Before the development commences (excluding ground investigation works, demolition, site clearance), details of the proposed hard landscaping scheme shall be provided and agreed with the local planning authority.
 - c) The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied.
 - d) Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced in the next planting season.
5. The finished floor levels of the proposed development shall adhere to the levels plan **CWA-18-201-510 P2** unless agreed in writing with the local planning authority.

6. a) Before the development is brought into use details of the electric vehicle charging points, to be provided shall be submitted to and approved in writing by the local planning authority.

b) Prior to first occupation, the electric vehicle charging points shall be provided in accordance with the approved details and shall be maintained for the life of the development.

7. Prior to the commencement of development, details of appropriate mitigation measures to prevent pollution of the waterway or other damage to the Old Main Line canal infrastructure or its users during any works of remediation or construction of the proposed development, a Construction and Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include:

a) The parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage and type of plant and materials used in constructing the development;

b) Measures to control the emission of dust and dirt during construction (including wheel cleaning prior to leaving the construction site);

c) Measures to control the surface water runoff during construction;

d) Details of protective measures (both physical measures and sensitive working practises) to avoid impacts e.g. disruptive noise during construction phase, impacts on the existing vegetation etc.;

e) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);

f) Persons responsible for:

i) Compliance with legal consents relating to nature conservation,

ii) Compliance with planning conditions relating to nature conservation,

iii) Installation of physical protection measures during construction,

iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction,

v) Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

The approved measures shall thereafter be fully implemented in accordance with the agreed details.

8. a) Within three months of occupation a detailed Travel Plan, including a programme for the implementation of its recommendations, in respect of the development shall be submitted in writing and approved by the local planning authority.

b) The recommendations contained in the Travel Plan agreed by the local planning authority shall be implemented in accordance with the approved programme when the development is brought into use and retained as such.
9. a) If gas boilers are to be provided within the development, then they must meet a dry NO_x emission concentration rate of <40mg/kWh. The specification of the gas boilers shall be submitted to and approved in writing by the Local Planning Authority before they are fitted.

b) The approved specification shall be implemented prior to the first occupation of the development and shall be maintained for the lifetime of the development.
10. 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 Land Contamination Risk Management (LCRM) 2020 (EA, 2020) methods and protocols (or equivalent if replaced) 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 local 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 Land Contamination Risk Management (LCRM) 2020 (EA, 2020).

11. a) Prior to the commencement of development, a scheme detailing a further intrusive site investigation to be undertaken on the site (in respect of mine shafts) shall be submitted to and approved in writing by the local planning authority.

b) The approved intrusive site investigation shall be carried out in accordance with the approved scheme. Where necessary, details of remediation measures shall be provided. Details of the site investigation and remediation measures shall be submitted in writing and approved by the local planning authority prior to the commencement of development.

c) In pursuance with the preceding condition, where remediation measures are necessary they shall be implemented in accordance with a scheme agreed in writing by the local planning authority.

d) Where remediation works have been carried out in pursuance with the preceding condition, a post remediation report shall be submitted in writing to and approved by the local planning authority before the development is first occupied.

12. No development shall take place (excluding ground investigation works, site clearance, demolition) unless and until a Risk Assessment and Method Statement has first been submitted to and approved in writing by the Local Planning Authority to demonstrate that the proposed development can be safely carried out without adversely affecting the stability of the land (with particular regard to the cutting slope, Old Mainline canal and any infilled canal basins). This detail should include full details of the construction methodology including cross sections to the canal, full details on any re-profiling of the cutting slope, the compaction method to be used on the crest, proposed structural loadings and foundation designs and any necessary mitigation measures, vibration monitoring etc. Thereafter the development shall be carried out in full accordance with the approved details.

13.
 - a) Before the development is commenced (excluding site clearance, demolition, ground investigation works) details of drainage works (including SUDs) for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the local planning authority.
 - b) The approved drainage works shall be implemented before the development is brought into use and thereafter retained as such.
14.
 - a) Within three months of occupation a scheme for Closed Circuit Television shall be submitted in writing to and approved by the local planning authority.
 - b) The scheme for Closed Circuit Television shall be implemented in pursuance with the preceding condition before the development is brought into use and thereafter retained.
15.
 - a) The external lighting scheme of the approved development shall be implemented as per approved plan **HBA-04910E-900 Rev 2**.
 - b) The approved external lighting scheme shall be implemented before the development is brought into use.
 - c) The approved external lighting scheme shall be retained as such.
16.
 - a) No demolition, development or preliminary ground investigations of any kind shall commence until the applicant has submitted a desktop-based assessment which examines the potential for underlying archaeological features within the site area. The recommendations of the assessment shall be approved in writing by the local planning authority before development is commenced.
 - b) The development shall commence in accordance with the recommendations of the approved assessment.
17.
 - a) Before development commences, an ecological survey identifying protected species and proposed protection measures shall be submitted to and approved by the local planning authority.
 - b) The development shall be constructed in accordance with the approved protection measures.
18.
 - a) Before the development is first occupied a scheme for protecting existing noise sensitive users (including noise mitigation plan) from the

proposed development shall be submitted to and approved in writing by the local planning authority.

b) Before the development is first occupied the approved scheme shall be implemented and thereafter retained as such.

19. a) Before development is commenced (excluding site investigation and remediation) a detailed method statement setting out job and apprenticeship opportunities which may arise during the construction of the development and/or when the development is brought into use, shall be submitted to and approved in writing by the local planning authority.

b) The approved method statement shall thereafter be implemented.

20. a) The approved development/use shall not be occupied until all areas of hardstanding, including car parks, driveways, footways, vehicular access, manoeuvring areas and service areas/yards, as indicated on the approved plans, have been laid out, surfaced and marked out in accordance with details which have previously been submitted in writing and approved by the local planning authority.

b) When provided the areas identified in the preceding condition shall then be retained at all times thereafter for their intended use.

21. a) Before development commences (excluding ground investigation works, demolition and site clearance), a site investigation shall be carried out to determine the location of any onsite culvert.

b) Details of culvert protection shall be submitted to and approved by the local planning authority.

c) The culvert protection scheme shall be implemented and retained for the life of the development.

22. Before the development is commenced (excluding site investigation, remediation and construction foundations) details of the renewable energy details offsetting a minimum of 10% of residual energy demand of the development on completion shall be submitted in writing and approved by the local planning authority. The development shall not be occupied unless and until the renewable energy sources have been implemented.

23. The rating level of all operational noise and vehicle movements, when measured as a 60-minute LAeq between the hours of 07:00 and 23:00,

shall be a minimum of 5dB below the background 60-minute LA90 on any day.

The rating level of all operational noise and vehicle movements, when measured as a 15-minute LAeq between the hours of 23:00 and 07:00, shall be a minimum of 5dB below the background 15-minute LA90 on any day.

All measurements are to be taken in accordance with BS4142:2014+A1(2019) at the nearest noise sensitive premises.

Reasons

1. To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the basis of which permission is being granted, except in so far as other conditions may so require.
2. Pursuant to section 91 of the Town and Country Planning Act 1990.
3. To ensure the satisfactory appearance of the development.
4. To enhance the appearance of the development.
5. To ensure the satisfactory appearance of the development and of the convenience and safety of the users of the highway.
6. In the interests of creating a sustainable form of development and to encourage the use of vehicles that are powered by renewable energy in accordance with policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy and the Black Country Air Quality SPD.
7. This detail is required prior to commencement to ensure the proposed works do not have any adverse impacts on the biodiversity or water quality of the canal and the safety of waterway users in accordance with Policies ENV1 and ENV4 of the Black Country Joint Core Strategy and Policy DC 6 of the Sandwell Site Allocations and Delivery Development Plan Document, 2012.
8. To conform with the provisions of Policy TRAN2 'Managing Transport Impacts of New Development' within the Black Country Core Strategy Plan, adopted Supplementary Planning Document 'The Preparation of Transport Assessment and Travel Plans' and National Planning Policy Guidance

9. In the interests of creating a sustainable form of development and to encourage the use of vehicles that are powered by renewable energy in accordance with policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy and the Black Country Air Quality SPD.
10. To ensure a safe form of development that poses no unacceptable risk of pollution or harm to persons or the environment in or around buildings and in the interests of public safety and environmental management.
11. For the consideration of The Coal Authority; in the interests of public safety.
12. This detail is required prior to commencement to minimise risks of creating land instability from works to the cutting slope and upon the infilled canal basins and the adjacent canal during remediation of the site, construction and the lifetime of the proposed development, in accordance with Policy DC6 of the Sandwell Site Allocations and Delivery Development Plan Document, 2012 and the advice and guidance on land stability contained in paragraphs 174 & 183-184 of the National Planning Policy Framework.
13. To ensure that satisfactory drainage is provided, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the National Planning Policy Framework and Policy ENV5 'Flood Risk, Sustainable Drainage Systems and Urban Heat Island' of the Black Country Core Strategy.
14. In the interests of public safety and to ensure the satisfactory appearance of the development.
15. In the interests of public safety.
16. The site is potentially of archaeological importance.
17. In the interests of wildlife protection.
18. To protect future occupiers from significant adverse noise impacts in accordance with paragraph 123 of the National Planning Policy Framework Policy and SAD EMP4 'Relationship between industry and sensitive uses of the Site Allocations and Delivery Development Plan Document.
19. In accordance with policy EMP5 of the Black Country Core Strategy, and policy SAD EMP 2 of the Site Allocations and Delivery Development Plan Document.

20. To ensure that all areas identified can be used conveniently and in all weather.
21. To prevent any possible localised flooding issues.
22. To ensure that the development accords with the provisions of Policy ENV7 Renewable Energy with the Black Country Core Strategy.
23. To protect nearby sensitive uses from undue noise and general disturbances.

Date 20.07.2023..... Signature 

Tony McGovern, Director of Regeneration and Growth

N.B.

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

CIL INFORMATIVE

IMPORTANT FINANCIAL INFORMATION

THIS PERMISSION IS SUBJECT TO THE COMMUNITY INFRASTRUCTURE LEVY (CIL). THE CIL ASSUMPTION OF LIABILITY FORM **AND CIL COMMENCEMENT NOTICE SHOULD BE COMPLETED AND RETURNED TO THE LOCAL PLANNING AUTHORITY AT THE ADDRESS GIVEN ABOVE PRIOR TO THE COMMENCEMENT OF DEVELOPMENT. THE FORMS CAN BE FOUND AT:-**

http://www.sandwell.gov.uk/info/200317/planning_policy/3236/sandwell_community_infrastructure_levy_cil/2

FAILURE TO COMPLY WITH CIL REQUIREMENTS WILL RESULT IN ADDITIONAL FINANCIAL PENALTIES BEING IMPOSED

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:

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.

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.

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.

DEL2 Managing the Balance between Employment Land and Housing

The Employment Theme Key Diagram and Appendix 2 show the broad locations we propose to retain in employment use. Detailed boundaries for protected employment areas will be defined in Area Action Plans and Site Allocations Documents. These documents will also manage the release of surplus sites to alternative uses.

Before releasing any employment land in the Black Country we will first ensure the retention of an adequate supply of occupied and available employment land to meet defined needs as set out in Policies EMP2, EMP3 and EMP4. We will take into account the availability of employment land within the area, the quality of the site and its geographical market.

In areas identified for new housing we will positively plan to facilitate housing growth by:

- Encouraging any existing operation which by virtue of the scale and nature of operations, traffic generation and other amenity considerations may restrict the regeneration of the area to relocate. This relocation will be facilitated with the full support of the local authority concerned, provided that suitable alternative sites and premises are available.
- Resist new development where this may restrict the regeneration of the area by virtue of the scale and nature of operations, traffic generation and other amenity considerations. Existing businesses who may wish to redevelop or extend their premises will be encouraged to relocate with the full support of the local authority concerned, provided that suitable alternative sites and premises are available.

Before considering the release of employment land elsewhere we will:

- Ensure satisfactory arrangements for the relocation of existing occupiers to safeguard the existing employment base;
- Ensure that the development does not adversely affect the operation of existing or proposed employment uses;

- Ensure that the site is no longer viable and required either for employment use, including relocation of businesses displaced from sites released to other uses, or for other employment-generating uses.

The indicative phasing of housing development on surplus employment land is summarised for each local authority in Table 4. A more detailed illustration of this distribution is shown in Appendix 2. This distribution should be used as the starting point for AAPs and SADs. Where local documents propose an alternative distribution the local authority must consider the implication this may have on the need to meet local authority targets in EMP 1 - 4 and HOU1 and make alternative provision where necessary.

Any proposals resulting in the loss of employment land submitted in advance of the adoption of AAPs or SADs should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing existing and neighbouring uses. Incremental development will only be allowed where it would not prejudice master planning of the wider area. Proposals should also consider the distribution of land shown in Appendix 2.

EMP1 Providing for Economic Growth and Jobs

We aim to provide land for at least 75,000 industrial and warehouse jobs in the Black Country in 2026. For this, to protect jobs and support economic growth and allow for market flexibility and uncertainty, we will plan for a target of 2,900 ha of employment land. We will ensure that the stock does not fall below the quantity set out in Table 10.

EMP4 Maintaining a Supply of Readily Available Land

We aim to have 185 ha (five years supply) of land readily available at any one time. This will comprise the following minimum provision of such land for each local authority to form part of the proposed employment land stock set out for 2016 and 2026 in Table 10:

- Dudley - 28ha
- Sandwell - 70ha
- Walsall - 46ha
- Wolverhampton - 41ha

SAD H1 - Housing Allocations

The Council has identified sites suitable for residential development or redevelopment. These sites can accommodate 10 houses or more and will be shown on the Policy Map.

Other ancillary uses appropriate for residential areas, such as health facilities, community facilities and local shops, may be acceptable where there is a gap in service provision and where they can be integrated successfully into the residential environment.

Other uses will not be acceptable on these sites.

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 EOS 10 - Design Quality & Environmental Standards

The design of industrial development should be of a high standard and should take into account the design principles set out in Policy SAD EOS 9. Industrial development will be required to pay particular attention to:

- Materials and landscaping,
- Pollution and noise control,
- Environmental impact on the site and surrounding area, including wildlife habitats.

Prominent sites which act as gateways or landmarks, for example, on the strategic highway network, are particularly important in terms of improving the image of the Borough and this should be reflected in their development. The Development Control Guidelines in this plan provide further guidance on the Boroughs Gateways.

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.

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 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.

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.

Notes for applicants who intend to carry out work to which the Building Regulations apply:

Now that you have your Planning Permission, you will also need to consider applying for Building Regulation approval. This is basically a technical exercise to ensure that your project complies with current national building standards and that your health and safety is not compromised.

Sandwell Council's Regeneration and Growth Directorate also provides a Building Control Service and if your scheme requires Building Regulation approval, I would ask you to contact my Building Control Section on 0121 569 4054/4055/4084 if you require further information concerning the Building Regulations process or visit our website at www.sandwell.gov.uk for guidance and forms.

The Council's in-house Building Control Team can offer the following services:

- Assessment of plans and any structural calculations – plans and details will be checked by our Team of qualified surveyors to check for compliance with the Building Regulations.
- Call between 8.00am and 4.30pm Monday to Friday to book a site inspection visit by one of our surveyors for a mutual date.
- In order to ensure that your building work meets minimum safety standards our Surveyors will carry out a pre-scheduled number of site inspections dependent on your project. We understand the importance of you (and your contractor) having on-site advice available throughout the duration of your project.

Impartial and independent advice – as a team within the Council, Building Control does not have any contracts or links with architects or contractors and therefore, our primary concern is that your project meets current construction standards and that health and safety is given the highest priority.