

Application No. DC/21/66208

SANDWELL METROPOLITAN BOROUGH COUNCIL

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

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Site:	Land Adjacent Former Sportsground (The Gower Tip) Lower City Road Tividale Oldbury
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Particulars of Development:	Proposed remediation works including re-profiling of site, installing cap above underlying waste material to uplift site by 1.4m, with new sub-surface cut off boundary wall along eastern boundary and landscaping.
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Valid application received on: 22 October 2021

The Borough Council of Sandwell as local planning authority hereby **GRANT PLANNING PERMISSION** to 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 condition(s):-

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
Sectional Detail Plan	205	P3
Location Plan	0509665	A01

2. The development must be begun not later than the expiration of 3 years from the date of this permission.
3. a) Before the development is commenced a noise management plan designed to prevent the work having a significant impact on residential and non-residential noise-sensitive receivers, when assessed in accordance with the appropriate standards, shall be submitted to and approved in writing by the local planning authority.

b) The development shall be carried out in accordance with the approved noise management plan.
4. a) Before the development is commenced a comprehensive construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority.

b) The development shall be carried out in accordance with the approved CEMP.
5. The development shall proceed in accordance with details submitted in correspondence titled 'Response to Additional CRTR Comments' dated 16 February 2022.
6. a) The approved landscaping and planting scheme shall be implemented within eight months of the completion of the remediation works.

b) 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 five years from the date of first planting shall be replaced in the next planting season.
7. On completion of works a validation report demonstrating that works have been completed in accordance with the approved specification shall be submitted to and approved in writing by the local planning authority. Environmental monitoring records, as required by the revised CEMP, should be appended to this document.
8. Work shall only be carried out between the hours of 08:00 and 18:00 Monday to Friday, with no work on Saturdays, Sundays or bank holidays; this restriction also applies to deliveries to the site.

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 safeguard nearby residents from undue noise and general disturbance.
4. To ensure a safe form of development that poses no unacceptable risk of pollution or harm to persons or the environment in the interests of public safety and environmental management.
5. To ensure the development does not cause harm to the adjacent canal; in accordance with policy ENV4 of the Black Country Core Strategy.
6. To enhance the appearance of the development.
7. To ensure a safe form of development that poses no unacceptable risk of pollution or harm to persons or the environment in the interests of public safety and environmental management.
8. To safeguard nearby residents from undue noise and general disturbance.

Date 09.03.2022..... 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.**

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.

ENV4 Canals

The Black Country canal network comprises the canals and their surrounding landscape corridors, designated and undesignated historic assets, character, settings, views and interrelationships.

The canal network can provide a focus for future development through the potential to provide a high quality environment and accessibility. All development proposals likely to affect the canal network must:

- safeguard the operation of a navigable and functional waterway;
- protect and enhance its special historic, architectural, archaeological and cultural interest (including potential to record, preserve and restore such features);
- protect and enhance its nature conservation value;
- protect and enhance its visual amenity;
- protect and enhance water quality in the canal.

Where opportunities exist, all development proposals within the canal network must:

- enhance and promote its leisure, recreation and tourism value;
- improve and promote walking, cycling and boating access, including for freight;
- promote beneficial and multifunctional use of the canal network.

Such development proposals must be fully supported by evidence that the above factors have been fully considered and properly incorporated into their design and layout.

Where proposed development overlays part of the extensive network of disused canal features, the potential to record, preserve and restore such features must be fully explored. Development will not be permitted which would sever the route of a disused canal or prevent the restoration of a canal link where there is a realistic possibility of restoration, wholly or in part.

SAD DC 6 - Land Affected By Contaminants, Ground Instability, Mining Legacy Land of Unsatisfactory Load Bearing Capacity Or Other Constraints

All planning applications for built development must be accompanied by information relating to ground conditions, together with details of the assessment and remedial measures to deal with contaminants, ground instability, mining legacy of unsatisfactory load bearing capacity or other constraints. The Council will reclaim, or support the reclamation of derelict waste and contaminated sites to a standard commensurate with the proposed after-use, and protect the

environment from increased pollution arising from development proposals. The assessment of all environmental risks shall be consistent with the established risk based assessment process.

Where required, conditions will be used to ensure that the relevant and necessary information relating to ground conditions and remediation measures are fully addressed.

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 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.