

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



Application No.DC/17/60435

SANDWELL METROPOLITAN BOROUGH COUNCIL

PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990

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

Name and Address of Applicant	Name and Address of Agent
Sandwell MBC - Mr Max Cookson Parks And Countryside Services Sandwell Council House Oldbury B69 3DE	Mr Tony Deakin Sandwell MBC Urban Design And Building Services Sandwell Council House Oldbury B69 3DE

Site: West Smethwick Park West Park Road Smethwick

Particulars of Development: Proposed restoration and improvements of park and historic structures (Grade II Chance Memorial), Chance fountain, West Park Road and Victoria park entrances. Provision of lighting and CCTV, a two storey community pavilion with external events area, a new gym fitness area, improvements to existing MUGA (multi use games area).

Valid application received on: 3rd April 2017 amended on 18th May 2017

The Borough Council of Sandwell as local planning authority considered the application as described above on 14th June 2017. **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 overleaf, 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).
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 (excluding any site investigations, remedial measures or construction of foundations) details of the materials to be used for the external surfaces of the development shall be submitted in writing and approved by the Local Planning Authority.

b) The development shall be constructed in accordance with the approved schedule of materials.
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Design Proposal documents and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the site so that it will not exceed Greenfield run-off from the current site and will not increase the risk of flooding off-site.
 - b) Provision of adequate attenuation flood storage on the site to a 100 year plus climate change standard.
 - c) Demonstration that the proposed drainage systems will operate adequately for the design storms. As shown by Microdrainage modelling, or an equivalent.
 - d) Confirmation of the opening up of any culverts across the site. These works will require Land Drainage Consent approval from the Lead Local Flood Authority.
 - e) Finished floor levels of the new Pavilion are set at an adequate level.

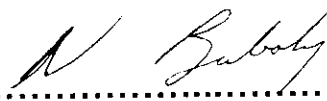
- f) Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.
5. The proposed bollards at the park entrances shall be sited within the park and away from the highway.
6. a) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- b) The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
7. a) Within five months of the date of this approval, a detailed hard and soft landscaping and planting scheme, including a schedule of works, shall be submitted in writing and approved by the Local Planning Authority.
- b) The approved hard and soft landscaping and planting scheme, following the schedule of works, shall be implemented as part of the development.
- c) 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.
8. a) Before development commences, the location of the buried time capsule shall be determined and, if required (by the Local Planning Authority) shall be relocated to a suitable location.
- b) A plan indicating the current and proposed locations of the time capsule shall be submitted to and agreed by the Local Planning Authority.

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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and ensure lifetime maintenance of the system to prevent flooding issues.
5. In the interests of highway safety
6. To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
7. To enhance and protect the appearance and wildlife value of the development and to ensure the historic parkland environment is retained.
8. To ensure the protection of the time capsule

Date **15 JUN 2017**

Signature 

Director - Regeneration and Planning

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.**

APPROVED PLANS AND DRAWINGS:-

Plan Description	Reference	Version
Planning Layout - Proposed	LA-01	
Landscaping Plan	LA-03	
Landscaping Plan	LA-07	
Street Furniture	LA-09	
Tree Survey Plan	LA-10	
External Works Plan	2820/EX1	C
Planning Layout - Proposed	XX01A-G(04)01	
Planning Layout - Proposed	XX00A-G(04)01	
Elevation Plans - Proposed	XXXXA_-G(05)01	
Floor Plan - Proposed	K16101	
Sectional Detail Plan	XXXXA-G(06)01	
Street Furniture	LA-09	A

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:

CSP3 Environmental Infrastructure

Policy

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

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

This will be achieved by:

- The production and implementation of the Black Country Environmental Infrastructure Guidance Phase 2;
- Resisting any development that compromises the integrity and quality of environmental infrastructure;
- Requiring development proposals to improve the quality and quantity of the area's environmental infrastructure in a manner appropriate to the character and needs of the area.

ENV1 Nature Conservation

Policy

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

- development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;
- locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them;
- the movement of wildlife within the Black Country and its adjoining areas, through both linear habitats (e.g. wildlife corridors) and the wider urban matrix (e.g. stepping stone sites) is not impeded by development;
- species which are legally protected, in decline, are rare within the Black Country or which are covered by national, regional or local Biodiversity Action Plans will not be harmed by development.

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

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

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

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

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

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

ENV2 Historic Character and Local Distinctiveness

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.

ENV6 Open Space, Sport and Recreation

Policy

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

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

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

Each Local Authority will set out, in Local Development Documents and on Proposals Maps, policies and proposals for specific open space, sport and recreation facilities and planning requirements for open space, sport and recreation, in order to:

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

TRAN4 Creating Coherent Networks for Cycling and for Walking

Policy

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

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

Cycle parking facilities should be provided at all new developments and should be located in a convenient location with good natural surveillance, e.g. in close proximity of main front entrances for short stay visitors or under shelter for long stay visitors. The number of cycle parking spaces required will be determined by local standards in supplementary planning documents.

SAD HE 1 - Listed Buildings

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

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

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

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

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

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

SAD HE 5 - Archaeology & Development Proposals

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

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

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

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

SAD EOS 1 - The Green Space Hierarchy

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

SAD EOS 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.

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 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 of the 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.

Notes for applicants who intend to carry out work to which the Building Regulation 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 (and that of members of your household) is not compromised.

Sandwell Council's Regeneration and Planning 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 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.**
- **Next day site inspection service (providing you book your inspection prior to 5.00 pm)**
- **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.

thinkSandwell

Sandwell Metropolitan Borough Council's Employment & Skills

Sandwell is recognised as being within an area which has high levels of worklessness and low skills. As a key responsibility to counteract this, the Council's Regeneration and Economy's 'Think Sandwell' team endeavour to maximise enterprise and employment opportunities from all new investment identified in the borough.

As part of all planning decisions we require applicants to consider the Council's ethos of employment and skills creation opportunity wherever possible under the Community Benefits and Social Value Act 2012.

Working with Think Sandwell enables the endorsement of community benefits linked to targeted recruitment and employment, helping to sustain the boroughs economic, social and environmental considerations.

Contacts:

Further enquiries in regard to the community benefit initiative within Sandwell please contact Karen_richards@sandwell.gov.uk Community Benefit Coordinator – 0121 569 2104 / [REDACTED] and Paul_smith@sandwell.gov.uk Senior Manager - Sector Development - 0121 569 3309 / [REDACTED]