

Wilderness Park, Land North of Wilderness  
Lane, Great Barr  
Planning Statement

October 2023

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# 1. Introduction

- 1.1 This Planning Statement has been prepared by Turley in support of a planning application by Wain Estates (“the Applicant”), for up to 150 homes on land north of Wilderness Lane, Great Barr. The site lies within the administrative boundary of Sandwell Metropolitan Borough Council. The application is made in outline with all matters except access reserved for subsequent approval.
- 1.2 A site location plan is enclosed within Appendix 1.
- 1.3 The applicant for the scheme, Wain Estates, has an extensive track record of promoting land in close partnership with stakeholders and local planning authorities, with over 2,000 acres of land currently being promoted.

## The proposed development

- 1.4 The proposed development seeks to develop a parcel of greenfield land in Great Barr for the creation of up to 150 homes, including 40% affordable housing, a new countryside park and a LEAP.
- 1.5 The description of development (‘the Proposed Development’) is as follows:

“Outline planning application (with the exception of access) for the development of up to 150 new dwellings (including 40% affordable housing), a countryside park and associated works.”

## Key scheme benefits

- 1.6 As outlined within this Planning Statement and across the submission, the proposal will deliver several key benefits to the local area. These include the following:
  - Meeting the significant and evidenced market housing needs, a very substantial benefit
  - Making a substantial contribution to Sandwell’s chronic under supply of affordable housing, a very substantial benefit
  - The provision of a new countryside park which will open the site up to the public and create an enhanced green infrastructure network. This will contribute towards achieving an 18.26 % net gain in biodiversity and create newly accessible greenspace for existing and new residents, a very substantial benefit
  - Securing the long- term management of the site as a SINC, preventing its degradation, which has been identified since 2020, this should attract significant weight in favour of the proposal Enhancing connectivity in the wider area through provision of new pedestrian and cycle ways, knitting the site into the wider area, a significant benefit

- Significant economic benefits during and beyond the construction period which will boost the local economy - please see Appendix 4 for supporting infographic.
- Significant social benefits through the creation of a more balanced housing market, allowing for local people to upgrade or downsize their homes accordingly, and provide access to the housing ladder for first time buyers and those in need of affordable housing
- Significant environmental benefits such as the delivery of a sustainable drainage solution for the site that will manage and mitigate the risk of flooding and climate change, developing a proposal with existing access to sustainable transport modes to access local services and facilities

## 2. The site and Surroundings

- 2.1 This section provides a detailed description of relevant aspects of the application site and surrounding context. An overview of the relevant planning history is also provided.

### Site Context and Location

- 2.2 The site comprises 27ha of low-grade agricultural land to the north and west of Great Barr. The site is made up of field compartments which are generally irregular in shape and comprise outgrown hedges with some hedgerow trees. There is no woodland on site, though some blocks of trees lie immediately to the north within the grounds of the Aston University sports facilities.
- 2.3 The Site generally descends from approximately 165m in the north east corner, to 130m in the west. A localised valley runs from the south west to north east within the site.
- 2.4 There are no Public Rights of Way (“PROW”) within the site, although an existing footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.
- 2.5 The site does not include any designated heritage assets or any part of such assets. However, there are a number (including several listed buildings) within the site’s wider surroundings. The site also includes several features identified in the local archaeological database, holding the potential to meet the definition of “non-designated” heritage assets, as detailed in the NPPG.
- 2.6 The site is not covered by any designation relating to its landscape character or quality, such as AONB.
- 2.7 The site lies fully within Flood zone 1 (lowest level of risk).
- 2.8 The site lies fully within the West Midlands Green Belt.
- 2.9 The site does not fall within the designation of any site of international nature conservation importance or site within the national site network.
- 2.10 The site does appear to fall within the Peak House Farm Site of Important Nature Conservation (SINC), this represents an ‘upgrade and extension’ of the previous partial Site of Local Important Nature Conservation (SLINC) designation endorsed by Sandwell’s Cabinet on 7 August 2019. This local designation was historically made based on the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland and increasing the designation from a SLINC to a SINC.
- 2.11 As the development plan remains to identify the site as only partially being covered by the SLINC designation, there is some uncertainty as to the status of the SINC designation, although the emerging Sandwell Local Plan does indicate the site will be wholly designated as a SINC. For the purposes of this application, we have however assessed the proposals based on the SINC designation being implemented across the entire site.

- 2.12 An area within the western part of the site falls within a Minerals Safeguarding Area (“MSA”), the extent and implications of which are discussed further in the submitted Mineral Resource Assessment.
- 2.13 None of the above designations are considered to preclude the development of the site, especially with the inclusion of mitigation measures where required. These will be detailed in the latter sections of this statement.

#### Surrounding context

- 2.14 In the immediate area is St. Margaret’s C of E Primary School, a petrol filling station, two hotels, a restaurant, the Q3 Academy, and a community hall. There are two bus stops directly adjacent to the site, on Birmingham Road. These stops are served by high frequency bus services, including the 51 route (Walsall to Birmingham via Great Barr and Aston) which has a high frequency of every 10 minutes in the morning and daytime Monday to Friday, and Saturday and Sunday daytime, and a frequency of every 20 minutes on evenings and Saturday morning.
- 2.15 Land north of the site comprises Aston University sports facilities and some areas of scrub and woodland accessed from the A34. There are also a range of buildings and built sports facilities, and the area has a very managed character.
- 2.16 Land east and south of the site comprises residential development, with mainly semidetached and short terraced properties, mostly with sizable gardens. Properties on Peak House Road back onto the site and properties on the southern side of Wilderness Lane, front onto the site.
- 2.17 The Q3 Academy, with a range of academic buildings and sports facilities/ external space lies immediately to the south.

#### Planning History

- 2.18 The site has no notable planning history.
- 2.19 The application site was submitted as part of the Call for Sites exercise for the Black Country Plan in 2020. The submission listed the site as 27ha in size and capable of accommodating 300-355 new homes and new open space. The site was not considered suitable for release from the Green Belt at this time and was not included as an allocation in the draft version of the Black Country Plan.
- 2.20 The proposed development quantum has been substantially reduced since this time, work on the preparation of the Black Country Plan has also since ceased in Autumn 2022 and the Black Country authorities are now preparing individual development plans. It is noted that such plans are to be informed by some of the previous work undertaken on the Black Country Plan.

#### Pre-application Consultation

- 2.21 A pre application request was submitted via email to the council on 7<sup>th</sup> August 2023. A written response was subsequently received on 23<sup>rd</sup> August 2023 and has been summarised below.

- 2.22 The council identified that there were “in principle” policy conflicts with the proposal, given its location beyond the established settlement boundaries/growth network, within the Green Belt and inability to accord with the windfall housing policies.
- 2.23 The council further identified that the site is a SINC and within an area of potential Archaeological Importance. They also noted likely conflict with policies relating to environmental infrastructure, nature conservation, historic character, and local distinctiveness.
- 2.24 The council also indicated that an EIA Screening Opinion should be submitted as part of any future application.
- 2.25 In response to the council’s pre application comments, a full suite of technical documents has been prepared in support of the application, including an EIA Screening Report, which is discussed later in this statement.
- 2.26 Specific comments were also made in relation to transport matters, these have been addressed at Table 1.1 of the associated Transport Assessment.

### 3. The Proposed Development

3.1 This section provides a detailed description of the proposed development. Further details are also provided within the application plans and drawings, and the Design and Access Statement, prepared by FPCR.

#### Description of development

3.2 This application seeks outline planning permission for the development of a residential scheme at land north of Wilderness Lane, Great Barr.

3.3 The description of the proposed development is as follows:

“Outline planning application (with the exception of access) for the development of up to 150 new dwellings (including 40% affordable housing), a countryside park and associated works.”

3.4 The plans submitted for approval are:

- Site Location Plan (9364-FPCR-XX-ZZ-DR-L-0009-P03-Location Plan)
- Development Framework Plan (9364-FPCR-XX-ZZ-DR-L-0010-P10-Framework Plan)
- Building Heights Parameter Plan (9364-FPCR-XX-ZZ-DR-L-0013-P01-Building Height Parameters)
- Access Plan General Arrangement (07381-CI-A-0001 Rev PO2)

3.5 Matters of layout, landscaping, scale and appearance will be subject to future Reserved Matters approvals.

3.6 An Illustrative Masterplan (09364-FPCR-XX-ZZ-DR-L-0012) (not for approval) has been prepared for the proposed development and forms part of this application submission. The plan is a realistic representation of how the layout of the principal components of the scheme can be delivered.

3.7 The development comprises the following principal components:

- A total site area of 27ha
- A total net developable area of 3.91ha
- Proposed green infrastructure totalling 23.09ha
- Residential development of up to 150 homes, including 40% affordable (Use Class C3)
- Provision of amenity space in the form of an accessible countryside park



- A children's play area in the form of a LEAP
- Vehicular, pedestrian and cycle access from Wilderness Lane; and
- Indicative further separate pedestrian/cycle access routes off Birmingham Road which also serve for emergency vehicle access.

### Affordable Housing

- 3.8 The proposals include the provision of 40% affordable housing, this is a significantly higher proportion than the current policy requirement of 25%.

### Countryside Park

- 3.9 The proposal will include the provision of a countryside park, providing publicly accessible green space for both existing and future residents. This area is circa 23.09ha and its use will be secured in perpetuity.

### Access

- 3.10 Pedestrian and cycle access will be provided on site with a 2m footway at the site access, to tie into existing footpath provision to the north of the site off Wilderness Lane. This will also be extended along Wilderness Lane, to tie into an uncontrolled crossing with dropped kerbs and tactile paving, to provide access to the Q3 Academy, existing residential areas and local amenities to the south of the site.
- 3.11 Multiple pedestrian/cycle access points are also proposed from the A34 Birmingham Road, to provide access to existing public transport, residential areas and local amenities to the north and east of the site. Finally, further pedestrian/cycle routes are proposed along the southern boundary of the site, to provide access to existing residential areas and local amenities to the south and west of the site.
- 3.12 Vehicular access is proposed via a new simple priority junction onto Wilderness Lane – as shown on the general arrangement, access plan ((07381-CI-A-0001 Rev PO2). This plan shows the junction can be delivered wholly within land owned by the applicant and land within the highway boundary.
- 3.13 On site parking provision (vehicular, cycle storage and EV charging) will be agreed at the detailed application stage, with consideration of the local parking standards set out in the SMBC Revised Residential Design Guide and Supplementary Planning Document (2014).
- 3.14 The internal site layout will be subject to a future detailed planning application.

### Mix and Tenure of Dwellings

- 3.15 The mix and tenure of dwellings will be subject to a future detailed reserved matters submission, this will be prepared in accordance with the mix set out in The Black Country Housing Market Assessment (2021). The Illustrative Masterplan provides an example of how the site could be developed and includes for a variety of size, types and mix of

dwellings across the site, including apartments achieved through a mix of dwelling heights on site.

## 4. The Development Plan and Material Considerations

- 4.1 This section provides a summary of the key planning policies of relevance to the determination of this outline planning application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), this application is to be determined in accordance with relevant policies of the adopted development plan, unless material considerations indicate otherwise.
- 4.2 In this case the development plan comprises the adopted Black Country Core Strategy (2011) and the Sandwell Site Allocations and Delivery DPD (2012).
- 4.3 Other material planning policy considerations include:
- the Sandwell Residential Design Guide SPD (2014)
  - Black Country Air Quality SPD (2016)
  - further policy guidance documents (Guide to Design of New Streets, LLFA FRA and SUDS)
  - the NPPF (2023) and
  - NPPG (2016 – as amended).

### The Development Plan

#### Black Country Core Strategy (2011)

- 4.4 The Black Country Core Strategy (BCCS) was adopted in 2011 prior to the introduction of the NPPF. The BCCS provides the framework for various Site Allocation Documents and Area Action Plans which set out local policies and site allocations for individual authority areas.
- 4.5 The following policies are considered relevant to the consideration of the accompanying planning application:
- BCCS CSP1 – the growth network
  - BCCS CSP2 – development outside the growth network
  - BCCS CSP3 – environmental infrastructure
  - BCCS CSP4 – place making
  - BCCS DEL1 – infrastructure provision
  - BCCS HOU2 – housing density, type and accessibility
  - BCCS HOU3 – delivering affordable housing

- BCCS TRAN2 – managing transport impacts of new development
- BCCS TRAN4 – creating coherent networks for cycling and walking
- BCCS ENV1 – nature conservation
- BCCS ENV2 – historic character and local distinctiveness
- BCCS ENV3 – design quality
- BCCS ENV5 – flood risk, SUDS and urban heat island
- BCCS ENV6 – open space, sport and recreations
- BCCS ENV7 – renewable energy
- BCCS ENV8 – air quality

#### Sandwell Site Allocations and Delivery DPD (2012)

4.6 The Sandwell Site Allocations and Delivery Development Plan Document was adopted in 2012 and builds upon the Black Country Core Strategy providing further detail for Sandwell.

4.7 The following policies are considered relevant to the consideration of the accompanying planning application:

- SAD H2 – housing windfalls
- SAD H3 – affordable housing
- SAD HE5 – archaeology & development proposals
- SAD EOS2 – green belt
- SAD EOS4 – community open space
- SAD EOS5 – environmental infrastructure
- SAD EOS9 – urban design principles
- SAD DM5 – the Borough’s gateways

#### Material considerations

##### Supplementary Planning Guidance

##### Residential Design Guide SPD

4.8 Much of this document will be relevant to the detailed design stage however, it demonstrates the key concepts for allowing neighbourhood integration, creating a sense of place, streets and home design.

#### Black Country Air Quality SPD (2016)

- 4.9 This document has been taken into consideration with regards to the accompanying Air Quality Assessment, in terms of the modelling and methodology used.

#### National Planning Policy

- 4.10 The most important paragraphs of the National Planning Policy Framework (NPPF) (2021 and partly updated in 2023) are summarised below:

- Paragraph 11 sets out the approach to decision making for planning applications. Part c of this paragraph sets out that development proposals which accord with an up-to-date development plan, should be approved without delay.
- Paragraph 60 seeks to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Paragraph 147 sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- Paragraph 148 requires that when considering a planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

#### National Planning Practice Guidance

- 4.11 Sets out the ways in which openness and compensatory improvements can be secured because of development within the Green Belt.

#### Emerging policy

- 4.12 The Black Country Local Plan Review was previously being prepared jointly between Dudley MBC, Sandwell MBC, Walsall Council and City of Wolverhampton, to guide development to 2039. This had reached the Regulation 18 stage. However, as of 19<sup>th</sup> October 2022 the plan was abandoned. Each local authority will now prepare their own individual Local Plan, which will continue to include some co-operation and the previous evidence base/background work undertaken, where relevant.

- 4.13 Sandwell are currently in the process of preparing their own local plan, at present they are collating the responses to the Issues and Options Stage (since the consultation ended in March 2023) with the view to having a draft plan ready for consultation in Autumn 2023. Given the preparations are at pre-submission stage, they do not hold any weight in the determination of this application.

#### CIL

- 4.14 The Sandwell CIL Charging Schedule took effect on 1 April 2015. The Schedule sets out the type of development that triggers the charge and the cost of the charge per square metre of new floorspace set at a base rate.

- 4.15 The base rate for residential development of 15 or more units is £15 per square metre. The total CIL figure can be determined at the detailed design stage, once unit numbers and floorspace areas have been confirmed.

## 5. Planning Analysis

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this outline planning application be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 Both the development plan and the NPPF allow for the development of housing in the Green Belt, where very special circumstances exist.
- 5.3 The proposed development has been sensitively designed, using the minimal land for housing whilst focusing on the ecological and community benefits of delivering a significant new countryside park which will ensure the remaining Green Belt land which forms part of the site is fully accessible to the public.
- 5.4 The following paragraphs set out an assessment of the principle of the proposed development against relevant national and local planning policy.
- 5.5 The site is wholly located within the Green Belt. Therefore, the tests set out in policy SAD EOS2 and paragraphs 147 and 148 of the NPPF apply. The proposals are harmful to Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by the planning benefits of the case.
- 5.6 The benefits associated with the proposals are set out below.

### Market Housing Delivery

- 5.7 Sandwell's housing delivery is failing. The most recent Strategic Housing Land Availability Assessment (SHLAA) (November 2022) indicates the Council's position is that it can only demonstrate a 1.63-year housing land supply (HLS) as of April 2021. Not only does the Council fail to meet the forward-looking HLS test, which calculates whether there is a deliverable supply of homes to meet the planned housing requirement, it also substantially fails the backwards looking Housing Delivery Test (HDT). The HDT is a measure which compares the number of homes delivered versus the number of homes required over the past three years. The Council's HDT score (2021) is 52%, putting Sandwell amongst the 5% lowest scoring authorities in the country. Each measure when looked at separately demonstrates a chronic under supply of housing in Sandwell.
- 5.8 The BCCS was adopted in February 2011, before the NPPF was first published. It is therefore not an NPPF compliant plan. It is based on the West Midlands Regional Spatial Strategy (adopted in 2008) which was revoked in 2013. This in turn was guided by the RPG 11 (Draft Regional Planning Guidance for the West Midlands) 2003, making the evidence base for these numbers almost 20 years old. In any case, the plan does not establish an evidenced housing need for the Black Country (including Sandwell), rather it just proposes a supply of housing. The adopted plan is therefore significantly out of date and limited weight should be afforded to its policies.

- 5.9 The BCCS includes no housing requirement (it only proposes a supply based on capacity) and includes no reference to the evidence which would establish a need at that time. The Inspector's Report to the examination of the plan confirms at paragraph 46 that the total supply in the plan was "...entirely consistent with the formerly emerging RSS Phase 2, as endorsed in the Panel Report" and that the figure "...emerged democratically as the joint aspiration of the BC Councils, rather than being imposed as a regional requirement to be met". The RSS Phase 2 report was published in September 2009.
- 5.10 The housing needs which informed the BCCS were established over 14 years ago, therefore are significantly out of date and limited weight should therefore be afforded to its policies in respect to housing delivery.
- 5.11 Beyond the BCCS, following the Black Country Plan being abandoned, Sandwell is now pursuing its own Local Plan. The recently published reg 18 draft plan establishes that Sandwell's housing need between 2022 to 2041 is 29,773 homes. The plan proposes a supply of 11,167 homes for the same plan period, leaving a substantial shortfall of 18,606 homes, which represents 62% of the borough's total housing need. The Council expects neighbouring authorities to contribute only 295 homes towards this shortfall.
- 5.12 The above demonstrates that there is no current or future strategy for meeting the borough's housing needs. In the vacuum of any strategy for meeting its own needs, the delivery of market housing is therefore a very substantial benefit of these proposals.

#### Affordable Housing

- 5.13 The proposals include the provision of 40% affordable housing, significantly more than the 25% policy requirement.
- 5.14 The Tetlow King Affordable Housing report demonstrates the 15-year period between 2004/05 and 2018/19, despite gross completions of 3,309 affordable homes, the volume of stock lost through Right to Buy has resulted in a net reduction of -454 affordable homes across this period.
- 5.15 The worsening affordability position is exemplified by the lower quartile affordability ratio for Sandwell which stands at 6.52. This is exceptionally high and is the highest ratio in Sandwell on record and well above the 'benchmark' of 4.5 for which mortgages are typically offered.
- 5.16 The housing crisis has exasperated the situation with 10,158 applicants on Sandwell's housing register as of 31 March 2022, lengthy waits for affordable homes even for successful applicants, and each affordable home in Great Barr attracting hundreds of bids. Evidently, affordable housing is heavily oversubscribed in Sandwell.
- 5.17 The proposals' 40% affordable housing provision is therefore a very substantial benefit.

#### Delivery of Countryside Park

- 5.18 The provision of a new countryside park which represents 85% of the total site area and will open the wider site up to public use and create an enhanced green infrastructure



network. This will contribute towards achieving an 18.26 % net gain in biodiversity and create newly accessibly greenspace for existing and new residents.

- 5.19 Policy CSP2 seeks to ensure that areas outside Strategic Centres and Regeneration Corridors (such as the proposal site) provide:

“A strong Green Belt to promote urban renaissance within the urban area and provide easy access to the countryside for urban residents where the landscape, nature conservation and agricultural land will be protected and enhanced where practical and possible”

- 5.20 This is further supported by paragraph 120 (a) of the NPPF, which encourages:

"multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside”

- 5.21 This is a benefit that should be afforded significant weight.

Weighing benefits against any other harm resulting from the proposals

- 5.22 The proposals represent several substantial benefits particularly the delivery of market and affordable homes in a borough that has no strategy for meeting anywhere near its own needs, and the delivery of a new countryside park. As required by NPPF paragraph 148, this must be weighed against the proposals’ other harms, including representing inappropriate development in the Green Belt, which in itself attracts significant weight.

Harm arising from inappropriate development in the Green Belt

- 5.23 The proposals do represent inappropriate development in the Green Belt, as does any new build development. However, this harm is limited.

- 5.24 The supporting LVA includes an assessment of the proposal site and its contributions to the Green Belt, in line with the five defined purposes (at Section 7 of the LVA). Whilst the proposal site was assessed in the Council’s LUC Green Belt Review (September 2019), this was based on the site forming part of a much wider parcel of land (REF: B81). The LUC Green Belt Review provides no site-specific review. The figure on page 30 of the LVA shows a map of the wider assessment parcel and the previously promoted site for development – which was originally looking at circa 300 dwellings to be provided site wide.

- 5.25 As part of the LVA FPCR have carried out a site-specific assessment, to analyse the role of the site in terms of the Green Belt purposes, which is summarised below:

Table 2 - Contributions to Purposes of the Green Belt Proposal Site

Green Purpose	Belt	FPCR Contribution Rating	Comment
1. To check the unrestricted sprawl of large built-up areas	Low	<p>Within the wider assessment parcel, the proposed development closely follows the existing settlement edge, keeping to a similar topography and limiting the effect on the wider character of the more open land. The part of the parcel proposed for built development has the strongest association with the existing settlement, it would not extend the settlement limits to the north or west.</p> <p>The wider land parcel provides a Moderate/Low role in checking the unrestricted sprawl of the built-up area. The scheme itself would not materially change the role of the wider land parcel. As built development within the scheme would be contained to the east and would not extend beyond the existing houses to the north and west, it would have very little effect on the purpose of checking the unrestricted sprawl of the large built-up area.</p>	
2. To prevent neighbouring towns merging into one another	No contribution	<p>The wider assessment parcel does not play a role in preventing large towns merging, though it does play a very limited role in separating different parts of the wider suburban area. Development of the scheme would be close against the existing settlement edge at Great Barr. It would not narrow any gap between development at Great Barr in Sandwell and the houses along Birmingham Road in Walsall to the north, as there is already built development along Birmingham Road. The perception of separation along this route would also be unchanged.</p> <p>Overall, the scheme would have no adverse effect on the role the existing land parcel plays in preventing neighbouring towns from merging.</p>	
3. To assist in safeguarding the countryside from encroachment	Negligible	<p>Within this parcel, the scheme would only involve built development at the very eastern side of the land parcel, where wrapped around by existing development. This is the least prominent part of the site within the wider environment, and the land that is most influenced by the existing settlement. Fitting the development within the field parcels formed by</p>	

		the existing mature hedges, would minimise the effect on the character of the more open land.
		The scheme includes an extensive area of green infrastructure, with 85% of the site remaining in green use, managed for biodiversity and public access, and secured by legal agreement. Inevitably there would be a degree of encroachment on the land used for housing itself, but the perception encroachment on any wider area would be negligible.
4. To preserve the setting and special character of historic towns	No contribution	The wider parcel does not provide this role, and the scheme would have no effect on this purpose.
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Neutral	This purpose is neutral in the consideration of sites, and any green field sites on the existing Green Belt would have the same effect on this.

- 5.26 The above table and LVA demonstrate that the scheme would have a very limited effect on the purposes of checking the unrestricted sprawl of large built-up areas, and of safeguarding the countryside from encroachment. The scheme would not lead to any merging of historic towns, there would be no coalescence between different parts of the wider suburban area, or between Sandwell and Walsall. The gap between different parts of the wider the settlement would not be narrowed. The site makes no contribution to the criterion of preserving the setting and special character of historic towns and is neutral when considering assisting in urban regeneration through the encouragement of using brownfield land – this is a semi-rural greenfield site.
- 5.27 It is not only the contributions to the purposes of the Green Belt which must be assessed when attributing “harm” but also the impact on openness – which although undefined in the NPPF, can have both spatial and visual considerations.
- 5.28 In terms of spatial openness (as assessed within the LVA), the scheme would involve the change of approximately 3.91 ha of low-grade agricultural land to residential development. The housing would be no more than three storeys close to Birmingham Road, and two storeys elsewhere, limiting the spatial effect on the Green Belt.
- 5.29 In terms of visual openness (as assessed within the LVA), it has been demonstrated that the extent from which the proposed development would be visible due to the surrounding built form and intervening vegetation, is limited. Generally, there are few

locations beyond the immediate context of the site where there would be any notable views of the proposals. Overall, this means that the effects on visual openness would be very limited. The extensive areas of Green Infrastructure within the proposed countryside park would provide further visual containment and would further reduce any effects on visual openness over time.

- 5.30 The proposed Wilderness countryside park provides excellent opportunities for compensatory improvements to the Green Belt. There is currently no public access. By releasing part of the site for housing, the greater part of the site could be improved, through management based on nature conservation enhancement, and with new public access to the countryside park. This would provide an opportunity for new and future residents to access a significant area of land for recreation and to enjoy wildlife interest on their doorsteps.
- 5.31 On the basis of the supporting LVA, it is concluded that the harm to the Green Belt arising from development on the site would be Low. Development of the site would maintain the physical and visual separation of the different parts of the wider suburban area and would have a very limited effect on encroachment on the countryside. Spatial and visual openness would be minimally affected. The significant new Wilderness countryside park will provide new public access to local people, and the habitat value of the site will be enhanced. The Compensatory Improvements to the land remaining in the Green Belt would be of significance.
- 5.32 Overall, in the balance the site's harm in terms of being inappropriate development in the Green Belt and impacting openness (and purposes) would be limited, however, it is recognised that any harm to the Green Belt is attributed substantial weight, in line with paragraph 148 of the NPPF.

#### Harm Arising from Landscape and Visual Impact

- 5.33 The LVA submitted with this application demonstrates that the site represents an isolated parcel of former farmland, with a network of hedges displaying a historic field pattern. The pasture fields are no longer viable for stock grazing and now receive minimal management. There is no public access to the site, though a footpath runs past the southern boundary near the Q3 Academy school, and the Beacon Way Long Distance Footpath, runs along the western boundary, within a constrained and unattractive corridor.
- 5.34 There are some views across the site from Wilderness Lane which forms the site's southeastern boundary, and views back to parts of the site from the wider urban area to the southwest mainly from taller buildings. These are relatively distant. Generally, the site is visually enclosed from short range views.
- 5.35 The developable area of the site is situated to the east, on the part of the site between Wilderness Lane and the A34 Birmingham Road. This part of the site is largely enclosed by existing residential development. The larger part of the site would remain open as accessible greenspace / countryside park, managed primarily for ecology, allowing people to get closer to nature. There is also the potential for the Beacon Way Long distance route to be diverted from its current constrained corridor, though a much more open and attractive route through the site, as shown on the Illustrative layout plan.

- 5.36 Whilst it is accepted that there would be some inevitable closer range visual effects for adjacent residents and road users, these effects would be very localised and not at a high level, such to warrant a refusal.
- 5.37 The LVA concludes that in landscape terms, whilst part of the proposal site (as former farmland) will be lost to built development, this can largely be developed within the pattern of the retained and managed hedgerows. The larger part of the site is to remain open and undeveloped, with enhanced management to create a publicly accessible countryside, which retains the pattern of hedgerows and meadows. This is directly in accordance with paragraph 180 (d) of the NPPF, which looks enhance public access to nature.
- 5.38 Overall, the proposals will therefore have limited harm in terms of landscape and visual impact. Whilst the proposals would result in the loss of open countryside, the impacts would be very localised and to some degree can be balanced by the opening up of the wider site for public accessibility.

#### Ecological Impacts and SINC designation

- 5.39 An Ecological Impact Assessment was undertaken in support of this application, informed by the suite of surveys undertaken. These confirmed that no significant assemblage of protected or notable species were recorded using the site.
- 5.40 As set out elsewhere in this Planning Statement, the current status of ecological designations at the site remains unclear until the new Sandwell Local Plan is adopted. For that reason, we have assumed the entire site is covered by a SINC designation. This local designation was made on the basis of the hedgerow network but through the previous Local Plan process, the scope was expanded to cover the grassland, increasing the designation from a SLINC to a SINC. The quality of this grassland is degrading due to a lack of management, therefore harm to the ecological interests of the site in the context of policy ENV1 or significant harm as defined in paragraph 180(e) of the NPPF, is already occurring and the proposals accord with the requirements of these policies.
- 5.41 The Ecological Impact Assessment concludes that:
- the proposals will not affect the conservation importance of any of the statutory designated site of importance for nature conservation
  - the proposals will not result in direct effect to any of the non-statutory designated sites present within the ZOI which surround the site
  - The completed surveys did not identify any significant activity from protected or notable species. Due to the significant amount of habitat mitigation and compensation provided within the overall package, it is likely that the proposals are likely to result in positive effect to a number of the species and groups
  - the proposed areas of formal and informal open space within the site will enhance existing grassland habitats for the proposes of biodiversity and nature conservation and to improve recreational resource closer to nature

- The proposals will result in the loss of a limited area of the Peak House Farm SINC– but the lack of management of the grassland within the SINC has caused it to degrade since 2020 – harming the conservation value of the site
- The minor loss of grassland habitats in the eastern area of the Site will be mitigated through the provision of grassland enhancements, the creation of new hedgerows and diversification of habitats in the central and western areas of the Site. Additional mitigation provided within the scheme will include the provision of a low-level lighting scheme avoid light spill onto the areas of green infrastructure surrounding the development will further avoid and mitigate any potential effects of the proposals
- In terms of habitat and linear features the proposals have demonstrate a significant net gain of 37.07 habitat units (+18.26%) and 4.85 hedgerow units (+10.35%) can be achieved through development of the Site. This is a significant net gain which is a very significant benefit of the proposal exceeding the minimum requirements of the NPPF and the minimum requirements of the Part 6 of the forthcoming Environment Act

5.42 In conclusion, there will be some limited harm in terms of development within a SINC, however the proposals have been designed to mitigate this, the retained areas of the SINC will be subject to long term positive management which will restore and enhance the quality of the retained grassland, through selective re-seeding and annual hay cuts, as prescribed in the draft management plan submitted with this application. Overall, the proposal would provide long terms benefits to the conservation status of the retained SINC, through enforced management via a S106 agreement. Arboriculture

5.43 An Arboricultural Report has been prepared.

5.44 Of the surveyed trees six individual trees and one group were recorded as category A, of high arboricultural and landscape value. The individual trees were all mature specimens of English oak *Quercus robur* that were in a fair physical condition. G21 formed a large woodland belt on the northern boundary of the site. Multiple mature oaks were present within this group, and it formed a high-quality feature on the local landscape. Twenty individual trees and eight groups were graded as category B, of moderate arboricultural and landscape value. The majority of these were further specimens of oak along with ash, copper beech, field maple, cherry and holly. T5 was the only tree on site considered as a category U specimen. This young oak tree had suffered vandalism with multiple wounds on its lower branches and stem. The remainder of trees, groups and hedgerows were of limited arboricultural merit due to their location, size and physical conditions. T6 was considered as a veteran tree.

5.45 Overall, it has been concluded that there would be no substantial tree loss required to facilitate the proposed development, when assessing it against the Illustrative Masterplan. The proposed build element of the development is to be positioned centrally to the individual field parcels which are generally devoid of tree cover. The existing trees on site which are situated around the field boundaries are to be retained. The veteran tree will not be impacted. A small portion of hedgerow removal would be required to facilitate the site access, but this is a typical managed hedgerow of low

quality/value. The loss of these trees/hedgerows can be offset by supplemental planting, the details of which can follow as part of any subsequent reserved matters application.

- 5.46 As such there will be no harm in the form of arboricultural impacts.

### Heritage

- 5.47 As set out in the supporting Heritage Assessment which accompanies this application, the site does not contain or include any 'designated' heritage assets. The nearest designated heritage assets are the Great Barr Hall (Grade II Registered Park and Garden) and the Great Barr Conservation Area. The assessment concludes that the proposals would not result in any harm to the significance of these heritage assets and their settings.

- 5.48 In terms of 'non designated' heritage assets it is concluded there would simply be some small/very small impacts on the following because of the proposals:

- Archaeological Priority Area (APA) 24: Peak House Moated site
- Area of High Historic Landscape Value (AHHLV) 25: Peak House Farm Field System: and
- Other non-designated archaeological features/remains

- 5.49 The Heritage Assessment demonstrates there is nothing to show that any of the heritage assets that would be affected by the site's proposed residential development are of any more than local significance, even if it is noted that the possible medieval moated enclosure [APA 24] could potentially be of regional significance. Even with this change from local to regional significance, the impact of the proposal would remain small/very small.

- 5.50 Overall, it is therefore concluded that the proposals will not result in harm to any designated heritage asset. Whilst there would be very limited impacts on non-designated heritage assets, the significance of these assets would remain. In accordance with paragraph 203 of the NPPF, there would only be very limited harm to non-designated heritage assets.

### Accessibility

- 5.51 The site benefits from a significant range of existing sustainable transport modes available to provide direct access to local services and facilities. These are demonstrated at Figures 3.2 (Local Amenities), 3.3 (Cycling Isochrone) and 3.6 (Local Bus Infrastructure and Routes) of the accompanying Transport Assessment.

- 5.52 The Transport Assessment demonstrates that the site is situated in an accessible location, with convenient access to a range of existing local facilities, including schools, shops and medical facilities, via a range of sustainable transport modes. The site is therefore in a sustainably accessible location.

- 5.53 The proposal will enhance the sustainability of this location and will enhance its accessibility to the wider community, through the provision of the countryside park and enhanced links to the existing foot and cycle path networks.

## Design

- 5.54 Policy BCCS CSP4, ENV3 and SAD EOS9 require a high standard of design and layout in all developments to ensure the creation of safe, inclusive and attractive schemes. The NPPF explains that good design is a key aspect of sustainable development and that developments should function well and add to the overall character of the area (paragraph 126). Given that the current application is an outline application with some matters reserved, the relevant design considerations include:
- 5.55 The proposal is for up to 150 residential dwellings. As this application is made in outline, details regarding housing mix have not been provided, however the site has been assessed as part of the Illustrative Layout to demonstrate the potential capacity and capability to deliver up to 150 units. This includes provision of a mix of size (1-4 bedroom), type and tenures, the details of which will be secured at the detailed design stage but will be proposed in line with the latest housing mix and needs of the time.
- 5.56 40% affordable housing is also proposed, this is more than the 25% policy requirement set out in policy SAD H3.
- 5.57 Layout is to be determined at the reserved matters stage; however, an Illustrative Site Layout has been submitted for information. This indicative scheme shows how the development could be planned, showing a clear indication of the potential form the quantum of development proposed would require. This plan has been submitted for information purposes only and is not part of the formal submission of this application i.e., not suitable to be conditioned as part of any future approval.
- 5.58 The accompanying DAS has set out key design considerations within its proposals section, to ensure that any future layout accords with distinctive local character of the area, whilst creating its own sense of place and ensuring legible connections throughout the development. These principles include the following:
- Tree lined boulevards within the heart of the development
  - Side roads that spur off the boulevard and provide connections into the tertiary street network
  - Green Lanes/private drives that front directly onto the POS and provide natural surveillance
- 5.59 The proposed dwellings will be of modern contemporary style, reflecting the surrounding built form, although there is no prevailing vernacular style. High quality materials are proposed but the details of such materials will be set out at the relevant reserved matters stage.
- 5.60 To ensure the development respects the topography and character of the site and surrounding area, a building heights parameter plan has been submitted for



consideration as part of the application. This allocates maximum height parameters for certain parts of the proposed development, allowing the use of buildings to channel or frame key views, providing character and a sense of place for residents.

- 5.61 A key part of the proposal is the landscaping, with the development itself being landscape led and with an extensive part of the site dedicated to a new, accessible countryside park. The proposed green and blue infrastructure for the scheme will offer multiple benefits including enhanced biodiversity, community access to the managed open space, SuDs attenuation features and formal children's play space in the form of a LEAP. An idea of how this could look is shown on the Illustrative Masterplan, which has been submitted for informal purposes only.
- 5.62 The proposals therefore represent high quality design.

#### Flood Risk and Surface Water Drainage

- 5.63 The submitted Flood Risk Assessment and Drainage Strategy concludes that:
- the proposal site is located within Flood Zone 1 (low probability risk of flooding)
  - the proposal site is at low or very low risk of flooding from the sources assessed (fluvial, tidal, reservoir, canal, surface water ground water and sewers)
  - of the low surface water risk areas, these only represent 6.64% of the proposal site, predominantly confined to the western half
  - the sequential approach applied has been applied to the setting and layout of the proposal, to steer the development away from any areas of surface water flood risk
  - only 1.2% of the proposed developable area has been evaluated to be affected by surface water flood risk which is primarily associated with a topographical depression located within the north east corner of the site, this feature has been observed to be dry throughout the consultant site visits, including most recently on 23<sup>rd</sup> of October, following a significant storm event (Storm Babet) which caused significant flooding across the Midlands Region – this feature will be retained but free from any development as part of the proposals
  - the proposed development may be undertaken in a sustainable manner without increasing the flood risk either at the Site or to any third-party land in line with NPPF requirements
- 5.64 Surface water will be sustainably managed on site. Swales will convey flows through the site before being attenuated in basins and discharging to the network of on-site ditches at the existing QBar runoff rate.
- 5.65 As a preferable option, foul water will be pumped and lifted to the southern extents of the site where all flows will then drain by gravity to a public foul water sewer located to the south of the proposed development, in Wilderness Lane.

- 5.66 The proposal site is located within Flood Zone 1 (low probability risk of flooding). Just 1.2% of the proposed developable area has been evaluated to be affected by surface water flood risk, which is primarily associated with a pond, this low percentage would not warrant the need for the conduction of the sequential or exceptions test as it would be disproportionate. The surface water drainage strategy and supporting documentation illustrates that with the incorporation of appropriate drainage and attenuation measures, there are no overriding reasons why the development proposals should not be approved on flood risk or drainage grounds.

#### Transport and Access

- 5.67 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe or there is an unacceptable impact upon highway safety.
- 5.68 The application has been submitted in outline form except for access. A Transport Assessment and Draft Travel Plan have been prepared to accompany the application. The Draft Travel Plan accords with policy TRAN2 which seeks to mitigate any travel impacts of the development including via new resident welcome packs which promote walking, cycling, public transport and car sharing among other methods.
- 5.69 The site benefits from good access on foot, by cycle and via public transport to various local amenities. Indeed, there are many local amenities within close walk and cycle distance of the site meaning that residents are less likely to need a car. This is set out in further detail within Table 3-2: Local Amenities, of the supporting Transport Assessment.
- 5.70 Safe and suitable access to the site can be achieved from both Wilderness Lane (vehicular and pedestrian/cycle) and Birmingham Road (pedestrian/cycle plus emergency vehicles). It is also proposed that the adjacent Beacon Way LDP will be re-aligned into the site, with access provided from A34 Birmingham Road.
- 5.71 On-site parking provision (vehicle, cycle storage and EV charging) will be agreed with SMBC at detailed application stage. Consideration will be given to this provision in the context of local parking standards, set out within Appendix 3 of the SMBC Revised Residential Design Guide Supplementary Planning Document (2014).
- 5.72 The assessment also demonstrates there are no existing road safety concerns within the vicinity of the site which would need to be addressed as part of the development proposals. The development will generate additional trips on the local transport network. It is considered that the identified off-site improvements will ensure pedestrian and cycle trips can be accommodated, along key desire lines to local amenities and employment areas.
- 5.73 Junction capacity modelling has been undertaken for key junctions on the local highway network. This assessment has demonstrated that the development is forecast to have a minimal impact in terms of both queueing and delay across both peak periods, across the modelled network.
- 5.74 The assessment work undertaken has shown that there would not be any demonstrable harm arising from the proposed scheme and it will not cause any severe impacts.

Therefore, there are no traffic and transport related reasons for not allowing these proposals.

### Noise and Air Quality

- 5.75 The submitted Noise Assessment demonstrates that the site is suitable for residential development and that noise need not be a determining factor in the granting of planning permission for the site.
- 5.76 A baseline noise survey was undertaken in July 2023 and the subsequent assessment work has been undertaken in accordance with current standards and guidance.
- 5.77 This assessment considers the impact of road traffic on the Proposed Development and its future residents and where necessary, consideration has been given to mitigation measures.
- 5.78 It is concluded that noise levels in external amenity spaces can be met through careful consideration of the development layout (for example, garden spaces may be located on the screened side of dwellings to the dominant sources of noise). Where this is not possible, mitigation in the form of acoustic barriers may be required to reduce noise levels in external amenity areas. Such mitigation measures for properties situated along Wilderness Lane and Birmingham Road would require the use of standard thermal double glazing and the use of acoustic trickle ventilators, the details of which can be secured at detailed planning stage.

### Air quality

- 5.79 The submitted Air Quality Assessment shows that the application site sits within the Sandwell Metropolitan Borough Council Air Quality Management Area (AQMA) - which was designated for the potential exceedance of the annual mean nitrogen dioxide objective for England.
- 5.80 The assessment considers the following:
- A qualitative construction phase assessment – including recommended measures to minimise emissions during construction activities
  - A detailed road traffic emission assessment
- 5.81 The assessment concludes that with the required mitigation measures, the impact of construction phase dust emissions is ‘not significant’ in accordance with the latest guidance.
- 5.82 The modelling of the road traffic emissions resulted in development which was not predicted to result in any new exceedances of the current relevant air quality objectives for England and the overall significance of the development on local air quality was predicted to be ‘not significant’ in accordance with the latest guidance.

## Planning Balance

- 5.83 The proposals represent harm to the Green Belt given they are inappropriate development. However, the LVA demonstrates this harm and the impact on the Green Belt's openness would be limited given any development is proposed in a well contained area of the site. It is recognised that any such harm to the Green Belt, is still afforded substantial weight in the context of the NPPF and planning balance.
- 5.84 Turning to other impacts of the proposal, there would also be limited harm arising from the loss of greenfield land and the proposals' landscape and visual impact, though these impacts will be localised and well contained.
- 5.85 It is also recognised that there would be some minor ecological harm as a result in the loss of a proportion of the Peak House Farm SINC to facilitate the proposals. However, the minor loss of grassland habitats in the eastern area of the Site will be mitigated through the provision of grassland enhancements, the creation of new hedgerows and diversification of habitats in the central and western areas of the Site. Long term management, secured via S106 will also offer enhanced benefits in terms of the conservation value of the site.
- 5.86 In terms of Heritage, there would be no harm to any designated heritage asset. There would be some very limited harm to non-designated assets, for which we have given the necessary weight to as part of the planning balance.
- 5.87 These harms would be significantly outweighed by the benefits of the proposals, which are set out below:
- (a) The provision of housing in an area with a 1.63 year housing land supply, this is very substantially below the minimum 5 year housing land supply requirement and is a historically recognised problem – this benefit should be attributed very substantial weight in favour of the proposal
  - (b) The provision of housing in an area with a 53% score on the HDT, which is very substantially below the 95% requirement for no action to be taken, this benefit should be attributed very substantial weight in favour of the proposal
  - (c) The provision of a significantly higher percentage of affordable housing than policy requirements have requested – 40% provision versus 25% provision, again this is a historic problem, which due to the right to buy, has resulted in a net loss of 454 units of affordable housing stock since 2006 – the start of the Core Strategy period – a further benefit which should be attributed very substantial weight in favour of the proposal
  - (d) Bringing forward of a development in a sustainable location, surrounded by existing residential uses, to maximise on the existing infrastructure, services and facilities available – in Sandwell, an area where all land outside of the urban areas is Green Belt, of which none has been released for the last 30 years – this benefit should attract very substantial weight in favour of the proposal

- (e) The retention of the majority of the site as open space, free from development, assisting in retaining the purposes of the Green Belt, but with the added benefit of offering up public access and land management, to create a countryside park for existing and future residents – this benefit should attract very substantial weight in favour of the proposal
- (f) Securing the long-term management of the site as a SINC, preventing its degradation, which has been identified since 2020, this should attract significant weight in favour of the proposal
- (g) Offering 18.26% BNG across the site, substantially higher than the 10% requirement, which is yet to be enforced as a statutory requirement, demonstrating a commitment from the applicant well beyond the minimum, this should attract significant weight in favour of the proposal
- (h) Social benefits in the form of enhancing the local housing market with a wider variety of homes, allowing residents to upgrade or downsize their homes accordingly, allowing more efficient use of existing housing stock and keeping families together by offering local opportunities for first time buyers onto the housing ladder in the area in which they grew up – this should attract significant weight in favour of the proposal
- (i) Economic benefits derived from job creation in the construction and logistics sectors as well as increased disposable income and local spend on existing services and facilities to maintain their vitality and viability – this should attract significant weight in favour of the proposal. Please see Appendix 4 for supporting infographic.
- (j) Environmental benefits in the form of proposing a sustainably located development, well served by existing sustainable transport modes, protecting existing landscape features where possible and offsetting any losses with supplemental planting, commitment to Future Homes Standards 2025 and a reduction in carbon emissions related to construction – this should attract significant weight in favour of the proposal

5.88 There are no other harms arising from the proposals which outweigh these clear benefits.

## 6. Conclusions

- 6.1 This proposal seeks permission for an outline application of up to 150 new homes, 40% of which will be affordable along with a new countryside park and associated works. The proposal site is located beyond any recognised settlement boundary and within the “open countryside” in policy terms. It is also fully within the Green Belt and a SINC designation, along with the vicinity of several non-designated heritage assets.
- 6.2 These site designations have played a direct role in the shaping of the proposed development (concentrated to the east of the site), its layout and developable area – as far as an outline application will allow.
- 6.3 Whilst it is recognised that the site is located within the Green Belt, only 15% of the site is proposed for development, the remaining 85% is to remain open to facilitate a publicly accessible new countryside park and allow for effective management (secured via S106) of the SINC designation on site, which is degrading and falling into disrepair.
- 6.4 Due to the site’s location within the Green Belt, the policy test set out in paragraph 147 and 148 of the NPPF and SAD EOS2 apply, whereby, inappropriate development, i.e. development which does not fall under certain exceptions (buildings for agriculture and forestry, sport and recreation, re-use of PDL etc), must demonstrate a suite of benefits which when taken together represent very special circumstances that outweigh the substantial harm resulting from development in the Green Belt and any other harm resulting from the proposal.
- 6.5 In this case, the substantial harm arises from the proposal given it is new build development in the Green Belt. The other harms associated with the proposal relate to its location within the “open countryside”, SINC designation and presence of non-designated heritage assets on the wider site, these “other” harms are attributed much less weight, than the presence of the site within the Green Belt. There is also some very limited harm to non-designated heritage assets.
- 6.6 These harms, which aside from the location within the Green Belt, are then to be balanced against the substantial benefits of the proposal which include:
- The provision of market and more importantly 40% affordable housing (a significant increase on the 25% policy requirement) – which is of pivotal importance in the context of the issues of Sandwell’s housing supply and delivery and the wider resolute national housing crisis. This is demonstrated by the pitiful 1.63 HLS position and the 53% score on the HDT, showing issues in both supply and delivery of homes.
  - Not only are there housing delivery benefits but the proposal will also retain 85% of the site as free from development, opening it up for access to the general public, as a countryside park, a further very substantial benefit of the proposal. This links to the provision of 18.26% BNG across the site, substantially higher than the 10% minimum requirement, which although imminent has not come into effect as a mandatory requirement at the time of writing. This BNG percentage is achieved by subjecting the retained areas of the SINC to long term positive

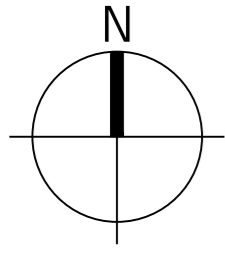
management, as prescribed in the draft management plan submitted with this application, to be secured via S106 agreement. A further benefit of the proposal – providing long terms benefits to the conservation status of the retained SINC, which attracts significant weight in favour of the proposal.

- The location of the site and its proximity to the adjacent residential built from along Wilderness Lane and Birmingham Road is a further benefit of the proposal, as it allows the efficient use of existing infrastructure, services and facilities such as the bus network and nearby services and facilities. Locating development within a sustainable location attracts further significant weight to the proposal, it also links with the environmental benefits the scheme provides.
- These environmental benefits include the delivery of a sustainable drainage solution for the site that will manage and mitigate the risk of flooding and climate change, developing a proposal with existing access to sustainable transport modes to access local services and facilities.
- The economic and social benefits of the proposal, such as job creation, increased disposable income spend in the local area and the provision of a mixed and balanced local housing market, allowing housing upgrades and downsizing where required. These social, economic and environmental benefits are considered as a further significant benefit of the proposal and represent the interdependent objectives of sustainable development, see paragraph 8 of the NPPF.

6.7 The benefits set out above, amount to very special circumstances, which clearly outweigh the development harms, in accordance with BCCS policy CSP EOS2 and paragraphs 147 and 148 of the NPPF. The proposals therefore accord with both local and national policy and the development plan as a whole, in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and should therefore be approved without delay.

## Appendix 1: Site Location Plan





B	07/23	Red Line Amended	DF
A	06/23	Red Line Amended	DF
<h1>Wain</h1> <h2>ESTATES</h2>			
<small>This drawing is subject to copyright DO NOT SCALE FROM THIS DRAWING</small>			
Project Name:			
BIRMINGHAM ROAD GREAT BARR			
Drawing Title:			
LOCATION PLAN			
Date:	20/06/23	Drawn:	DMF
		Scale:	1:2500@A2
Job No:	J000	Dwg No:	100
		Revision:	B

## Appendix 2: List of Planning Application Documents and Plans

## Application Documents

Document	Author
Covering Letter	Turley
Planning Statement	Turley
Application Form and Ownership Certificates	Turley
Design and Access Statement	FPCR
Air Quality Assessment	BWB
Arboricultural Assessment (including Tree Survey)	FPCR
Archaeological and Heritage Impact Assessment	EDP
Coal Mining Risk Report	GPP
Ecological Impact Assessment	FPCR
Habitat Management and Monitoring Plan	
EIA Screening Report	Turley
Flood Risk Assessment and Drainage Strategy	PJA
Landscape Visual Assessment	FPCR
Minerals Resource Assessment	GPP
Noise Report	BWB
Phase 1 Geo-Environmental Report	CGL Midlands
Statement of Community Engagement	Turley
Transport Assessment	PJA
Travel Plan	PJA

## Application Drawings and Plans

Drawing	Reference	Revision
Location Plan	J000-100	B
Development Framework Plan	09364-FPCR-XX-ZZ-DR-L-0010	P11
Illustrative Masterplan (Not for approval)	09364-FPCR-XX-ZZ-DR-L-0012	P07
Building Height Parameters	09364-FPCR-XX-ZZ-DR-L-0013	P01
Access General Arrangement	07381-CI-A-0001	P02

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## Appendix 3: Responses to Local Plan Review Regarding SINC Allocation

6 January 2020  
Delivered by email

Mr Andy Miller  
Sandwell Council  
Regeneration and Economy  
Sandwell Council House  
Freeth Street  
Oldbury  
B89 3DE

Ref: HIMQ3001

Dear Andy

## **PEAK HOUSE FARM, GREAT BARR – RESPONSE TO WILDLIFE TRUST LOCAL SITE ASSESSMENT**

We write on behalf of HIMOR (Land) Limited ('HIMOR') in respect to land at Peak House Farm, Great Barr and its recent designation as a Site of Important Nature Conservation ('SINC'). We are grateful for your time to discuss the matter when we met in October and now wish to record our substantial concerns regarding the validity of the designation in writing.

The Council resolved to approve the upgrade and extension of the designation of entire site to a SINC at Sandwell Council's Cabinet meeting on 7 August 2019; a small part of the site was previously designated a Site of Local Important Nature Conservation ('SLINC'). The decision was based on the findings of the Birmingham and Black Country Local Sites Assessment Report (19 November 2018) (the 'Site Assessment Report'), undertaken by the Birmingham and Black Country Wildlife Trust (the 'WT').

Our concerns relate to the process of making the designation and its status, and the findings of the Site Assessment Report which underpin the designation, which we discuss further below.

### **The process of making the designation**

The process for making the designation is opaque, and was not subject to appropriate public consultation or independent scrutiny.

Firstly, no public consultation has been undertaken (certainly in recent times, since the publication of the National Planning Policy Framework in March 2012) on the methodology for assessing whether sites meet the criteria for being designated SINC or SLINC.

Secondly, no public consultation was undertaken on the decision to designate the site a SINC, including with the landowner. The WT, on behalf of the Black Country authorities, undertook the assessment in August 2018. When seeking access (on behalf of the WT) to the site in email correspondence on 16 May 2018, the Council indicated the purpose of the assessment was to "*form part of the evidence base for the Core Strategy Review*".

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The Site Assessment Report is dated 19 November 2018, although a copy was not provided to HIMOR by email until 30 April 2019. The covering email indicated the report was for our information and did not seek specific comment on the survey, the process, or the results. No reference in the email was made to the report being presented to the Birmingham and Black Country Local Sites Partnership Panel (who we understand are the body responsible for reviewing the findings of the assessment), or the Cabinet meeting on 7 August 2019. Indeed HIMOR was not informed the designation was being recommended to the Council's Cabinet.

Accordingly, the process fails to meet with the basic principles of consultation and natural justice. This calls into questions to the validity of the designation and significantly affects the weight that can be given to it in decision taking.

### **Status of the designation**

It is unclear what policy status the designation carries. Although the recommendation to designate the site a SINC by the Council's Cabinet was supported, there is no Policies Map which formalises the designation. It is understood that the designation is unlikely to be formalised until the Policies Map is updated as part of any Part 2 Plan for Sandwell that follows the adoption of the Black Country Plan.

### **Findings of the Site Assessment Report**

The Site Assessment Report has been used by the Council to assess the site against published SINC selection criteria contained in the '*Birmingham and Black Country Local Wildlife Sites – Guidance for Selection (March 2018)*' document.

The Guidance for Selection document notes that sites which score mostly 'high' against the relevant criteria will generally meet the threshold for SINC designation status. Those scoring mostly 'medium' will meet the threshold for SLINC status. In relation to the site and the relevant ecological criteria, it scored high on three criteria, a 'high / medium' score on three criteria and a medium score on one criterion. No explanation is provided as to why certain criteria have both a 'high / medium' score. With respect to the social criteria, it scored 'high' on two criteria, 'medium' on two criteria and 'low' on one criterion.

We have reviewed the Site Assessment Report and sought preliminary advice on its findings from a qualified ecologist, Ecology Solutions, who has visited the site. The assessment is flawed and significantly over plays the site's value for a number of reasons:

1. There is a lack of evidence in relation to the site's ecological value
2. The grassland habitat is over valued
3. The analysis of the site's 'naturalness' is inaccurate
4. The 'species rarity' criterion is over scored

We discuss these further below.

#### **1. *The evidence base***

There is a significant emphasis within the assessment on the "unchanged" nature of the site, including the following examples:

- "...the field pattern...is thought to date from at least 1750 and potentially much earlier...an important surviving historic landscape..." (page 1)

- “...typical farmland habitats which have been established on-site for over 250 years...” (page 1)
- With reference to the site “...the area has remained relatively unchanged for over 250 years...” (page 1)
- “...the site has been a working farm containing an irregular field system which may have been created at an early time...few changes have occurred on site with the majority [of] field boundaries having survived” (page 3)

There is however no evidence to substantiate the above statements. In addition, although the field pattern may not have changed, the assessment fails to recognise that the management of the fields will have changed over that period with the grassland habitat indicating signs of agricultural improvement. The assessment represents only a snap shot in time. It is therefore disingenuous to assert that the site has been ‘unchanged’ for over 250 years; it is not supported by evidence.

## ***2. The grassland habitat is over valued***

The Site Assessment Report notes that most of the grassland habitat within the site contains “*low species and forb diversity*”, but fails to distinguish between grassland which is generally of low ecological value and other, potentially more valued, habitats within the site (such as the hedgerows and ponds). The analysis provides a blanket approach to the site with the same SINC value, rather than taking a more accurate and refined approach to evaluation and designation.

## ***3. The analysis of the site’s ‘naturalness’ is inaccurate***

The site has been evaluated as “high” for naturalness on the basis that (i) historical mapping shows that the survey area has remained relatively unchanged for over 250 years, (ii) that the site provides a typical rural farmland habitat with numerous native hedgerows, field drainage ponds and ditches and (iii) that the semi-natural habitats known to provide high quality connectivity across the surrounding landscape.

The Guidance for Selection document states that the concept of naturalness is one which considers the degree the site supports natural features or processes. The habitats have particular intrinsic value when they are least affected by modern human activity including the introduction of species, alteration in physical structure, physical disturbance to soils and the addition of soil nutrients. The Guidance for Selection document (page 6) goes on to state that the sites which tend to score highly are:

- (i) Those which have developed through consistent management over a very long period.
- (ii) Those where species colonisation has occurred through natural processes.
- (iii) Those which have been least influenced by human activity.
- (iv) Those that have developed on intrinsically nutrient-poor soils where there is a rarity or absence of species associated with anthropogenic disturbance.
- (v) Those where the associations between species, communities and habitats have developed and where these cannot easily be recreated.

We provide our preliminary response to these points below:

- (i) The species composition of the grassland habitats indicates modern agricultural management. They do not indicate “*consistent management over a very long period*”

which would result in more ecologically natural habitats. The Site Assessment Report does not reflect this.

- (ii) The grassland habitats have been significantly influenced by human activity; as evidenced by recent management and the species composition of the grassland. They are therefore not examples of those “*least influenced by human activity*”.
- (iii) Based on the species composition of the grassland, there is no indication that the soils are “*intrinsically nutrient poor*” and there are several examples of species associated with anthropogenic disturbance (including perennial rye grass, clovers and ‘weedy’ species such as nettle and hogweed).
- (iv) It is considered that the habitats and therefore the species and communities that they support could be easily created and are not “*irreplaceable habitat*” with reference to the National Planning Policy Framework definition (set out in the glossary at page 67).

Given the above it is unreasonably generous to attribute a ‘high’ score for naturalness, and the score is not supported by the published criteria.

It is widely accepted that ecology surveys remain valid for 12-24 months. This and the point made above demonstrate that the Site Assessment Report represents a snap shot in time. The Council will have to regularly update the assessment to ensure it remains valid.

#### **4. The ‘species rarity’ criterion is over scored**

The analysis provided for ‘species rarity’ states that “...the majority of the flora species recorded on the site have been identified as frequent to common within Birmingham and the Black Country...” with only a few notable species recorded; which is not unusual for any greenfield site. Despite this, the site has been assessed as ‘moderate / high’ score. This valuation fails to recognise that the majority of the flora is common and widespread or that those notable species recorded are not untypical of the majority of greenfield sites. In addition, there is no justification as to why a ‘split’ value has been given. It is not clear whether there are parts of the site which the assessment considers has high value and others moderate.

#### **Summary**

HIMOR has substantial concerns regarding the designation of Peak House Farm as a SINC. Firstly, the process for making the designation is not transparent and has not been subject to appropriate public consultation or independent scrutiny. Also the status of the designation is not clear as it has not been formalised in any Policies Map. The designations validity is therefore questionable, as is how much weight, if any, it can be given to it.

Secondly, the assessment of the site undertaken by the WT is seriously flawed, it significantly overplays the site’s ecological value. Its findings on the site’s ecological value are not evidenced, it over values the grassland habitat, its assessment of naturalness is inaccurate, and it over scores species rarity. We contend that the site’s value is lower than that stated in the Assessment and accordingly would not meet the criteria for it being made a SINC.

Notwithstanding the above, it remains the case that the site is in a highly accessible location, adjacent to a high frequency bus route and soon the A34 SPRINT route. It is located within the urban fringe of Great Barr, it is immediately surrounded by development to the north east, east and south, which encloses the site to a degree. Given the surrounding environment future proposals for the site are capable of linking into the wider green infrastructure network for the area and deliver a net gain in biodiversity and real public benefits, including opening parts of the site up as public open space.



We therefore intend to prepare a more detailed, green infrastructure led masterplan to reflect the site's characteristics, which we will share and discuss with the Council in due course.

Please do not hesitate to contact me should you wish to discuss this letter further.

Yours sincerely



Tom Armfield  
**Director**



## Appendix 4: Economic Benefits Supporting Infographic

# Economic Benefits Infographic

PROPOSED DEVELOPMENT: 150 new homes accompanied by extensive green infrastructure

SITE: Land off Birmingham Road, Great Barr

## Construction Phase



**£21.0 million**  
Investment

In the construction of the Proposed Development



**30 gross jobs**

FTE (full time equivalent) supported during the circa 3 year construction period

**20 net direct jobs**

FTE jobs in the West Midlands, including 10 for Sandwell residents

**10 indirect/induced jobs**

FTE jobs in the West Midlands, including 10 for Sandwell residents



**£6.1 million**  
Productivity boost

GVA<sup>1</sup> generated during construction, including £4.5 million in Sandwell

## Operational Phase



**150**  
New homes

In a high-quality setting, accompanied by extensive green infrastructure, and helping to meet local housing needs



**385**  
Residents

Of whom 160 are likely to be in employment



**£4.1 million**  
Annual salaries

Earned by employed residents<sup>2</sup>, a significant proportion of which will be spent locally



**£2.2 million**

Retail and leisure expenditure  
Annually by residents, supporting local businesses



**60**

Retail and leisure jobs  
Supported by resident expenditure



**£290,000**

Council Tax  
Collected annually by Sandwell Council



**£800,000**

First occupation expenditure  
By new residents, 'to make a house feel like a home'

<sup>1</sup> GVA (Gross Value Added) measure the value of output created (i.e. turnover) net of inputs used to produce a good or service (i.e. production of outputs). It provides a key measure of economic productivity. Put simply the GVA is the total of all revenue into businesses, which is used to fund wages, profits and taxes

<sup>2</sup> Note that this is based on the Site's estimated employed resident population (in line with Sandwell's existing profile) and on median incomes in the West Midlands for the average overall occupational profile in Sandwell. Therefore, wages earned by residents could, for example, be higher than this figure if residents work in higher-paid jobs than the average for their occupation in the West Midlands and/or if the resident profile is weighted more towards those who are of working age and/or towards professional occupations than the local average. This figure also does not include other sources of income, such as those derived from investments or social security benefits.

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