

APPEAL REF: APP/G4620/W/24/3341688

Town and Country Planning Act

Appeal by Wain Estates (Land) Ltd

Land adjacent to Q3 Academy Wilderness Lane, Great Barr, Birmingham.

LPA Ref No: DC/23/68822

Statement of Common Ground Between the Appellant and Sandwell Metropolitan

Borough Council

In relation to Landscape and Visual Matters

June 2024

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1.0 Background and Purpose

- 1.1 This Statement of Common Ground relates to an appeal by Wain Estates (Land) Ltd (herein after referred to as 'the Appellant') relating to an application (DC/23/68822) within the Sandwell Metropolitan Borough Council area (The "Council").
- 1.2 This Statement of Common Ground (SoCG) has been prepared jointly by Gary Holliday of FPCR Environment and Design on behalf of the Appellant and Michelle Bolger of MBELC on behalf of Sandwell Metropolitan Borough Council. It addresses the areas of common ground between the Appellant and the Council and identifies areas of difference.

2.0 PARTIES

The SoCG is jointly agreed by:

Signed:

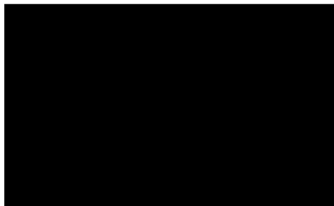
Date: 25.06.24



Name:



On behalf of FPCR Environment and Design



Signed:



Date: 01/07/2024

Name: -



On behalf of Sandwell Metropolitan Borough Council

3.0 POLICY

Development Plan

- 3.1 No local development plan policies relating to landscape, or visual impact were cited in the reasons for refusal.
- 3.2 Reason for refusal 1 cited paragraph 11(d) and 152 of the NPPF which relates to Green Belt.
- 3.3 The parties agree that, under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in making planning decisions.

4.0 MATTERS ON WHICH THE PARTIES AGREE

The Appeal Site and its Surroundings

- 4.1 The appeal site is in the Green Belt. There is a description of the site in the overarching Statement of Common Ground between Wain Estates (Land) Ltd and Sandwell Metropolitan Borough Council. However, Michelle Bolger was not involved in agreeing that statement and does not agree with paragraph 2.6. It is agreed in this Landscape SoCG that it should read as follows:
- 4.2 '2.6 The site lies entirely within an area identified as an Area of High Historic Landscape Value (AHHLV) 25: Peak House Farm Field System, within the evidence base to the Black Country Core Strategy and Sandwell Local Plan. This is currently not a formally adopted designation. It is not covered by any other national or local designation relating to its landscape character or quality.

Green Belt

Black Country Green Belt Study - LUC - September 2019

- 4.3 It is agreed that within this study the appeal site forms part of a parcel described as B81 Wilderness Lane. The study concluded the contributions to the purposes of the Green Belt of the parcel were as follows:

Purpose 1: Checking unrestricted sprawl – Moderate.

Purpose 2: Preventing merging towns – Strong.

Purpose 3: Safeguarding countryside from encroachment – Moderate.

Purpose 4: Preserving setting and special character of historic towns – Weak/No Contribution.

Purpose 5: Assist in urban regeneration – Strong [all parcels were considered to perform strongly against purpose 5]

- 4.4 It is agreed that within the study the Assessment of Harm From Release of Land within Sub-Parcel B81 As1 (which includes the site) was assessed as **high** (Page 735)

Effects of the scheme on the Openness of the Green Belt

- 4.5 The Planning Practice Guidance (PPG) notes that openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume. The PPG also notes that the duration of the development and its reversibility are factors to consider along with the degree of activity, such as traffic generation.
- 4.6 In terms of spatial openness, the scheme would involve the change of approximately 3.91 ha of agricultural land to residential development and consequently would result in a loss of spatial openness.
- 4.7 The assessments of "Visual Openness" draw on the landscape and visual appraisals that have been undertaken for the appellant and for the Council. The impact on visual openness is not agreed.

Landscape Baseline

National Context

- 4.8 At this very broad landscape scale, the appeal site lies within Natural England's National Character Area (NCA) 67 '*Cannock Chase and Cank Wood*'.
- 4.9 The National Character Area Profile sets out three Statements of Environmental Opportunity (SEO). SEO 2 and SEO3 are agreed to have relevance to the appeal scheme. These are repeated below,
- SEO 2: Manage, enhance and expand the network of green infrastructure, such as woodlands, restored mining sites, parklands and canal routes, to increase biodiversity, access and recreational use and increase understanding of the area's rich industrial heritage, particularly geodiversity.*
- SEO 3: Conserve and enhance the essential character of this varied landscape, which includes the Cannock Chase Area of Outstanding Natural Beauty, the Forest of Mercia and the urban conurbation of the Black Country, to maintain food and timber production where possible; enhance landscape, sense of place and tranquillity; and increase resilience to climate change.*
- 4.10 There is no District Level Landscape Character Assessment for the site.

Black Country Landscape Sensitivity Assessment, 2019

- 4.11 Within this assessment, the site lies within an area described as area BL25 and is assessed as having Moderate Landscape sensitivity '*to residential development as it retains many rural qualities, including historic field patterns, ecological value due to the extent of priority habitats and an intact network of mature hedgerows.*' (Page A3.26)

The Black Country, A Historic Landscape Characterisation, 2019

- 4.12 The Black Country Historic Landscape Characterisation subdivides the landscape into 51 historic character areas, of which the site lies within character area SD02 '*Newton, Hamstead and Great Barr*'.
- 4.13 The site also forms part of an Area of High Historic Landscape Value (AHHLV) 25 '*Peak House Farm Field System*'. AHHLV are described as areas that contains landscape features (both historic and natural) which are considered to make a significant contribution to the historic landscape

character of the Black Country. The study also notes that The value of these areas is thus primarily derived from their archaeological and historic interests.” Page 54)

- 4.14 The study also identifies 128 Archaeological Priority Areas (APA). A small portion of the south-east of the appeal site is designated as an APA (APA 24 Peak House Farm Moated Site).
- 4.15 There are no Heritage reason for refusal, and the heritage effects are covered in the overarching Statement of Common Ground.

Landscape Value

- 4.16 It is agreed the site is not part of a “*valued landscape*” with reference to the NPPF paragraph 180(a).

Methodology

- 4.17 The Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment, in 2013, provide appropriate guidance for the determination of landscape and visual effects. The LVA for the application was carried out following this guidance.
- 4.18 The latest guidance on Landscape Value is provided by the Landscape Institute Technical Guidance Note 02-21 “*Assessing Landscape Value Outside National Designations*” published in 2021.

Baseline Visual Analysis

- 4.19 It is agreed that the viewpoints used in the LVIA provide a representative range of viewpoints for the purpose of appraisal although other views of the site may also be important.

Residential Amenity

- 4.20 Whilst it is agreed that the visual amenity of nearby residential properties (i.e. the overall pleasantness of views enjoyed from them) would inevitably change, it is anticipated that other residential amenity matters, such as overlooking or overshadowing, could be addressed at reserved matters stage.

Countryside Park

- 4.21 It agreed that the site is not currently accessible to the public and that the appeal scheme would facilitate public access to the site.

Beacon Way Long distance path

- 4.22 The Beacon Way, a promoted route, runs along both the western and north western boundaries of the appeal site. It is agreed that part of this route is currently not well maintained.

5.0 MATTERS ON WHICH THE PARTIES DO NOT AGREE

5.1 The parties disagree on the following matters;

- The existing landscape value of the site.
- Whether the site's identification as an AHHLV, 25: Peak House Farm Field System, is a local designation relating to the character or quality of the landscape.
- The precise levels of landscape and visual effects, and of any resulting harm, and the degree to which that harm could be made acceptable.
- The harm to the visual openness of the Green Belt
- The degree to which the proposals would encroach onto the countryside.