
Sandwell Local Plan 2024-2041 - Examination

Inspector

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MATTERS, ISSUES AND QUESTIONS for Hearing Week 3

<h3>Matter 12: Development Management</h3>

MATTER 12: Development Management (Policies SDM1– SDM10)

Issue 12 – Whether the plan is positively prepared, justified, effective and consistent with national policy in respect of its development management policies.

Q12.1 Is policy SDM1 justified and consistent with national policy? Including:

- a. Are the requirements clear, justified and will they be effective in ensuring high quality design?
- b. Is the policy appropriately flexible, including is criterion 3 justified in requiring major development proposals to contribute to the greening of Sandwell?

Q12.2 Is policy SDM2 justified and consistent with national policy in its approach to development and design standards? Including:

- a. What evidence justifies the requirement in criterion 1 for new homes in Sandwell to meet the Nationally Described Space Standards?
- b. Is criterion 3 justified and appropriately flexible in setting a specific water efficiency standard of 110 litres per person per day?

Q12.3 Are policies SDM3, SDM4, and SDM5 justified and consistent with national policy regarding consideration of the historic environment?

Q12.4 Is it clear how policies SDM6 and SDM7 relate to each other and how they will be applied in practice? For soundness, should these two policies be amalgamated?

Q12.5 Overall, are policies SDM8, SDM9, and SDM10 positively prepared, justified, effective and consistent with national policy?

Q12.6 In terms of this issue, are any main modifications necessary for soundness?

Qn. No.	Response
Q12.1	<p>The Council believes that Policy SDM1 is justified and consistent with national policy. Section 12 of the NPPF (December 2023) sets out requirements for achieving well-designed places and the delivery of sustainable buildings and areas.</p> <p>Policy SDM1 sets out a number of design criteria that will be used to assess the quality of schemes submitted to the council. These include external and national guidance where appropriate such as the National Design Guide.</p> <p>The policy echoes previous local plan policies including SAD EOS9 – Urban Design Principles, SAD EOS10 – Design Quality and Environmental Standards and BCCS policy ENV3 – Design Quality.</p>
Q12.1a	<p>The Council believes the policy benefits from clear requirements and will be effective in helping to procure high standards of design across the borough. It also promotes the importance of recognising and protecting Sandwell’s character and visual amenity, in accordance with other plan policies.</p> <p>The policy will also help to shape the emerging Sandwell Design Code, which itself is referenced in Policy SDS5. The Design Code will replace the old Sandwell Residential Design Guide SPD.</p> <p>While SDS5 is a strategic policy that seeks to promote good design across all forms of development and land use in Sandwell, the purpose of Policy SDM1 is to translate that into a specific basis for development management decisions by identifying the issues that should be considered. It supports many of the aims and objectives of the SLP as they apply to good design, including:</p> <ul style="list-style-type: none"> • delivering the right buildings in the right place (SDS1), • promoting high standards of design and construction (SDS5), • mitigating and adapting to climate change (SDS2, SCC1 – SCC6), • ensuring green and blue infrastructure and biodiversity are promoted and protected in development schemes (SDS8, SNE1 – 6), and • retaining and enhancing local vernacular to the benefit of the historic environment (SHE1 – SHE4). <p>Should the Inspector feel it would strengthen Policy SDM1 further, cross-references to other policies could be included against its various elements, to demonstrate the interconnectedness of the SLP’s approach and to make it easier for plan users to identify further relevant guidance in it.</p>
Q12.1b	<p>The policy is flexible in that it recognises that in certain instances not all design guidance / requirements will be appropriate to all schemes.</p> <p>Regarding criterion 3, the intention is to ensure that new development makes the most of opportunities to contribute to climate change mitigation and adaptation, by facilitating additional ecological and environmental improvements and promoting the provision of multifunctional spaces. This is in accordance with the Balanced Green Growth strategy and will also in some cases help to meet the requirements for the delivery of biodiversity net gain on sites.</p>

Qn. No.	Response
	However, the Council accepts that the introduction to the section is worded differently to other parts of the same policy and on that basis will look to amend it (see the proposed Main Modification at Q12.6 below) to make this flexibility clearer.

Qn. No.	Response
Q12.2	The Council believes that Policy SDM2 is justified and consistent with national guidance and will be effective in ensuring new development in Sandwell provides living spaces of sufficient amenity and capacity for their occupants. The policy also helps promote the Balanced Green Growth approach of ensuing development is as sustainable and efficient as possible, with little impact on viability or deliverability.
Q12.2a	<p>Sandwell's current residential design guide (RDG) is outdated including in the spatial standards it incorporates. These originated from the old post war Parker Morris standards. The RDG only offers guidance on a spatial range for homes from studio spaces to four- bed housing. With an increasing population, comprising both more young people and older people (likely to require specialist and smaller household accommodation) and increased generational co-living, there is a need for a much wider range of housing typologies and space standards and importantly more guidance on meeting these needs.</p> <p>The nationally described space standards (NDSS) promote similar space typologies to the studio, 1 and 2 bed flatted accommodation in Sandwell's current minimum standards set out in the RDG. However, the requirements for 2-bed house types and upwards show considerable betterment in accommodation size across these typologies.</p> <p>The NDSS not only sets out the gross internal floor area (GIA) for a given typology at a defined level of occupancy, it also provides floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The council's current RDG does not provide this.</p> <p>The NDSS provides a much wider range of internal spatial sizes, which are more consistent with the drive to promote more sustainable and innovative homes. As an example, post-Covid internal space including office space for home working is seen as a standard requirement for modern homes. The NDSS also offers a much wider range of supported typologies, which offers better choice and improved living environment and conditions for the homeowner. They also give confidence to developers on what will be required, as they are set by Government, which provides a level and consistent benchmark for housing.</p> <p>In promoting the NDSS, Sandwell is being consistent with neighbouring councils.</p> <p>By promoting the NDSS, which is seen as the Government's benchmark for setting internal space standards, Sandwell is using national guidance and reducing the scope for any ambiguity when dealing with spatial sizes for housing.</p>

Qn. No.	Response
	<p>The viability work on the SLP [VIAB001 – Table 3.2, p.34 and Appendix 1 – Policies Matrix, p.92] used the NDSS as the minimum standard for the assessment:</p> <p><i>We have developed our scheme typologies (see Typologies Matrix) having regard to the house sizes that have been developed and sold recently (see the Residential Market Paper). We have applied the Nationally Described Space Standard (NDSS) within our appraisals as the minimum standard.</i></p> <p>This addresses one of the three aspects that the NPPG requires local authorities wishing to use the NDSS to take into account. The other two are timing and need. As the extant Sandwell RDG standards are not dissimilar to those in the NDSS, it is not envisaged that there will be any significant issue in transferring to the new requirements, so it is unlikely that a long lead-in time would be required.</p> <p>Regarding need, the Council has set out above the thinking behind its decision to move to the NDSS – including the age of the extant guidance, the certainty they will give to developers and promoters of schemes and the fact that for the smaller (and thus more affordable) house types, the standards are very similar in scale to each other. This should help to ensure that both costs and deliverability remain similar to how they are currently.</p>
Q12.2b	<p>Paragraph 15.28 of the Justification text sets out the reasoning behind adopting the higher water efficiency standard for new homes in Sandwell.</p> <p>Paragraph 4.6.2 of the Water Cycle Study [WAT002] reiterates that both the South Staffordshire Water and Severn Trent Water supply regions were identified as being areas of serious water stress. On that basis, the WCS suggests that there is sufficient evidence to recommend the optional 110 litres per person per day design standard allowed under Building Regulations. As outlined in Section 3.4.4, the cost of installing water-efficient fittings to target a per capita consumption of 110l/d has been estimated as a one-off cost of £12 for a four-bedroom house.</p> <p>Leading on from this, the WCS suggested (at paragraph 4.6.8) the following further amendment:</p> <p><i>Given the evidence of pressures on the environment, and on public water supply, it is recommended that the Council considers a domestic water efficiency target of 100l/p/d for all new homes, in line with proposals in the Defra Plan for Water and works with the water suppliers to incentivise even lower consumption.</i></p> <p>The WCS advises that both South Staffordshire Water and Severn Trent offer financial incentives / discounts for developments have been designed to a standard of 100l/pp/pd or lower. It also stated that such improvements could be delivered at minimal cost and with additional savings to householders (paragraph 4.6.7 [WAT002]).</p> <p>The Environment Agency, in a subsequent email to the Council, made the following comment on this proposal:</p>

Qn. No.	Response
	<p><i>... Policy SDM2 specifies the optional higher Building regs standard for water efficiency of 110 litres per person per day. The JBA Water Cycle Study (2024) recommends 100 l/p/d. With the WCS backing for a tighter standard, is there any chance of changing the policy to 100 l/p/d via main modifications ...?</i></p> <p><i>... [the Environment Agency] would have supported you to go for the tighter standard. (email dated 22nd July 2025 from the EA)</i></p> <p>Paragraph 014 of the national PPG guidance on Optional Technical Standards states that</p> <p><i>Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres / person / day.</i></p> <p>As Sandwell is within an area of water stress, guidance suggests it is therefore appropriate to include a lower level of requirement in policy, given a local need identified by the water companies serving the area and as supported by the Environment Agency. Given the representation of the Environment Agency from July 2025, the Council is persuaded that it would be appropriate to seek the 100 litres / person / day target, on the basis of the evidence from the Water Cycle Study and the Environment Agency's support for this approach.</p>

Qn. No.	Response
Q12.3	<p>Taken together with the plan's dedicated heritage policies, Policies SDM3, SDM4 and SDM5 are justified and consistent with national policy on the historic environment. For context, the Plan's dedicated historic-environment policies (SHE1 – SHE4) already set a positive strategy and evidence expectations for developments that may impact on heritage assets.</p> <p>The policies are proportionate development management tools with targeted criteria. They sit beneath the SLP's historic environment policies, which provide links to, and details of, the local evidence base e.g. the Sandwell Local List, the Historic Environment Record, historic landscape characterisation work, and Conservation Area appraisals.</p> <p>It may aid clarity if additional modifications were made to each of the policies to include specific cross references to the suite of heritage policies, thus providing a clear link to the NPPF consideration of substantial harm measured against public benefits. Please see the proposed Main Modification set out in Q12.6 below.</p> <p>SDM3 – Tall Buildings and Gateway Sites</p> <p>This policy requires tall buildings to avoid “... <i>unacceptable adverse impact on ... heritage assets (including the canal network)</i>”, to provide Landscape and Visual Impact Assessments, microclimate information, and to justify a tall building's height, scale and appearance in terms of its context and topography, in design and access statements and masterplans.</p>

Qn. No.	Response
	<p>The policy is consistent in principle with the national approach to the historic environment. It reiterates the need for an assessment of likely effects on heritage assets and their setting, which addresses the NPPF requirements when read alongside the extant heritage policies.</p> <p>Following a submission by Historic England, the policy may be improved by wording underlining the importance of extant elements; should a scheme for a tall building potentially obscure parts of a skyline containing landmark features such as church spires, this should be taken into consideration when a decision is made.</p> <p>SDM4 – Advertisements</p> <p>The policy states that advertisements will be refused that “... <i>detract from the character or setting of any feature of historic, architectural or cultural interest</i>,” and requires proposals in conservation areas to show they conserve or enhance their character and appearance, set out in Justification paragraph 15.40 (in line with s.72 of the Listed Buildings and Conservation Areas Act) and the NPPF.</p> <p>SDM5 – Shopfronts and Roller Shutters</p> <p>The policy seeks designs that fit the architectural character and scale of their host building and retain any original features, including hardware, pilasters and first floor facades.</p> <p>The emphasis on retaining original features, ensuring designs complement the architectural character and amenity of a building, and taking particular care in listed buildings and conservation area contexts, aligns with NPPF paragraph 203(a) - (c) and the steer in paragraph 212 on better revealing the significance of heritage assets.</p> <p>Where a shopfront forms part of a listed building, any alterations will also require listed building consent, even if planning permission or advertisement consent is not required. This could be included as an additional modification to the policy, together with a cross-reference to the historic environment policies, to ensure that applicants are aware of the need to address the requirements of both aspects.</p> <p>The Inspector is respectfully directed to the Council’s proposed amendment as set out in Q12.6.</p>

Qn. No.	Response
Q12.4	<p>The Council has considered further the representation made by the Police and Crime Commissioner for the West Midlands on policies SDM6 and SDM7, The Council recognises that it would make sense to combine the two policies to provide a single point of guidance and this avoid any of the potential issues around clarity outlined in the representation.</p> <p>As a result, the Council would ask the Inspector to consider recommending a main modification for policies SDM6 and SDM7 and their respective justifications to be redrafted as one policy, and to undertake all consequential changes accordingly.</p>

Qn. No.	Response
Q12.5	<p>The Council is of the view that Policies SDM8, SDM9 and SDM10 are relevant to Sandwell, positively prepared, justified, effective and consistent with national policy, in this case the National Planning Policy Framework (December 2023)</p> <p>SDM8 – Gambling Activities and Alternative Financial Services</p> <p>This policy proactively addresses the issues inherent in allowing harmful clustering of such non-retail uses in centres and the potential links to public health outcomes of those uses, while enabling proposals that avoid harm.</p> <p>The policy does not impose a blanket ban, which would be unjustified, but allows for the consideration of local evidence such as health impacts, antisocial behaviour / crime and the vitality of centres to be fed into decision-making.</p> <p>The effectiveness of the policy will be assessed through monitoring of centre uses and its consistent application across the borough.</p> <p>It is also consistent with national policy and guidance. It aligns with NPPF Chapter 7 (Ensuring the vitality of town centres) and Ch. 8 (paragraphs 96, 98, 101) on town centre vitality and healthy communities.</p> <p>SDM9 – Community Facilities</p> <p>The policy plans for the provision, protection and enhancement of valued facilities to meet identified local needs and supports their modernisation and re-provision as necessary.</p> <p>The use of assessments of existing and proposed uses, impacts on adjacent properties and uses and the protection of strategic employment sites are proportionate and in line with the requirements of the NPPF.</p> <p>It will be effective in ensuring conflict is minimised between neighbouring uses by ensuring the greatest level of compatibility possible will be sought between cross-boundary needs.</p> <p>The policy is consistent with NPPF paragraph 97's requirements for planning positively for the provision and use of shared and community spaces, guarding against loss, and supporting modernisation.</p> <p>SDM10 – Telecommunications & Digital Infrastructure</p> <p>The policy is positively prepared in that it supports the delivery of telecommunications infrastructure in line with national guidance. It is justified as part of the SLP's focus on improving and managing the visual amenity of the borough and seeks to allow for the growth of the network while avoiding harm to local character and neighbouring uses. It avoids both under-regulation and unnecessary barriers.</p> <p>The policy will help to avoid delay, giving operators confidence in being able to plan for additional masts and equipment. It reflects NPPF paragraphs 119–122 on supporting network expansion, promoting mast sharing, the use of sympathetic design, and ICNIRP compliance.</p>

Qn. No.	Response
Q12.6	<p>Q12.1b – Policy SDM1 - amend policy wording to read,</p> <p><i>Major development proposals should contribute to the greening of Sandwell by demonstrate that the following opportunities have been considered and where appropriate used to inform the design: ...</i></p> <p>Q12.2 – Policy SDM2 – amend water efficiency standard as follows:</p> <p><i>... will be required to meet the water efficiency standard of 110 100 litres per person per day, as set out in Part G2 of current Building Regulations or as identified in any successor legislation in accordance with the 2023 Environmental Improvement Plan's stated intention to explore a new standard in areas of serious water stress, and the evidence set out in Sandwell's Water Cycle Study 2024.</i></p> <p>Q12.3 – Policy SDM3 – amend as follows</p> <p>Criterion 1 – amend to include reference to historic environment policies:</p> <p><i>... including the need to have regard to the existing or emerging character and context of the area and should also take account of the requirements of the historic environment policies (SHE1 – SHE4) as appropriate.</i></p> <p>Criterion 5 g) Consider re-wording this criterion to ensure the prominence of existing key landmarks remain.</p> <p><i>... 5g. the proposal will integrate into its surroundings at all levels, particularly at street level and skyline. Should such a proposal potentially obscure parts of a skyline already containing landmark features / buildings, this will be taken into consideration when a decision is made.</i></p> <p>Criterion 6a) – reword part a) to mention views to and settings of the existing local skyline</p> <p><i>6a. key extant landmark buildings, structures and features will be preserved and improved; views of them and their settings will be protected as necessary;</i></p> <p>Policy SDM4, criterion 2b – amend to include reference to historic environment policies:</p> <p><i>... detract from the character or setting of any feature of historic, architectural or cultural interest (see Policies SHE1 – 4 for further guidance on proposals in the historic environment).</i></p> <p>Policy SDM5 – amend as follows:</p>

	<p><i>... 2a. all shop fronts should be designed to fit in with the scale and architectural character of the building in which they are to be contained, <u>and proposals for the alteration of shopfronts on listed buildings will also require listed building consent (see Policies SHE1 – 4 for further guidance on proposals in the historic environment)</u>;</i></p> <p>Q12.4 – amalgamate policies SDM6 and SDM7 into one –</p> <p>SDM6 – Hot Food Takeaways</p> <p>together with their justifications and make any consequential changes throughout the SLP.</p>
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