

Selbourne Homes
74a Worcester Road
Stourbridge
DY9 0NJ

**Erection of 32 detached and
terraced dwellings and the
construction of associated roads
and sewers.
Land off
Newcomen Drive
Tipton**

1. Recommendation

A verbal recommendation will be made in the light of any amended plans and of the comments of the West Midlands Fire Service and the Head of Highways Direct.

2. Contact Officer

John Baylay
Planning and Development Services
0121 569 4039

3. Introduction

The processing of this application has been delayed at the applicant's request to enable discussions to be held with Sport England and the West Midlands Fire Service.

It is proposed to develop a sports field for residential purposes. The key determining issues are:-

- (a) whether or not the proposal complies with the policies and proposals of the Unitary Development Plan;
- (b) The effect on the amenities of nearby residents;
- (c) The impact on the safety and free flow of traffic in Newcomen Drive;
- (d) Whether there is adequate access for fire appliances; and
- (e) The inter-relationship with nearby industrial premises.

The Application Site and its surroundings

The application refers to a privately owned football field of about

0.9 hectares. It is situated within a mainly residential locality but is bounded by substantial industrial buildings on the Coneygre Industrial Estate to the south.

The current vehicular access to the site is from Coneygree Road to the east via a narrow unsurfaced drive that also provides rear access to 19 dwellings (44-64 Coneygree Road). There is a potential for a proper vehicular access to be obtained from Newcomen Drive which extends up to the western boundary.

While the majority of the site is fairly flat the ground level falls steeply away down to the rear gardens of 3-17 (odds) Newcomen Drive. It is estimated that the maximum difference in levels is about 3.6m adjacent to the northern boundary of the site.

Planning History

In 1988 outline planning permission (ref BCS315) was granted for the residential development of part of the former Coneygre Foundry and its associated football field. The approved scheme involved the provision of a new football pitch with changing facilities elsewhere on the former foundry site to accommodate the football club displaced from the existing sports field.

Reserved matters approval (ref BCS851) was granted in 1990. The approved scheme excluded the existing sports field but made provision for its subsequent development by extending the estate road (Newcomen Drive) up to its western boundary.

No scheme for the relocated sports ground and changing facilities was ever submitted. As far as I am aware the existing pitch is still in active use.

The Proposed Development

This is an application for full planning permission to develop the site for residential purpose. Access into the site will be via a continuation of Newcomen Drive.

The application seeks consent for the erection of 32 dwellings. The properties will provide accommodation on the basis of 3/4/5 bed, 2 storey, detached and terrace units. The majority of dwellings will have their own garages. The remainder will have

communal parking areas.

The application is accompanied by a noise survey. It concludes that it will be necessary to construct a 2m high solid fence along the southern boundary of the site and to provide all first floor habitable rooms to plots adjacent to that boundary with acoustically rated trickle vents.

In order to meet the Council's UDP policies on sports facilities and open space/play space the applicants propose to build extra changing facilities at the Coneygre Community Centre and a commuted sum to contribute towards improvements to the drainage of the existing pitches at Victoria Park.

Publicity and Consultation Responses

The application has been publicised by site notice, press notice and neighbour notification letters. Eighteen letters of objection and a 120+ signature petition have been received. The main concerns are as follows:-

- (a) loss of privacy;
- (b) Newcomen Drive is too narrow;
- (c) the proposal will cause overcrowding in schools;
- (d) the loss of sports pitches/open space should be resisted;
- (e) the proposal would be detrimental to the amenities of the area and would make it unsafe for children to play in the street; and
- (f) the site should be accessed from Coneygre Road.

A letter of objection has also been received from an adjacent industrial company who are concerned that the close proximity of new houses to their premises have the potential for conflict to arise even though their operations are conducted in a reasonable manner.

Consultation replies received have been as follows:-

- (i) Environment Agency - no objection subject to details of drainage and a site investigation report;
- (ii) Severn Trent Water - no objection subject to satisfactory drainage;
- (iii) Head of Highways Direct - objection due to inadequate access for fire appliances;
- (iv) Sport England - holding objection pending consideration of a compensation package for the loss of the sports field;

- (v) Head of Environmental Health and Trading Standards - no objection subject to the implementation and retention of the measures recommended in the noise report;
- (vi) West Midlands Fire Service - objection on the grounds of inadequate access for fire appliances;
- (vii) Building Consultancy Manager - no objection subject to satisfactory remediation measures to address the development constraints identified in a recent site investigation report.

Observations

The application site is allocated for residential purposes in the Adopted UDP and in the UDP Review. There is therefore no objection in principle to its redevelopment. The design and external appearance of the buildings are satisfactory.

However, it is necessary to consider whether or not the proposal complies with UDP policy on sports pitches and open space/playspace. Policy RL6 (Sports Pitches) of the Adopted UDP states that the Council will resist the redevelopment of sports pitches unless they are to be relocated elsewhere in the Borough. The proposed development is clearly contrary to Policy RL6 since no provision is made for the relocation of the sports field. However, Policy OS7 (Sports Facilities) of the UDP Review provides that in exceptional circumstances such proposals may be acceptable where there would be a net gain in community benefit through the enhancement of existing nearby facilities.

In this application the applicants have discussed and agreed with Leisure Direct a package of compensatory measures comprising extra changing facilities at Coneygre Community Centre to enable both pitches to be used at the same time and a commuted sum for improvements to be made to existing pitches at Victoria Park to enable them to be used more often. These proposals have been discussed with Sport England and will, I believe, enable its holding objection to be withdrawn.

The proposed measures are in accordance with the Council's Playing Field Strategy and, in my opinion, comply with Policy OS7 of the UDP Review. I also consider that the upgrading of pitches on Victoria Park will broadly comply with UDP policy on open space.

On balance, therefore, I consider that the proposal complies with

the emerging policies and proposals of the UDP. Any permission should be subject to a section 106 Agreement to ensure that those compensatory measures are implemented.

Turning to residential amenity, I do not consider that the extra activity generated by a relatively modest addition to the existing estate will have an unduly adverse impact. However, I am concerned about the siting of the proposed 2-storey dwellings at Plots 4 - 8 adjacent to the northern boundary of the site. Because of the difference in levels those dwellings will resemble 3-storey buildings when viewed from nearby dwellings in Newcomen Drive. Since the distance between the existing and proposed buildings will be about 25m away, this could adversely affect the privacy and outlook of nearby residents. The applicants have been requested to set the dwellings further away from the northern boundary of the site.

With regard to highway safety, the proposed development will result in a modest increase to existing traffic flows on Newcomen Drive. I have no concerns about its effect on the safety and free flow of traffic, and the Head of Highways Direct has raised no objections to that aspect of the proposal.

Both the Head of Highways Direct and the West Midlands Fire Service have objected on the grounds that the proposal fails the '180 metres rule' which was established by the West Midlands County Council Act 1980. The rule essentially requires that a residential cul-de-sac should not be more than 180m long where it is less than 7.3m wide. The purpose of the rule is to ensure that if parked vehicles block the passage of the fire engine, the firefighters hose will still be able to reach the fire. While the existing estate served of Newcomen Drive complies with the rule the proposed development will not.

The applicants have discussed an amended scheme with the West Midlands Fire Service. This will essentially comprise a pedestrian route from Coneygree Road into the application site and to the provision of sprinkler systems within each dwelling. Amended plans are expected and any further comments from West Midlands Fire Service and the Head of Highways Direct will be reported verbally.

Policy E7 of the Adopted UDP advises that proposals that may adversely affect industry operating in appropriate locations will

not be permitted. As a result of the noise survey carried out by the applicants and the mitigation measures endorsed by the Head of Environmental Health and Trading Standards, I am satisfied that the proposed residential and existing industrial uses will be compatible with one another.

Summary

It is proposed to develop a sports field for residential purposes via a continuation of Newcomen Drive. The proposal is broadly in accordance with the provisions of the UDP and the UDP Review. It is not considered that the modest increase in traffic along Newcomen Drive will be unduly detrimental to amenity or highway safety and convenience.

The applicant has been requested to amend the scheme by setting the buildings on Plots 4-8 further away from the northern boundary of the site in order to protect the privacy and outlook of nearby residents. Amended proposals are also expected to address the concerns regarding access for fire appliances.

A verbal recommendation will be made in the light of any amended proposals and consultation responses received.

4. Central Government Guidance

Planning Policy Guidance Notes 3 (Housing) and 24 (Planning and Noise).

5. Unitary Development Plan Policy

The site is allocated for residential purposes in the Adopted UDP, and in the UDP Review (Revised Deposit Plan).

Policy RL6 of the Adopted UDP states that *"The Council will endeavour to safeguard the current provision of sports pitches by resisting their redevelopment, unless the facilities are replaced elsewhere in the Borough"*.

However, Policy OS7 of the Proposed Modifications to the UDP Review states that:

Proposals for development that would involve the loss of existing sports pitches or facilities will not be permitted. In exceptional circumstances, such proposals may be allowed, where there would be a net gain in benefit to the community through the benefits of the proposed development and through compensatory measures, which must be:

the provision of alternative facilities of at least equivalent community benefit near to the development;

or,

the enhancement of existing nearby facilities, subject to the level of enhancement being of at least equal community benefit.

Policies H4, RL3, RL4 and E7 of the Adopted UDP are also relevant to the determination of this application.

6. Relevant History

Application	Description	Decision	Date
BCS315	Residential development landscaping and woodland planting and improved football pitch and clubroom.	Outline approval	7 October 1988
BCS851	Erection of 64 private residential dwellings and associated roads and footpaths.	Reserved matters approval	28 February 1990
