

Committee: **Ward:** Hateley Heath
DC/06/45887

Mar City Development 1036 Stratford Road Shirley Solihull B90 4EE	Outline application for residential use (C3 Class). Former W H Keys Ltd Church Lane West Bromwich West Midlands
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Date Valid Application Received 6th March 2006

1. Recommendations

It is recommended that the application be referred to full Council with a recommendation that outline planning permission be granted subject to the approval of siting, design, external appearance and landscaping; and subject to submission and approval of a remediation report; boundary treatment; drainage; affordable housing and public open space.

2. Observations

This application refers to a site of about 3.1 hectares on the north side of Church Lane and bounded by residential development of Ash Drive, Hall Crescent and Sussex Avenue, public open space on Sussex Avenue and of a former canal basin, and the Vector Industrial Estate. The Industrial Estate is at a higher level than the application site whilst Sussex Avenue is at a lower level than site.

This is an outline planning application with means of access to be determined at this stage for the redevelopment of the site for residential purposes.

An indicative plan has been submitted which indicates a development of 148 apartments. The means of access would be from Church Lane and would be 7.3m wide with one 1.8m wide footpath on the western side of the road. A transport assessment, site investigation report and noise assessment have been submitted with the application.

The application has been publicised by press and site notices, and by neighbour notification. Two letters of objection have been received. One is from a resident of Hall Crescent who claims to have vehicular access onto the existing access road, and is also concerned about anti-social behaviour on the new access road. The second letter has been signed by 22 residents of Hall Crescent who are concerned about the width of the road and footpath, and given the length of the access road it could become a racetrack with vehicles perhaps crashing into their rear gardens; the proximity of the road to their properties which could result in a loss of privacy, and increased noise and pollution.

West Midlands Fire Service has no objection.

Severn Trent has no objection subject to a condition requiring the submission and approval of drainage details.

West Midlands Police Architectural Liaison Officer has concerns with possible anti-social behaviour within parts of the site but would want to comment more fully on the detailed application.

British Waterways has commented that the Ridgeacre Branch Canal requires improvements.

The Environment Agency has no objections but recommends a site investigation be obtained because of the known poor ground conditions.

The Head of Highways has no objections but has commented that the indicative plan would need amending. He has also commented that the transport assessment submitted with the application is based on a development of 148 apartments.

The Head of Environmental Health and Trading Standards has no objection.

The application site is within the Business Zone as defined in the Unitary Development Plan and policy E2 is material. This policy states that sites and premises will be safeguarded for industrial uses, therefore the proposed development would be contrary to the policy. However, PPG3 (Housing) provides the opportunity to justify such sites for residential development if the land or buildings

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are no longer required and it can be agreed that the land is no longer required for the use.

The applicant has argued that as the site is set back from Church Lane by over 200 metres industrial units would be difficult to let; there would be high remediation costs given the high degree of contamination of the site; industrial and warehousing uses could lead to complaints from local residents; build and infrastructure costs would be high given the ground condition; the proximity of public open space could give rise to vandalism and is not therefore a perceived safe environment.

I would agree with the applicants in terms of the ground conditions and the build costs, however I do not agree that the site would be difficult to let due to its location and the fear of vandalism just because of its position adjoining public open space and residential properties. It should be noted though that the site is much lower than the existing Vector Industrial Estate and in that respect relate better to the residential properties on Ash Drive and Hall Crescent. I am therefore content that the policy could be set aside but the application would have to be referred to the full Council.

In addition to E2 the application must be considered against policy H3 (Windfalls). The site is previously developed, is suitable for residential development given the proximity of other residential and is in proximity to public transport and local facilities. In terms of the character and quality of the proposed residential environment, given this is an outline application, it is not possible to assess this. It should be noted though that the indicative layout would not be acceptable and that the pedestrian link along the new access road would be poor.

The matter of provision of affordable housing (H9) and public open space (DC9) can be secured by a suitably worded condition.

On balance however it is considered that the outline application is acceptable and permission should be granted.

3. Reasons for Recommended Decision

The redevelopment of the site for residential purposes would ensure the removal of an industrial use close to residential

property. The information provided is sufficient as required by PPG3 that, subject to Council approval, policy E2 can be set aside. In all other respects the proposal complies with Council policy.

4. **Relevant History**

None relevant

5. **Central Government Guidance**

PPG1 Delivering Sustainable Development

PPG3 Housing

PPG13 Transport

PPG23 Planning and Pollution Control

PPG24 Planning and Noise

6. **Unitary Development Plan Policy**

E2 BUSINESS ZONESBusiness Zones, as identified on the Proposals Map, are areas of predominantly industrial use and are the focus for much of the future industrial employment in the Borough. Within Business Zones, sites and premises will be safeguarded for industrial use (B1 (b), (c), B2 and B8). In addition, offices that are ancillary to existing or proposed industrial uses will be permitted in Business Zones. However, commercial and public offices, falling within Class B1 (a), will not be permitted in out-of-centre locations unless it can be demonstrated that there are no suitable sites available in, or on the edge of, established town centres and that the proposed location has a high degree of public transport accessibility. Complementary uses, including hotels, conference centres and training facilities, may be permitted where they are compatible with nearby uses and accessible by a choice of means of transport. Development for other uses will not be permitted. However, the Council will not seek to remove existing non-industrial uses unless there is an overriding environmental or economic need.

H3 WINDFALLSProposals for housing development on sites not allocated in the development plan will be considered on the basis of:

the site being previously developed land that is suitable for residential development, or involves the reuse or conversion of an existing building; compatibility with other plan policies; compatibility with adjacent uses; the character and quality of the proposed residential environment; proximity to public transport and local facilities.

H7 AMENITY OF NEW HOUSING New housing developments, of 10 dwellings or more, will be required to provide appropriate levels of Community Open Space, including children's play areas. (See policies OS5, OS8 and Development Control Policy DC9 - Provision of Open Space and Play Space in New Residential Areas). Developers will be required to carry out landscaping schemes on developments where appropriate. Consideration will be given to demand for other supporting facilities e.g. schools and community centres, where appropriate to the development proposals.

H8 THE RELATIONSHIP BETWEEN RESIDENTIAL AND INDUSTRIAL USES New housing will not be permitted in normal circumstances near to uses that currently, or have the potential to, cause adverse impacts on the environment in terms of noise, pollution, traffic congestion or access problems.

H9 AFFORDABLE HOUSING On all sites of at least 1ha or 25 dwellings in size, the Council will seek to negotiate an element of affordable housing up to 25% of the total units to be provided, unless it can be demonstrated to the Council's satisfaction that:- The site does not have access to local centres and public transport;- There is no demonstrable need for affordable housing in the area;- There are abnormal development costs which will prejudice the viability of the development if an element of affordable housing is included. The type and size of units to be provided will be determined by the Council's latest Housing Needs Survey and based on local need. Smaller sites, which could reasonably be expected to form part of a larger site in future, will also need to take this policy into account. The Council will also use planning conditions and S106 Agreements to provide affordable housing at another location if it would better meet identified needs for affordable housing and not compromise the acceptability of the development proposed.

POLICY UD1 GENERAL URBAN DESIGN PRINCIPLE The Council will expect all new developments to be of good quality

design and constructed of high quality materials. The Council will reject poor designs, particularly those designs that are inappropriate in their locality, for example, those clearly out of scale or incompatible with their surroundings. Particular regard will be paid to how the development relates to the street, its relationship with the public realm, the ease with which the public are able to move through and around the development, and the nature and height of any buildings and their effect on the surrounding urban area. The Council will also encourage the innovative use of greenspace and the natural habitat where appropriate. The Council will produce and adopt relevant design guidance to assist all applicants when applying for planning permission. In addition, the design of the urban form must incorporate appropriate security and safety measures in accordance with Policy UD3 - Security and Safety, and the Supplementary Planning Guidance (SPG) - Community Safety.

POLICY PC6.LAND AFFECTED BY TIPPED MATERIAL

GENERATING LANDFILL GAS The Council will give appropriate weight to the advice of the Waste Disposal Authority in the determination of planning applications where the possibility of landfill gas is a material consideration, and seek appropriate remediation measures to allow the development to safely proceed.

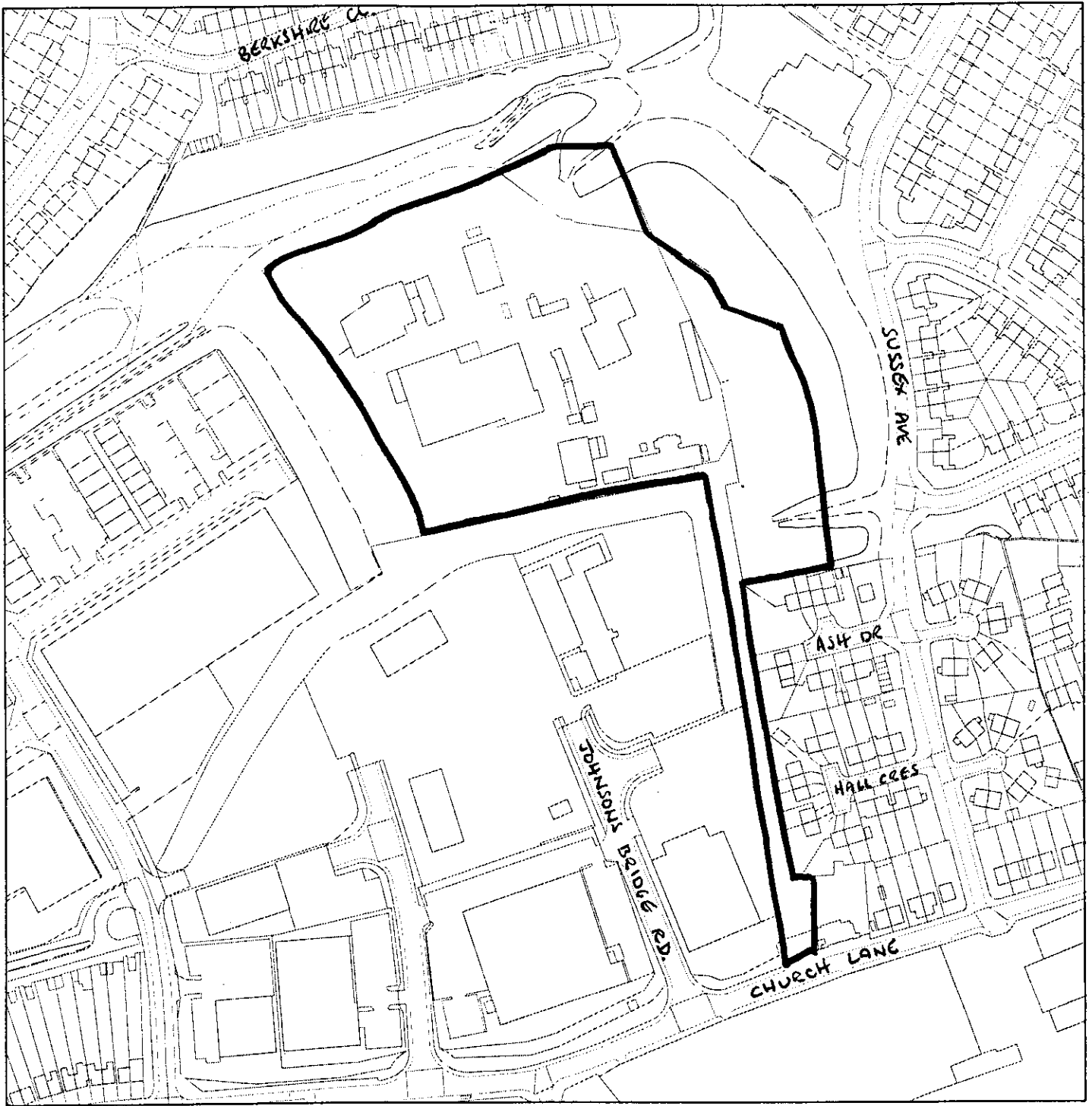
DC9 PROVISION OF COMMUNITY OPEN SPACE AND PLAY SPACE IN NEW RESIDENTIAL AREAS

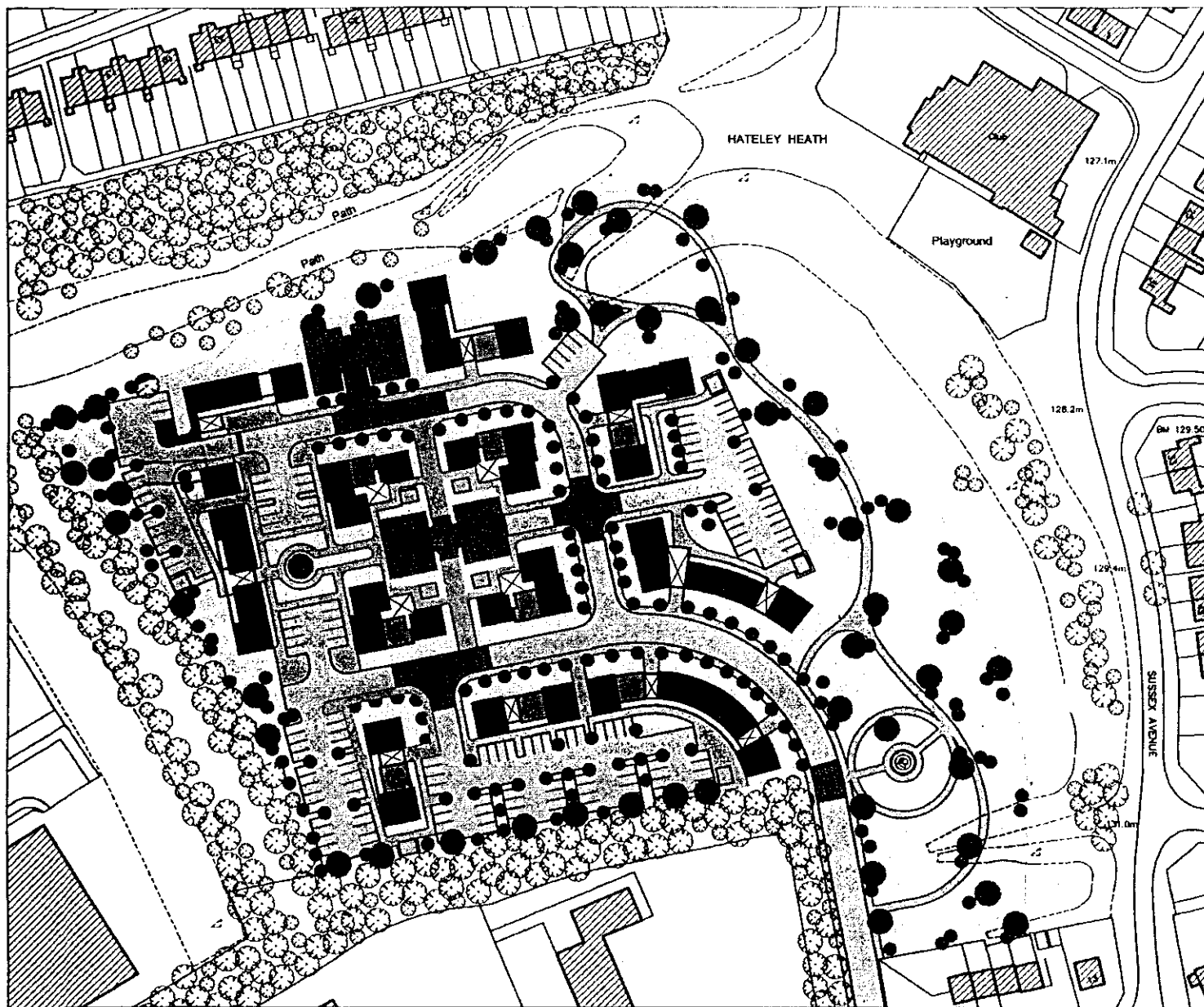
All new residential development of 10 dwellings or more, should contain provision for Community Open Space and play space and its maintenance, based on 20 sq.m. per person generated by the development. The number of people generated by a development is equal to the number of bedrooms, for example, a three bed roomed house generates three people. It is the intention that existing areas of Community Open Space will be improved in quality before new areas of Community Open Space are provided. Where new residential development takes place in town centres, or in areas where sufficient quantity of existing Community Open Space in appropriate locations to serve the new development, commuted sums for the improvement of adjacent facilities will be required. Policy OS1 - Open Space Hierarchy, has analysed existing provision and identified areas for improvement. Where the Council is satisfied that a development will not, during its lifetime, generate demand for play space, the requirement for children's play will not be necessary. However, this will not automatically reduce the overall open space requirements as indicated by policies H8 -

Amenity of New Housing, OS5 - Community Open Space, OS8 - Community Open Space in Association with New Housing Developments. Examples of developments that will not require play space include developments for the elderly, one-bedroomed flats etc. Where provision for play space is required, the Council will look at the type of space most required in a defined area, initially within 500m of the new development. However, where there are no appropriate sites within 500m, other sites can be taken into account where appropriate. Play space should then be calculated as 40% of the total Community Open Space provision, or 8 sq.m./person. Of this 8 sq.m., 2.4 sq.m. per person should be for formal play provision. The remaining 5.6 sq.m. of play space is for informal children's play space. The following should be taken into account when siting playing spaces for children : It is important that play spaces are part of the design of an area and not just an after thought; All play spaces should be accessible by safe, practical routes; All play spaces should be sited in welcoming, open areas, not on backland or land that is undevelopable for other purposes; Play spaces should be accessible from pedestrian routes and away from major vehicle movement; Play spaces should be sited on land that is suitable for the type of play space identified. For example, equipped or kickabout areas on slopes are inappropriate; Play spaces should be over-looked by houses or well-used pedestrian routes, but also be far enough away from houses to reduce the likelihood of general disturbance; Play spaces should be linked with other open spaces, play spaces and footpath systems etc; Psychological, as well as physical, barriers should be avoided. Such barriers could include, territorial barriers of having to move from one housing area to another, or the fear of having to use a bridge to cross a busy road; A wide a range of play opportunities should be provided. Playgrounds should include unobstructed open space to kick or throw a ball, as well as natural opportunities for play for creative development; Play spaces need to be attractive and safe to encourage children to play there, as well as meet the needs of the wider area, particularly those people living nearby.

7. Contact Officer

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