

Delegated Officer Report

APPLICATION NO.	DC/15/58580	OFFICER:	AD
DATE RECEIVED:	1st September 2015	REPORT DATE:	13 th October 2015

As amended on:

Name and Address of Applicant	Name and Address of Agent
Natrass Booth Commercial 1st Floor 48 Fentham Road Hampton In Arden Solihull	Keith Reynolds MCIAT Woodside The Grove Hampton In Arden Solihull

Description of Proposal	Situation of Proposal
Proposed residential (C3) and care home development (C2) - (outline application with all matters reserved). Revised application - DC/15/58189.	The Field House Johns Lane Tipton DY4 7PT

1. Recommendation

- i. Layout plan submitted is for indicative purposes only;
- ii. Approval of external materials and implementation of approved schedule of materials;
- iii. Implementation of flood risk measures;
- iv. Details of sustainable drainage and implementation of the approved drainage details;
- v. Implementation and retention of approved parking spaces;
- vi. Details of landscaping and implementation of approved landscaping scheme;
- vii. Details of boundary details and implementation of approved boundary details;
- viii. Prior to commencement of development details of drainage works for the disposal of surface water and foul sewage shall be submitted to and approved by the LPA;
- ix. Details of secure cycle storage; implementation and retention of thereafter;

- xi. Compliance with Affordable Housing policies;
- xii. Site levels;
- xiii. Removal of 'Permitted Development Rights' Class A,B,C,D & E;
- xiv. Details of site security fencing;
- xv. Restriction on hours of construction;
- xvi. Method of Working statement.

2. Observations

Introduction & the proposal

This application relates to a vacant industrial unit and associated yard located on the southern side of Johns Lane, Tipton. The site is bounded by Sheepwash Park to the immediate north and east with residential properties beyond further north. To the south of the site is the Birmingham & Dudley canal and Network Rail track.

The application is for a proposed residential (C3) and care home (C2) development and agent seeks outline planning consent with all matters reserved for subsequent approval. An application was submitted in May 15 which was consequently withdrawn due to an objection from the Environment Agency in respect of the Flood Risk Assessment.

An indicative layout plan has been submitted that shows 18 residential properties with associated parking and 2 care home facilities (with parking) located on the eastern side of the site. The agent has held discussions with prospective care home providers and care presently considered is for those people with differing levels of learning disability. Occupants of the care home would be helped to live independently with the eventual aim of moving back into mainstream society. However it is envisaged that specific details will be submitted at reserved matters stage.

Publicity & Consultations

The application has been publicised by Press Notice and neighbour notification letter with 2 letters of objection received; one from the occupier of 30 Morrison Road and another from a local community group known as 'Friends of Sheepwash Nature Reserve.' Their concerns are that;

1. There would be excessive noise disturbance to local residents during the construction process, as well as highway disturbance due to the increase in vehicle traffic along Johns Lane. (30 Morrison Road)
2. The development may harm wildlife on the nearby Sheepwash Nature Reserve and may also affect pathways in the River Tame during the site clearance process;
3. Concerns that the development would increase instances of anti-social behaviour in the vicinity especially as a public right of way may be affected by the development;

With reference to the first point of objection, I would agree that there is potential for the development of the site to give rise to noise disturbance to local residents however this could be minimised by restricting hours of construction. Additionally the planning consent could be conditioned so that the developer is required to submit a 'Method of Working' statement for subsequent approval by the LPA. I am therefore satisfied that amenity to nearby residents during the construction process could be ensured through appropriate conditions. It has also been noted that Highway Engineers has not expressed concerns regarding the width of Johns Lane in relation to vehicle movement, and although there are matters regarding access into the proposed development, I am satisfied that they can be dealt with at reserved matters stage.

With regards to the second point of objection it should be considered that Planning Policy has stated that Sheepwash Park is not designated as a Site of Importance for Nature Conservation (SINC). They have commented on the proposal and have not asked for additional information to be submitted with reference to nature conservation. Furthermore, The Wildlife Trust had been previously consulted but had not commented on the proposal. Therefore there is no obligation on the applicant to comply with policy ENV1 (Nature Conservation).

West Midlands Police has been consulted and has no objections to the application. However they have asked that the developer be made aware of the benefits of incorporating 'Secure by Design' standards into the development to ensure a safe and secure living environment. It is also hoped that the clearance and development of the vacant site for the purposes indicated will improve the area and should reduce instances of anti-social behaviour.

The Environment Agency has been re-consulted in respect of the revised Flood Risk Assessment and has no objections to the proposals subject to appropriate conditions relating to mitigate flood risk.

The Canals & Rivers Trust had previously been consulted and had not objected to the proposal.

Severn Trent has no objections to the proposal subject to the imposition of a condition relating to drainage.

The Rights of Way Officer has stated that historically a Public Right of Way existed adjacent to the northern boundary of the application site however this may have been diverted but remains on the Tipton Definitive Map and Statement. Consequently the applicant may have to apply to extinguish the route through a Legal Event Modification Order.

Planning Policy Considerations

From a policy viewpoint the proposal is generally supported by the NPPF in that it would enhance this predominantly residential area; the application supports Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth, by helping to achieve the housing targets set out in the BCCS. It also accords with BCCS Policy HOU2 – Housing Density, Type and Accessibility by providing a suitable proposal in a sustainable location.

The site is unallocated and therefore Policy SAD H2 – Housing Windfalls of the Site Allocations and Delivery Development Plan Document (SAD) is relevant. The proposals accord with these criteria fully: the application site is previously developed land that is compatible with adjacent uses and other policies.

At this stage, there is little to comment on the proposal from a design point of view, however the principle of residential development in this location has already been supported. An indicative CIL contribution has also been calculated however these details will be dealt with comprehensively at reserved matters stage.

It is envisaged through any subsequent reserved matters application that the proposal would be of a high quality design and would integrate with the existing street network and surrounding development. If these principles are implemented, the resulting proposal would therefore accord with policies ENV3 and SAD EOS9, as well as the Council's adopted Residential Design Guide. It is also envisaged that

that renewable energy sources will be incorporated into the development to ensure compliance with policy ENV7, with matters relating to the rights of way and access also being clarified.

Considering that the application site has been vacant for a number years and its development is long overdue, I am of the opinion that the development would make a positive contribution to the local character and distinctiveness of the area.

Conclusions

Despite the objections received it is considered that the applicant is proposing a suitable use of the site that accords with national and local policies. It would assist in having a positive impact on the character of the area, and would not detract from the amenities of neighbouring properties or be harmful to the neighbouring Sheep wash Park. Overall the redevelopment of this site into a residential/residential care home uses is welcomed and conditional outline permission is recommended.

3. Relevant History

DC/15/58189. Proposed residential (C3) and care home development (C2) - (outline application with all matters reserved). Application Withdrawn. 25.08.2015.

4. Central Government Guidance

NPPF – Promotes sustainable development

5. Development Plan Policy

BCCS - ENV3: Design Quality
ENV7: Renewable Energy
DEL1: Infrastructure Provision
HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Type, Density & Accessibility

SADD - EOS9: Urban Design Principles
H2: Housing Windfalls