<table>
<thead>
<tr>
<th>Subject:</th>
<th>Draft Black Patch Interim Planning Statement and Masterplan – Authority to Consult</th>
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<tbody>
<tr>
<td>Presenting Cabinet Member:</td>
<td>Councillor Paul Moore - Cabinet Member for Regeneration and Economic Investment</td>
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<tr>
<td>Director:</td>
<td>Executive Director – Neighbourhoods – Dr Alison Knight</td>
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<tr>
<td>Contribution towards Vision 2030:</td>
<td>Yes</td>
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<td>Key Decision:</td>
<td>Yes</td>
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<td>Forward Plan (28 day notice) Reference:</td>
<td>SMBC04/06/2018</td>
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<td>Cabinet Member Approval and Date:</td>
<td>Councillor Paul Moore</td>
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<tr>
<td>Director Approval:</td>
<td>Dr Alison Knight</td>
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<td>Reason for Urgency:</td>
<td>Urgency provisions do not apply</td>
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<td>Exempt Information Ref:</td>
<td>Exemption provisions do not apply</td>
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<td>Ward Councillor (s) Consulted (if applicable):</td>
<td>Ward councillors have not been consulted</td>
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<tr>
<td>Scrutiny Consultation Considered?</td>
<td>Scrutiny have not been consulted</td>
</tr>
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<td>Tammy Stokes – Spatial Planning and Development Manager <a href="mailto:tammy_stokes@sandwell.gov.uk">tammy_stokes@sandwell.gov.uk</a></td>
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**DECISION RECOMMENDATIONS**

That Cabinet:

2. In connection with 1 above, authorise the Executive Director - Neighbourhoods to undertake public consultation during summer 2018.

3. Receive a further report on the results of the public consultation Draft Interim Planning Statement for Black Patch, Smethwick in due course.

1 PURPOSE OF THE REPORT

1.1 On 18 October 2017, Cabinet considered a report regarding the issues affecting the area around Black Patch. Due to the demise of the housing stock and lack of recreational facilities, the area had degraded over time, lacking a focal point and attracting anti-social behaviour. The Allotments are also not being fully utilised attracting fly-tipping and vandalism. The area does not have a residential community except for a small enclave of homes at Avery Road and Murdock Road and the Park has deteriorated through lack of investment, vandalism and traveller encroachment.

1.2 The land uses for this area are contained in the adopted Local Plan, the Site Allocations and Delivery DPD (SAD DPD) which was adopted in 2012. It allocates land at Kitchener Street and Boulton Road for employment uses and the Park for Community Open Space. The Allotments are unallocated. Kitchener Street still remains vacant with no employment uses forthcoming. Land at Boulton Road is also undeveloped although currently has the benefit of a temporary planning permission for a Transit Site.

1.3 Due to the continual decline of the area, Members requested that the land uses in this area be reviewed with a focus on bringing forward a transformational change for housing development. However, the current land uses and policies contained in the statutory plan do not allow for residential development. The Site Allocations and Delivery DPD is currently under review but will not be adopted for some time and therefore any proposals received for residential would be contrary to planning policy and would be recommended for refusal.

1.4 Therefore it was agreed to prepare an Interim Planning Statement and Masterplan for Black Patch, which would set the vision for the future land uses in this area and consider residential development for sites at Kitchener Street and the Allotments.

1.5 The Interim Planning Statement will not set new policy as this will need to be achieved through the review of the SAD DPD. However it will provide an overview of the area and identify the council’s proposed direction of travel regarding land use change during the interim period whilst the Local Plan is being reviewed and adopted.
The document will not constitute a Supplementary Planning Document as part of the Local Development Framework but can be treated as a material consideration for any forthcoming planning applications.

The purpose of this report is to seek authorisation to undertake consultation on the Draft Interim Planning Statement and Masterplan with a wide range of stakeholders, businesses, residents and community groups during summer 2018. This will assist in seeking a way forward for the future land uses in this area.

2 IMPLICATION FOR THE COUNCIL’S AMBITION

2.1 Introducing additional housing into the Black Patch area will assist in creating a new community for the area, enhancing community cohesion and giving more of a focus for the park. There will also be an emphasis on providing good quality, sustainable housing thus offering a choice of type and tenure to meet the needs and demands of families who wish to reside in Smethwick. The environmental quality of the area will be greatly improved and access to public transport will make this a sustainable area in which to live. These aspirations will meet with Ambitions 5 and 7.

2.2 These proposals reflect the wishes of the local community in bringing new life back into Black Patch, by working with other agencies in order to deliver new housing, supported by the appropriate infrastructure to regenerate this part of the borough. Vision 2030 Ambition 10 will be satisfied in this respect.

3 BACKGROUND AND MAIN CONSIDERATIONS

3.1 Black Patch has deteriorated over time. With the majority of the residential community being removed resulting in reduced natural surveillance, the area has become the location for opportunistic crime, anti-social behaviour and traveller encroachment. With no community to utilise it, the Park which was once the focal point of the area has suffered through lack of use and investment. Usage of the Allotments has reduced to only 37% of the plots currently being cultivated.

3.2 The Friends of Black Patch group park has campaigned to see the park returned to its former status as a main point for recreation and leisure to serve the local community. However, through the demolition of the terraced homes and maisonettes over the years, the community around the park has reduced to a small number of homes at Avery Road and Murdock Road and the area has become predominantly industrial. The cleared sites have remained as such and no development has been forthcoming since the land use allocation in the Smethwick Area Action Plan in 2008.
3.3 In order to create a new community in this area, it has been proposed to alter the land uses for sites at Kitchener Street and the Allotments from their existing allocations to residential. An injection of new residents will result in more natural surveillance, an improved environment and associated infrastructure surrounding a regenerated park. In turn, the increased activity in the area could reduce the opportunity for crime and fly-tipping resulting in substantial savings in the longer term.

3.4 However, the adopted land use plan does not currently allow for residential development on these sites. Any planning applications for housing would probably be recommended for refusal on policy grounds. Until such time as the current land use plan is reviewed and adopted, the extant land use for Kitchener Street is for employment use whilst the Allotments are unallocated.

3.5 An Interim Planning Statement and Masterplan has therefore been prepared which will set out the council’s intentions regarding the future land use in the Black Patch area. This Interim Planning Statement will provide an overview of the area and identify the intended land use changes whilst the SAD DPD is being reviewed. It will be treated as a material consideration for any forthcoming planning applications for this area.

3.6 It is proposed to consult on the Interim Planning Statement and Masterplan during Summer 2018 and the results reported back to Cabinet in November 2018.

3.7 The disposal of the Allotments will need to be sanctioned by the Secretary of State. Therefore the allotment holders will need to be consulted separately on the package for compensation and relocation which is currently being considered by, and agreed with the National Allotments Society.

4 THE CURRENT POSITION

4.1 The adopted land use plan for the borough is the Site Allocations and Delivery DPD which was adopted in December 2012. A review of this document is underway, but due to the lengthy planning process to be undertaken, it is unlikely to be adopted for three years. The current land uses allocate land at Black Patch for employment use, open space or are unallocated.

4.2 A review of the land uses in this area has been requested, to consider a transformational change from industrial to residential which will encourage more of a presence in this area with more housing, increased natural surveillance, and create a new purpose for the park. In turn, this will reduce the opportunity for crime and anti-social behaviour and may decrease the level of fly-tipping.
4.3 An Interim Planning Statement has been prepared to address the need for land use change at Kitchener Street and the Allotments. During its preparation, the impacts of the existing industrial uses needed to be considered in relation to the introduction of residential into the area. Consultants have undertaken studies on Flood Risk, Ground Conditions, Ecology, Air, Noise and Odour pollution. The results of the studies has concluded that subject to additional, more detailed site investigations being undertaken and with design principles incorporated into the residential layouts to mitigate some effects, residential on these two sites would be acceptable.

4.4 Discussions between the Council’s Parks Section and the Friends of Black Patch Park group has resulted in an Action Plan being prepared that will consider potential improvements over a five-year period. Initial work has already been carried out with general grounds maintenance and tree clearance. There are proposals to introduce a modular building within the Park area to act as a focal point for the community to meet. Other proposals contained within the Action Plan will require further detailed work over time and be subject to funding.

4.5 Consultation with the National Allotment Society is still ongoing regarding the proposed compensation and relocation package arising from the potential disposal of the Allotments.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 The draft Masterplan will be prepared and be subject to a public consultation exercise with existing residents at Avery Road, Murdock Road and Perrott Street, relevant stakeholders, businesses and related community groups.

5.2 Consultation will also be undertaken with Birmingham City Council to ensure conformity with the proposed developments within the Greater Icknield area and that the proposals achieve the wider aspirations of the Combined Authority. Engagement with Transport for West Midlands will be particularly relevant with regards improving accessibility to the nearby Metro stops at Winson Green and Booth Street and public transport provision to the area.

5.3 There will be consultation with Birmingham and Sandwell residents on the disposal of the allotments which will be subject to a separate consultation exercise.
6 ALTERNATIVE OPTIONS

6.1 Do Nothing: The isolated nature of the Black Patch area has resulted in the degradation of the wider area and in particular an increase in anti-social behaviour, crime, fly-tipping and traveller encroachment. Sites remain vacant and susceptible to further environmental abuse. If the situation continues, there will be further degradation of the area and the area will not be attractive to developers. The usage of the Allotments will reduce further and the site will be open to further fly-tipping and anti-social behaviour.

6.2 Actively Seek Employment Uses: Sites currently allocated for employment use have seen no development come forward and they remain vacant after many years. The sites could be proactively marketed to other businesses requiring development sites or relocations but these sites have received very little interest from businesses requiring smaller sites in the past.

6.3 Land Use Change To Residential: A change of land use in this location to residential would assist in bringing forward development on otherwise vacant, derelict sites, providing much needed homes for people who wish to live in Smethwick and an overall improvement in the environmental quality of the area. Increased activity and natural surveillance may result in reduced anti-social behaviour and fly-tipping. The additional residents would be able to utilise the regenerated park which will provide leisure, recreational and health benefits. Residential development would also generate additional revenue for the authority through council tax payments.

7 STRATEGIC RESOURCE IMPLICATIONS

7.1 The Masterplan and consultation will be prepared within existing departmental budgets. Any requirements for additional physical and social infrastructure identified through the master plan or consultation exercise will need to be funded via the appropriate capital budgets or other identified funding streams. In the longer term the area may deliver a capital receipt should sites be disposed of for development, moreover the dwellings will also deliver additional council tax.
8  LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 There are known restrictive covenants affecting the park and part of the allotments requiring the land to be used for open space and not build upon it. Should development of these sites come forward, the council will need to resolve the implications of this covenant. A number of options are available, including obtaining a release from the covenant, extinguishing the covenant, or to take out a defective title indemnity insurance policy, to protect against the risk of a person with the benefit of the restrictive covenant seeking to enforce it.

8.2 As the allotments are statutory allotments, the council is currently engaged in discussions with the National Allotment Society regarding a compensation and relocation package. Consultation will be undertaken with plot holders resulting in requesting permission of the Secretary of State to dispose of the site.

9  EQUALITY IMPACT ASSESSMENT

9.1 The preparation of the Masterplan for the Black Patch area will involve a change in the land use allocations currently adopted. Therefore, an Equality Impact Assessment is to be undertaken to ensure that the views of all members of society have been considered.

10  DATA PROTECTION IMPACT ASSESSMENT

10.1 Any data collected through the preparation of the Masterplan or consultation exercise will be dealt with via the normal data protection procedures and in line with the General Data Protection Regulations.

11  CRIME AND DISORDER AND RISK ASSESSMENT

11.1 Crime and disorder implications will be considered during the plan preparation and consultation will be undertaken with the Police Architectural Liaison Officer. However, it is considered that increasing activity in the area through the introduction of new homes would reduce the opportunity for crime and disorder and anti-social behaviour.

11.2 For the decisions being sought within this report, there are no significant risks that require noting.
12 **SUSTAINABILITY OF PROPOSALS**

12.1 The proposals for residential on these sites will reflect the direction of change envisaged for this area in terms of providing housing in line with the government’s agenda for new homes and the creation of sustainable communities. The proposed alterations to land use will be incorporated within the emerging review of the Site Allocations and Delivery DPD or any other statutory plan being prepared by Sandwell Council regarding proposed land uses.

13 **HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 The proposals will encourage good quality housing close to a range of public transport options. The proximity of the park will provide access to leisure and recreational activities which will assist in improving the health and well-being of new residents.

13.2 Due to the relatively low number of homes to be accommodated on these sites, it is anticipated that existing infrastructure will be able to accommodate the additional needs of this community. However, this will be clarified when more detailed proposals for residential use are forthcoming. Funding for these facilities will need to be identified in due course.

14 **IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 The two sites being put forward for residential development i.e. Kitchener Street and Merry Hill Allotments are all within the ownership of the local authority.

14.2 Redevelopment of this land will reduce costs on the council of the continued clearance of fly-tipping and maintenance and could result in a capital receipt when disposal takes place.

15 **CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The prominence of industrial activity in Black Patch and demolition of homes has resulted in the degradation of the area, increased fly-tipping and anti-social behaviour due to lack of natural surveillance and lack of a community within the area.
15.2 Although sites in the area have been allocated for employment use since 2008, no development has been forthcoming and the sites have remained vacant. The park has deteriorated further due to lack of use and lack of investment, vandalism and the demolition of the community centre. It has lost its focus as the point for leisure and recreation and the area has lost its identity.

15.3 In order to regenerate this area and provide more of a focus, the proposal is to change its existing land use allocations to residential. This would create new, much needed homes and a new community surrounding Black Patch Park which will be improved with new leisure and recreational facilities. The development of homes will also attract revenue for the council through council tax payments.

15.4 The proposals are not in conformity with the current land use plan and therefore proposals for residential are likely to be refused. The Site Allocations and Delivery DPD has only recently commenced its review and therefore a change to the allocations in this area will not be adopted for three years or so.

15.5 An Interim Planning Statement and Masterplan will identify the development priorities and intentions for land use change in this area. It will not constitute a Supplementary Planning Document but will be treated as a material consideration for the consideration of future planning applications.

16 BACKGROUND PAPERS

16.1 None

17 APPENDICES:

Draft Black Patch Interim Planning Statement and Masterplan - June 2018

Dr Alison Knight
Executive Director – Neighbourhoods