

REPORT TO CABINET

14 November 2018

Subject:	Results of Consultation on the Draft Black Patch Interim Planning Statement
Presenting Cabinet Member:	Councillor Paul Moore - Cabinet Member for Regeneration and Economic Investment
Director:	Executive Director - Neighbourhoods - Alison Knight Director – Regeneration and Planning – Amy Harhoff
Contribution towards Vision 2030: 	  
Key Decision:	Yes
Forward Plan (28 day notice) Reference:	SMBC11/11/2018
Cabinet Member Approval and Date:	Councillor Paul Moore
Director Approval:	Dr Alison Knight
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	Cllr R Horton Cllr M Rouf Cllr F Shaeen
Scrutiny Consultation Considered?	Scrutiny have not been consulted
Contact Officer(s):	Hayley Insley – Planning Regeneration Team Leader Hayley_insley@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. Consider the results of the consultation undertaken on the Draft Black Patch Interim Planning Statement and Masterplan during Summer 2018.
2. Approve the Interim Planning Statement and Masterplan recommend that it be treated as a material consideration in the determination of future planning applications, subject to the suggested minor changes.

1 PURPOSE OF THE REPORT

- 1.1 At the meeting on 27 June 2018, Cabinet approved for consultation to be undertaken on the Draft Black Patch Interim Planning Statement and Masterplan during summer 2018. This report sets out the results of that consultation and clarifies how this document can be used in the future.

2 IMPLICATION FOR THE COUNCIL'S AMBITION

- 2.1 Promoting the two sites within the plan for housing will contribute to creating a new community in the area to complement the existing residential offer at Avery Road and Murdock Road. It will enhance community cohesion and provide more natural surveillance around Black Patch Park which, when enhanced through the programme of improvements proposed, will provide an enriched environment in which to live and visit.
- 2.2 There will be an emphasis on providing good quality housing near to existing public transport and services which will ensure a more sustainable location in which to live. These aspirations will meet with Ambitions 5 and 7.
- 2.3 In addition to the proposed housing, the local community also wish to see improvements undertaken to Black Patch Park to make it a more useable space for existing and future residents and visitors. By working with agencies to deliver the housing and necessary infrastructure, this part of Sandwell will see significant regeneration thereby meeting Ambition 10 of Vision 2030.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Black Patch area has seen little investment in recent years. Problems with anti-social behaviour, fly-tipping and traveller encroachment has resulted in the environment becoming particularly run down. Lack of natural surveillance due to a decreased popularity has contributed to these problems, including in and around the Park which has reduced its usage by local residents.
- 3.2 The Friends of Black Patch Park and nearby residents have campaigned to seek investment for the Park and to restore it as the focal point within a residential environment. However the current housing offer in the vicinity comprises an enclave of properties owned by Midland Heart at Avery Road and Murdock Road with the remainder of the area being predominantly industrial in nature. Therefore there is very little community at the moment to promote this transformation.
- 3.3 In addition to this, the Merry Hill Allotments on Perrott Street have become considerably run down and has been subjected to fly-tipping, illegal occupation and vandalism with only 37% of plots currently being rented and not all of which are being cultivated. A decision has been made that due to the ongoing maintenance and problems with anti-social behaviour the council will be applying to the Secretary of State to close the allotments in the near future.
- 3.4 The current Local Plan shows two sites with the potential to accommodate new housing. The Merry Hill Allotments once officially closed and land at Kitchener Street which was cleared of housing some 30 years ago. However whilst the allotments do not have an identified allocation in the adopted Local Plan, Kitchener Street is allocated for employment uses. There is an additional site which currently has the benefit of a temporary permission for use as a transit site. The permission has just under two years left to run and after this time a decision will need to be made as to whether this use continues. If not, this could be considered as an additional site for housing.
- 3.5 Should proposals come forward for residential use in the near future, the allocations in the Local Plan would not support this use and applications would probably be recommended for refusal on policy grounds. However the allocations cannot be formally altered until such time as the Local Plan for the area is reviewed and adopted as formal planning policy. The reviewed Local Plan will consist of two tiers, the Black Country Plan and the Sandwell Development Plan which will replace the Black Country Core Strategy and Sandwell Site Allocations and Delivery DPD respectively. The review is underway but will not be fully complete until 2023.

- 3.6 Therefore in order to create more of a community within the Black Patch area, resulting in more natural surveillance, better environmental quality and increased usage of the Park, it is proposed to alter the land use allocations of the allotments and Kitchener Street on an interim basis until such time as the review has taken place. This will mean that the Interim Planning Statement and Masterplan, if approved, will be treated as a material consideration should any applications for residential be forthcoming in the near future.
- 3.7 The results of the consultation regarding the revising of land uses for the allotments and Kitchener Street were in the main very supportive. Many respondents felt that bringing new housing back into the area would be a step-change to making this more of a community focus and generating more use of the park facilities.
- 3.8 Suggestions were made as to the future long term vision for the area including the provision of social infrastructure such as transport and schools and how these need to be addressed in the future. In addition to this, many of the allotment plot holders verbally requested the allotments were retained. However very few written representations were received to support this view and as the decision has already been made to close the allotments, it was agreed that consideration could be given to retaining part of the site for a smaller allotment holding if appropriate. This change will be included in the revised plan.

4 THE CURRENT POSITION

- 4.1 The Draft Black Patch Interim Planning Statement and Masterplan was approved for consultation in June 2018. Consultation has been undertaken throughout the summer with statutory consultees, community groups, local residents and traders and Sandwell and Birmingham Ward Councillors.
- 4.2 Consultation with the Allotment holders has been subject to a separate consultation process. The current tenants have all been offered compensation and assistance with relocation if required. A report is currently being drafted to submit to the Secretary of State requesting their closure.
- 4.3 The Interim Planning Statement and Masterplan will not form part of the Local Plan for Sandwell as it will not be a formal Development Plan Document. However it can be treated as a material consideration should proposals be submitted for a residential scheme during the interim period before the Local Plan review is complete.

- 4.4 The Interim Planning Statement and Masterplan sets out the proposal to alter the land use allocations for two main sites within the Black Patch area only. It does not provide detail on how these sites will be developed which will be part of later discussions when proposals are forthcoming. There has been no decision yet on how or when the sites will be disposed of which again will be subject to a further report to Cabinet.

5 **CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 Consultation was undertaken between 6 August 2018 and 17 September 2018. Letters were sent to all nearby businesses and residents surrounding the park. Emails were sent to a range of statutory consultees. Hard copies were sent to local interested community groups, Local Ward Members and the adjoining Ward Members in Birmingham as well as being available at Sandwell Council House, Smethwick Council House and Smethwick Library.
- 5.2 Details of the plan and the consultation were placed upon the council's website. Two public consultation events were arranged for the afternoon of 1 September 2018 near to the local residential properties at Black Patch and the afternoon/evening of 6 September 2018 at a community hall nearby in Handsworth New Road, Birmingham. These events were publicised by posters around the Black Patch area, on the council's Twitter account and on the Friends of Black Patch Park Facebook page.

6 **ALTERNATIVE OPTIONS**

- 6.1 Do Nothing: The lack of a community around Black Patch Park and the Merry Hill Allotments has resulted in the degradation of the area through extensive fly-tipping, anti-social behaviour and traveller encroachment. Vacant sites will continue to attract such behaviour, preventing any interest in investment and creating a poor living environment for existing residents.
- 6.2 Actively seek employment uses: No development has come forward for any of the sites allocated for employment uses since their allocation in 2008. When promoted to other businesses to accommodate their relocation requirements, there has been little interest in these sites.
- 6.3 Land use change to residential: A change to the allocation of these sites for residential would assist in bringing forward development on land that has been vacant for some time and provides opportunities for anti-social behaviour to occur. Development would provide additional much needed family housing in the Smethwick area, increasing natural surveillance and reducing the opportunity for crime.

Residents would be able to use the improved park facilities providing leisure, recreational and health benefits as well as generating additional revenue for the council through council tax payments.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The masterplan has been prepared using existing departmental budgets. Any requirements for additional and social infrastructure identified through the masterplan will need to be funded via appropriate capital budgets or other identified funding streams. Funding for the council may be generated through a capital receipt on the sale of the land and/or the 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, a process will need to be undertaken to apply to dispose of the allotments from the Secretary of State.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment has been undertaken as part of the consultation process. The results of the assessment indicated that no groups would be directly disadvantaged by the change in land use for these sites.

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 review of the Local Plan 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.
- 14.3 The decision on how or when to dispose of these sites is yet to be made and will be subject to a further report to Cabinet.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 The current industrial land uses in Black Patch, together with the demise of housing in the area has led to a steady decline in the environmental quality of the area, the increase in fly-tipping and anti-social behaviour.
- 15.2 The allocations for employment use has not resulted in development since 2008 or longer and the park has deteriorated due to lack of investment, vandalism, traveller encroachment and demolition of the community centre. The area has limited community and has lost its identity.
- 15.3 The vision is for this area to be regenerated into more of a community, introducing new housing for families and generating more use of the park and links to the surrounding infrastructure such as the canal network. However, this vision is not supported by the allocations in the current land use plan and should residential proposals be forthcoming, it is likely they would be recommended for refusal on this basis.
- 15.4 The Interim Planning Statement and Masterplan will enable the alteration in land use to be considered acceptable until such time as the statutory land use is reviewed and adopted through the normal planning process – likely to be three years away. Proposals for residential will therefore be assessed against this document which will be treated as a material consideration for decision making.

16 BACKGROUND PAPERS

- 16.1 None

17 APPENDICES:

Summary of results of consultation on the Draft Black Patch Interim Planning Statement and Masterplan.

Amy Harhoff
Director – Regeneration and Planning