

## **APPENDICES**

### **BRIERLEY HILL AREA COMMITTEE**

**DATE: 16<sup>TH</sup> MARCH 2004**

### **APPLICATION TO PURCHASE LAND**

**LOCATION: DELPH ROAD, BRIERLEY HILL**

**(As shown on the plan attached)**

### **BACKGROUND**

An application has been received from an applicant wishing to purchase Council owned land at Delph Road Brierley Hill which is controlled by the Directorate of Housing. The land forms an area of open land adjacent to the Bell Inn and the canal basin.

The applicant has considered the Draft Unitary Development Plan and recognises that the land falls within the Delph Locks Conservation area and wishes to purchase the land in order to build a canal side development of identical properties to such a scale and character in order to safeguard and enhance the character of this conservation area. The applicant sees the canal basin as an asset to the site and wishes to use the feature in a development of a standard and design as described in the Unitary Development Plan Policies for canal side development.

### **COMMENTS**

The relevant Council Directorates have been consulted regarding the application and The Directorate of the Urban Environment raise strong objections to the disposal of this land as the plot of land contributes very positively to the Delph Locks Conservation Area as it is a very valuable green wedge, and as such they would be very reluctant to see any new development within it. It is also very probable that any development of the proposed site is likely to require archaeological investigation.

The site is designated in the Unitary Development Plan as a Local Park and a Wildlife Conservation Area as well as a Canal Wildlife Consultation Area. Whilst the current policies relating to wildlife do not automatically preclude development, they may in some cases be used as a reason for refusal of planning permission where it becomes apparent that the nature conservation interest of the site warrants it.

The Council's Nature Conservation Officer has confirmed that there are waterfowl and smooth newts in the vicinity of Delph Locks which are protected species under the Wildlife and Countryside Act and this would be taken into account should any application for development be made along this stretch of the canal. Bats and other protected species also forage over the canal and across the woodland and scrub along its edges.

In addition, Policy 23 of the Unitary Development Plan requires the retention of trees, coppices, woodland and hedges where appropriate. Trees within the conservation area are protected as a matter of course and no work should be done to them without the appropriate notice being served on the Council.

Government Guidelines also preclude the development of “greenfield” sites or previously undeveloped sites in favour of “brownfield” sites or previously developed sites. This policy also makes clear that previously developed sites are to be treated as Greenfield ones where the remains of any structure or activity are blended into the landscape over time.

It is therefore considered extremely unlikely that planning consent would be granted for such a development at the location and the Authority would raise objections if such an application was submitted, on the above grounds. They therefore consider the application should be refused.

### **PROPOSAL**

That the Area Committee advice the Lead Member for Housing to refuse the application.

### **BACKGROUND PAPERS**

1. Letter(s) from the applicant.
2. E-mails and memos from the Council Directorates.

Contact Officer: Gill Hudson, Property Manager, Ext. 5311