



Planning Committee

Report of Head of Planning and Building Control on 21 June 2021

Plans List Item Number: 5

Reason for bringing to committee

Called in by Councillor A Nazir - considers that the application has been outstanding for some time and would benefit from being heard by Members of Planning Committee

Application Details

Location: JOHAL SUPERMARKET, 19, WEST BROMWICH ROAD, WALSALL, WS1 3HS

Proposal: DEMOLITION OF EXISTING BUILDINGS AND CREATION OF 3 X RETAIL (E (A)) UNITS AT GROUND FLOOR AND 5 X RESIDENTIAL FLATS (C3) AT FIRST FLOOR

Application Number: 19/0622

Case Officer: Helen Smith

Applicant: Johal Supermarket

Ward: St Matthews

Agent: Integrated Designs & Associates Limited

Expired Date: 04-Jul-2019

Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)

Time Extension Expiry: 10-Feb-2020

Recommendation

Refuse Permission



Proposal

This proposal is a re-submission of a previously refused planning application reference no. 18/0103). This application proposes the demolition of existing buildings and the creation of 3 x retail (Use Class E(a)) units at ground floor and 5 x residential flats (Use Class C3) at first floor with floor space areas as follows;

Shop 1 – 223.64m²

Shop 2 – 36.30m²

Shop 3 – 28.23m²

The ground floor also provides an entrance lobby with a cycle store to the first floor residential area, 3 separate storage areas and W.C.'s serving each retail unit.

The proposed 5 x residential flats at first floor have floor space areas of;

Studio Flat 1 – 49.6m²

Studio Flat 2 – 47.8m²

Studio Flat 3 – 47.72m²

Studio Flat 4 – 48.62m²

Flat 5 (2 bedrooms) – 65.48m²

The development would measure 28.1m wide along West Bromwich Road, 15.9m wide on the corner with Highgate Road, between 5.9m and 14m deep and between 9.3m and 9.7m high to a hipped roof with front pitched gable features (6.8m to eaves). Three separate shop fronts are shown on the drawings.

To the rear of the proposed new building there is a light well to serve rear non-habitable room windows at first floor. There would be front and side facing habitable room windows facing West Bromwich Road and Highgate Road.

3 Highgate Road has been included within the red line of the application site and Certificate B has been completed and notice under Article 13 served on the owner by the planning agents. The proposal includes bricking-up an existing side facing habitable bedroom window in no. 3 and re-opening a previously blocked window in the rear elevation along with the addition of a first floor fire escape platform from no. 3 into the application property in case of an emergency.

A Kalwall translucent wall system would be installed along the first floor boundary near to the proposed new window to serve 3 Highgate Road.

A keypad safe controlled access is proposed to the side of the development adjacent to 15 West Bromwich Road with a commercial and householder's bin collection point at the entrance. Within the rear enclosed amenity space separate householder and commercial waste storage areas would be provided.

The flats at first floor would be accessed via three keypad safe controlled entrance points at ground floor off West Bromwich Road, Highgate Road and through the controlled side access to a further controlled access into the private rear amenity space. The proposed private amenity space is located to the rear of 3 Highgate Road.

The development would measure 26m wide along West Bromwich Road, 15.7m wide on the corner with Highgate Road, between 5.9m and 14m deep and between 9m and 9.2m high to a hipped roof with front pitched gable features (6m to eaves). There would be a flat roofed area to the rear of the main roof which would not be visible from the street.

The drawings indicate four parking spaces, one a disabled space, located on the corner with Highgate Road and on street parking on West Bromwich Road.

An area of 99.2m² is proposed as private outdoor amenity space to serve the flats.

This application is supported by the following documents:

Retail Impact & Sequential Assessment dated 24/07/19 concludes the proposal would;

- Not conflict with the main Town Centre viability or vitality and enhances day to day needs
- Due to a growing need in the area there is a demand for small local businesses to uplift the economy and provide facilities for end users
- Developer has potential tenants showing positive interest to occupy the 5 flats
- Principal of the overall development is not to just enhance the commercial use but also gain extra accommodation for the families in the neighbourhood.
- Help to shape, direct and deliver sustainable resources
- Proactive approach to provide extra help and support to a well-established area

Site and Surroundings

The application site is located on the corner of Highgate Road and West Bromwich Road and currently comprises a single storey modern flat roof building and occupied by Johal Supermarket. A further single storey vacant building exists at back of footpath along West Bromwich Road which was previously a vehicle repair garage and tyre fitting service.

The application site is in an out-of-centre location and is predominantly surrounded by traditional two storey residential properties. The nearest centres are less than approximately 4 minutes away via a car journey or around an 8 minute walk as detailed below:

- 0.2 miles to Caldmore Local Centre;
- 0.32 miles to Fullbrook Local Centre;
- 0.5 miles to Palfrey Local Centre; and

- 0.7 miles to Walsall Town Centre.

The application site is to the west of houses along Highgate Road and no. 3 Highgate Road has a side facing sole bedroom window opposite the application site and does not have a private rear garden. The front elevation of the proposed new development would face across the highway to houses on West Bromwich Road with a separation distance of 12.4 metres to front habitable room windows.

Relevant Planning History

18/0103 - Demolition of existing buildings and creation of 3 commercial units (A1, A2, B1) at ground floor and 6 x residential flats (C3) at first floor – refused permission on the following grounds;

1. The proposal has the potential to result in significant additional impacts to neighbours, and intended occupiers' amenity for the following reasons:

i. The application site is to the west of houses along Highgate Road and due to the orientation, the proposed two storey height would result in additional loss of light and shading to rear amenity areas and rear habitable windows to adjoining neighbours from midday.

ii. An existing habitable bedroom window at No.3 Highgate Road would directly face the proposed two storey building and proposed obscure glazed windows to flats 4&5 at a distance of only 1.4m. This would breach the 45 degree code, would be significantly below the minimum recommended separation of 13m, would result in significant loss of outlook and privacy and loss of light to this neighbour.

iii. The proposed two storey height and proximity to adjoining neighbours rear amenity areas would result in an overbearing appearance.

iv. The proposed external staircase, first floor amenity area and 5 x windows directly facing rear garden areas of No.3 and 3a Highgate Road would result in a significant additional loss of privacy and overlooking / perceived overlooking and disturbance.

v. This application fails to justify the shortfall of 88m² for proposed outdoor amenity space to serve intended occupiers of the flats.

1. This application has the potential to result in harm to the vitality and viability of nearby centres for the following reasons:

i. No certainty can be given as to the potential end-users of the proposed speculative units and this application fails to provide sufficient evidence that the speculative units would meet a local need.

ii. The submitted sequential assessment fails to consider any existing vacant units within nearby local centres to accommodate the proposed smaller speculative retail / town centre uses.

iii. The submitted impact assessment fails to qualify and quantify potential impacts on nearby local centres arising from the proposal, in particular, it fails to make an assessment of potential catchment areas for the proposed town centre uses.

3. This proposal has the potential to result in harm to the safety and operation of the local highway for the following reasons:

i. This application fails to make an assessment of potential catchment areas for the proposed speculative town centre uses and no evidence has been submitted to demonstrate the resulting potential number and frequency of associated vehicle trips.

ii. This application fails to provide the necessary 9 x parking spaces to serve the flats within the application site.

iii. This application fails to demonstrate that sufficient spaces can be accommodated within the application site to support the proposal

07/2393/FL/W10 - Alterations to Form a New Access Door with Roller Shutters at the side Facing Highgate Road. GSC 24/01/2008

BC57300P - Change of use to drop in centre for the elderly. Refused 21/08/2001

BC54360P - Retrospective: Retention of shutters. GSC 04/06/1999

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**

- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act’) sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- S2: The Hierarchy of Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7 - Car Parking
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

SLC1: Local Centres

T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Transportation – No objections subject to the inclusion of planning conditions in respect of the existing dropped kerb footway and cycle storage and informative notes for the developer regarding disabled access.

Strategic Planning Policy – objects to the proposal as there are more sequentially preferable premises and sites already available or likely to become available within Walsall Town Centre Primary Shopping within Caldmore Local Centre, Palfrey Local Centre, Pleck Local Centre and Fulbrook Local Centre that could serve the likely catchment area of the proposed new retail use.

Pollution Control – No objections subject to planning conditions in respect of noise attenuation, if approved.

Community Safety Team – no objection and recommendations are made for security.

Clean and Green – concerns regarding the provision of sufficient bins

Fire Officer – No objections subject to the approval of building control in respect of Part B Building regulations and an informative note can be included, if approved.

Natural England – No objections

Police Architectural Liaison Officer – no objection but have made security recommendations in respect of the bin store and cycle store.

Severn Trent Water – No objections but require the inclusion of a planning condition in respect of drainage and an informative note in respect of public sewers.

Representations

(Officer comments in italics)

Objections have been received from four residents on the following grounds;

- Area already crowded in terms of residential accommodation
- Parking and traffic particularly the disruption from deliveries to 3 units
- Access to the rear of 5 Highgate Road will be restricted and it will affect natural lighting to the rear of this property
- Security
- Littering
- Loss of natural light to first floor rear bedroom at 3 Highgate Road
- Loss of view *(not a material planning consideration in this instance)*
- Proposal will benefit the owners, but proposal does not show any benefit to the community it operates in
- More cars in the area from the coffee shop, extensions to temple, fish and chip shop
- There are two other vacant retail units and 3 more shops around the first corner away from Johal Supermarket.

Determining Issues

- Whether the application has addressed the reasons for refusal of the previous application or raises any new issues
- Security
- Local Finance Considerations

Assessment of the Proposal

Whether the application has addressed the reasons for refusal of the previous application or raises any new issues

Previous Refusal No. 1

1. The proposal has the potential to result in significant additional impacts to neighbours, and intended occupiers' amenity for the following reasons:

i. The application site is to the west of houses along Highgate Road and due to the orientation, the proposed two storey height would result in additional loss of light and shading to rear amenity areas and rear habitable windows to adjoining neighbours from midday.

The depth of the proposed building has been reduced by 3.6 metres to the rear which would increase the separation distance to the nearest common boundary with houses on Highgate Road from 1.5 to 5.1 metres. Whilst the height and orientation of the property would be unchanged it is considered that the reduced depth, scale and mass

would lessen the impacts of the development on neighbours existing light and limit shading.

The agents did propose re-locating this window on the side elevation facing 3a Highgate Road. However as this would directly overlook a ground floor habitable room window at 3a Highgate Road it was considered that this would be unacceptable as it would harm neighbours' privacy because of the limited separation distance of 3.4 metres.

The revisions to the proposal are considered on balance to have reduced the impacts on neighbours' rear amenity areas and habitable room windows sufficiently to have addressed part i of refusal reason 1.

ii. An existing habitable bedroom window at No.3 Highgate Road would directly face the proposed two storey building and proposed obscure glazed windows to flats 4&5 at a distance of only 1.4m. This would breach the 45 degree code, would be significantly below the minimum recommended separation of 13m would result in significant loss of outlook and privacy and loss of light to this neighbour.

The applicant has discussed with the owner of 3 Highgate Road the removal of the existing side facing window and relocation back to its original position on the rear elevation serving the same bedroom to overcome part ii of the previous refusal reason 1. The planning agents and neighbour was advised that any legal agreement for the proposed re-location of the window would be a matter for them and the applicant and as part of the planning process the Local Planning Authority would require a Section 106 legal agreement that would be required once a private legal agreement had been reached, if the application was approved.

The application has failed to provide the necessary legal obligation to secure the necessary re-location of a habitable window which is present within the adjacent neighbouring property and in the absence of such an agreement is considered would result in harm to this neighbours amenity at 3 Highgate Road and is a recommended reason for refusal.

Whilst there would still be some loss of outlook due to the proximity of the proposed new building it is considered in this instance to be acceptable due to the character of the area and limited separation distances between existing dwellings. The proposed new window in no. 3 would face north and it is considered that this orientation would limit light entering this habitable room, however most dwellings along this row of dwellings have existing north facing habitable room windows at first floor and is therefore considered reflects the character of the area. This would be secured by condition on any approval. Privacy for this rear window would be maintained by the installation of a translucent wall system and obscurely glazed windows in the rear of proposed Flats 1 and 2 which would be secured by further conditions on any approval.

Weighing the planning balance, it is considered that the proposed revision is

considered to have satisfactorily addressed part ii of refusal reason 1

iii. The proposed two storey height and proximity to adjoining neighbours rear amenity areas would result in an overbearing appearance.

The two storey height of the proposed development is unchanged and whilst the depth of the proposal has reduced it is considered that the height would continue to have an overbearing appearance. It is considered that part iii of refusal reason 1 has not been fully overcome.

iv. The proposed external staircase, first floor amenity area and 5 x windows directly facing rear garden areas of No.3 and 3a Highgate Road would result in a significant additional loss of privacy and overlooking / perceived overlooking and disturbance.

The amended proposal is two storey however the footprint of the development has been reduced to the rear. There would now be a separation distance of 5.1 metres between the rear elevation of the proposal and the rear amenity area serving 3a Highgate Road. It is considered that this amendment would limit the impacts on neighbours' rear amenity space and would address concerns of an overbearing appearance.

The revised proposal does not include an external staircase and has now been included within the property to overcome these concerns of privacy and overlooking. The proposed raised fire escape platform to the rear of 3 Highgate can be conditioned to include privacy screening to protect neighbour's privacy.

The installation of obscure glazing to first floor rear windows in Flats 1 and 2 which could be conditioned to have opening parts 1.7 metres higher than the floor of the rooms they serve, would avoid overlooking of rear amenity areas.

On balance, it is considered that part iv of refusal reason 1 has been satisfactorily overcome.

v. This application fails to justify the shortfall of 88m² for proposed outdoor amenity space to serve intended occupiers of the flats.

The proposed a private outdoor amenity area of 32m² has been increased to 99.2m² for the current proposal although part of this area will include bin storage. Designing Walsall SPD recommends the provision of 20m² of useable space per dwelling where communal provision is provided. In this instance for 5 flats the increased proposed outdoor amenity space is considered to be acceptable and part v of refusal reason 1 has on balance been satisfactorily addressed.

Previous Refusal No. 2

2. This application has the potential to result in harm to the vitality and viability of nearby centres for the following reasons:

i. No certainty can be given as to the potential end-users of the proposed speculative units and this application fails to provide sufficient evidence that the speculative units would meet a local need.

ii. The submitted sequential assessment fails to consider any existing vacant units within nearby local centres to accommodate the proposed smaller speculative retail / town centre uses.

iii. The submitted impact assessment fails to qualify and quantify potential impacts on nearby local centres arising from the proposal, in particular, it fails to make an assessment of potential catchment areas for the proposed town centre uses.

Whilst the application site is already in retail use it has an out of centre location with Caldmore Local Centre 300 metres to the north of the proposed site. Given the small size of the proposed ground floor retail units, floor space requirements of this size would be easy to accommodate in an existing centre such as Walsall Town Centre Primary Shopping Area (PSA) or the following nearby Local Centres: Notably, Caldmore, Palfrey, Pleck and Fullbrook.

The applicants latest submitted sequential site search information has been carefully considered by Planning Policy and the position has also been checked and assessed via a series site visits as discussed further above. In conclusion, the Council's Planning Policy Team maintains its view that the applicants have failed to demonstrate with robust and credible evidence why a possible future retailer would be unable to occupy a more sequentially preferable premises or site available or likely to become available within the centres identified within this Planning Policy response.

There are considered to be more sequentially preferable premises and sites already available or likely to become available within Walsall Town Centre Primary Shopping Area, Caldmore Palfrey, Pleck and Fulbrook Local Centres that could serve the likely catchment area of the proposed new retail use.

Planning Policy considers that the applicants submitted sequential Site Search Information fails to provide sufficiently robust information and cannot be supported on retail planning policy grounds given that there are more sequentially preferable premises and sites already available or likely to become available within Walsall Town Centre Primary Shopping (PSA), within Caldmore Local Centre, Palfrey Local Centre, Pleck Local Centre and Fulbrook Local Centre that could serve the likely catchment area of the proposed new retail use. Such premises and sites should be considered first by the applicants to help support future investment opportunities and the ongoing future vitality and viability of the above referred to nearby centres.

As part of the evidence gathering stage to support these Planning Policy observation comments, officers from the Council's Planning Policy have undertaken a series of site visits on 08/01/2020 to the centres referred to above to assess the level of vacant ground units currently available within each of the above centres and to compare this

with information submitted within the applicants Sequential Site Search which supports this planning application. Evidence to emerge from the site visits indicates that there are already vacant units currently present within each of the above centres that could be used by the applicants for the new proposed retail uses. The proposals within this planning application are therefore considered to be contrary to Planning Policy. Having assessed the position on-site, Planning Policy does not consider that the applicants submitted Sequential Site Search information provides sufficiently robust or credible information and its findings cannot therefore be supported on Planning Policy grounds.

Information contained in the applicant's sequential site search document (paragraph 4.5 – Sequential Site Search document dated 24/07/2019) lists potential uses in the bullet points but it is clear that the applicant does not have a particular use in mind that has specialist location requirements, so the proposal appears to be speculative.

The cost of rents, parking, etc. in town centres is not sufficiently robust or credible justification to allow a proposal on an out of centre site.

Evidence to emerge from the 08/01/2010 site visits indicates that there are already vacant ground floor shops already located in the following nearby centres:

- Walsall Strategic Centre Primary Shopping Area (PSA)
- Caldmore Local Centre
- Palfrey Local Centre
- Pleck Local Centre
- Fullbrook Local Centre

The above Planning Policy position is supported by guidance in paragraph 90 of the Revised NPPF (2019) which is perfectly clear that: "...Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused..."

On the basis of the above information, it is considered that the Sequential Site Search information submitted by the applicant is not sufficiently robust and it is considered that refusal reason 2 has not been satisfactorily overcome.

Previous Refusal No. 3

3. This proposal has the potential to result in harm to the safety and operation of the local highway for the following reasons:

i. This application fails to make an assessment of potential catchment areas for the proposed speculative town centre uses and no evidence has been submitted to demonstrate the resulting potential number and frequency of associated vehicle trips.

ii. This application fails to provide the necessary 9 x parking spaces to serve the flats within the application site.

iii. This application fails to demonstrate that sufficient spaces can be accommodated within the application site to support the proposal

The Local Highway Authority has considered the amended proposal and have commented that whilst it is accepted that parking is an issue in this locality, being predominantly terraced type houses with on street parking, the proposal looks to replace a commercial garage/ car repairs operation with three retail shops with 6 flats above. The removal of the garage operation will remove an element of commercial traffic from the street and the removal of the redundant existing vehicle access points associated with the garage in Sandwell Street will allow 3 or 4 additional parking spaces on street to the benefit of the wider public and local residents.

In saved UDP T13 policy terms, the existing garage element with potentially two service bays requires 11 parking spaces maximum. The replacement shops based upon a total GFA of about 117 sq. m requires 10 spaces so in policy terms the two uses have a similar parking requirement.

Therefore, taking into account the existing and proposed commercial elements are parking neutral in policy terms, consideration of the parking for the additional 5 flats element is key. UDP T13 parking policy for 5 flats is 8 spaces (150%).

Looking at 2011 Census data for the parts of Palfrey and St Mathews Wards covering the immediate area of the site, it shows that about 35% of households do not own a car and about 47% have one car. Applying this analogy to the 6 flats around 3 or 4 spaces would seem appropriate level of provision. Taking into account this number of spaces could be freed up on street by the removal of the commercial garage element particularly in the evenings when the proposed two shops may be closed, on balance, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with the NPPF in this respect.

The Local Highway Authority considers the development will not have unacceptable road safety or severe transportation implications and is acceptable in accordance with the NPPF. Refusal reason 3 is considered to have been satisfactorily overcome.

Security

The Police Architectural Liaison Officer has recommended that the bin store should be moved to the opposite side of the courtyard to prevent it or the bins being used as climbing aids to access the premises. They have also commented that the cycle store can be accessed from a single public facing door. Albeit this door is to be keypad locked however, should this fail then the cycle store is vulnerable and easily accessible. It is considered that the cycle store should be behind its own locking doors.

All apartment and access doors to the apartments communal areas should be PAS24; 2016 doors. Normally communal doors should be LPS 1175 / 2081 standard but in

this particular circumstance PAS 24 certification would suffice. The access points to the rear courtyard should however be LPS1175 SR1 or 2081 B1 rated. All doors connected to the retail aspect of this development should also be certified to these standards. These matters could be addressed by planning informatives.

In addition to the Police comments the Community Safety Officer has advised that the proposed side access gate should be 2.2-2.4 metres high and anti-climb. This is considered to be a vulnerable access point as it is adjacent to a flat roof. Locks/keypads should be flush with gates so that they cannot be used as footholds. These matters could be addressed by planning informatives.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 5 new homes.

The Government has indicated that, for 2019-20 it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker

Conclusions and Reasons for Decision

Taking account of neighbour and consultee comments and local and national planning policy and guidance, this application cannot be supported due to potential impacts the vitality and viability of nearby centres and impacts to neighbour's amenity,

Whilst the provision of additional homes is encouraged, in this instance the harm arising outweighs any benefits of additional homes as set out in this report.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have liaised with the with the applicant's agent and whilst a number of helpful changes have been made to the proposal in this instance Officers are unable to support the proposal.

Recommendation

Refuse permission

Reasons for Refusal

1. The proposal has the potential to result in significant additional impacts to neighbours, and intended occupiers' amenity for the following reasons:

- i. The proposed two storey height and proximity to adjoining neighbours rear amenity areas would result in an overbearing appearance.

For these reasons the application is contrary to NPPF12, Saved UDP Policy GP2 and Appendix D of the Designing Walsall SPD.

2. This application has the potential to result in harm to the vitality and viability of nearby centres for the following reasons:

- i. No certainty can be given as to the potential end-users of the proposed speculative units and this application fails to provide sufficient evidence that the speculative units would meet a local need.
- ii. The submitted sequential assessment fails to consider any existing vacant units within nearby local centres to accommodate the proposed smaller speculative retail / town centre uses.
- iii. The submitted impact assessment fails to qualify and quantify potential impacts on nearby local centres arising from the proposal, in particular, it fails to make an assessment of potential catchment areas for the proposed town centre uses.

For these reasons the application is contrary to paragraphs 89 and 90 of NPPF7, BCCS CEN6 & CEN7 and Saved UDP Policies S6 & S7.

3. The application has failed to provide the necessary legal obligation to secure the necessary re-location of a habitable window which is present within the adjacent neighbouring property and in the absence of such an agreement is considered would result in harm to this neighbours' amenity at 3 Highgate Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no. 127; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.

END OF OFFICERS REPORT