

**Economy and Environment, Development Management****Planning Committee**

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

**Plans List Item Number: 1.**

**Reason for bringing to committee: Significant Major Development**

**Location:** SITE OF FORMER ARGYLE WORKS, WILLIAM HOUSE AND GREATREX HOUSE, CORNER OF NAVIGATION STREET AND MARSH STREET, WALSALL, WS2 9LT AND BROOK STREET CAR PARK, WALSALL

**Proposal:** DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF 236 ONE AND TWO BEDROOM APARTMENTS. ON-SITE CAR PARKING AND SOLE USE OF EXISTING OFF-SITE CAR PARK AT BROOK STREET FOR INTENDED OCCUPIERS OF THE DEVELOPMENT ALONG WITH ASSOCIATED WORKS

**Application Number:** 17/1573

**Applicant:** Total Homes and Developments

**Agent:** Steve Faizey

**Application Type:** Full Application: Major Use Class C3 (Dwellinghouses)

**Case Officer:** Mike Brereton

**Ward:** St Matthews

**Expired Date:** 24-Oct-2018

**Time Extension Expiry:**

**Recommendation Summary: Refuse**

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## Proposal

The 22<sup>nd</sup> March 2018 Planning Committee resolved to grant permission delegating to the Head of Planning, Engineering and Transportation to overcome amenity issues, ecology, land stability, parking spaces, maintenance of flood attenuation, green / brown roofs and ecological measures. Planning committee set aside the need for Section 106 contributions for affordable housing and open space.

Following discussions, the applicant has amended their planning application and provided additional and amended plans plus some supporting information which includes extending the redline boundary of the planning application around the Brook Street car park to provide 75 further parking spaces. The amended planning application which now includes the Brook Street car park, has gone through a new consultation process with neighbours and consultees. As this is an amended planning application with a new redline boundary, it is necessary to report the application to planning committee.

The following committee report is based on the amended planning application.

This amended application proposes to demolish all existing buildings within the application site:

- **Greatrex House** - A locally listed three storey Victorian industrial building (former leatherworks) facing Marsh Street (derelict and dilapidated);
- **William House** - An early 20th Century four storey warehouse facing Marsh Lane (derelict and fire damaged); and
- **Navigation Street Offices** - Two storey office buildings from around the 1960s fronting Navigation Street (derelict).

This application also proposes the construction of 236 x 1 and 2 bedroom residential apartments (Residential planning class use C3). The site area is 0.45ha with a proposed density of 524 dwellings per hectare. The proposed development would wrap around the entire site and positioned close to back of footpaths (with small landscaped/defensible areas between) along Marsh Street, Navigation Street and Marsh Lane.

The development would measure:

- Mostly 8 storeys high dropping to four and seven storeys adjacent the existing Gallery Square building;
- 28m high from existing ground level at its highest point (corner with Marsh Street and Navigation Street);
- 14.3m high from existing ground level at its lowest point (adjoining Gallery Square);
- Between 10m and 18m wide including a central corridor with access to apartments; and
- Footprint (Gross Internal Area) of around 24,200m<sup>2</sup>.

Apartments would be accessed off a central corridor with those in the front elevations having front facing windows whilst others at the back of the site face the internal courtyard area.

The total proposed amenity space including balconies and roof garden area is around 1,800m<sup>2</sup> equating to 8m<sup>2</sup> per apartment.

The proposed overall design is of modern appearance with repeated vertical projecting and reveal sections at upper floors to accommodate balcony areas and a main flat roof. A curved glazed corner feature is proposed to the main pedestrian access point on the corner of Marsh Lane and Navigation Street.

The proposed vehicle access for parking at the housing site would be off Marsh Street at ground floor to a central courtyard void area with 33 (14%) x vehicle spaces at ground floor. In addition, a further 75 (32%) x vehicle spaces are proposed at the Brook Street car park located within the Premier Business Park, around 320m to the south of the development site. This would provide a total of 108 vehicle parking spaces to serve the development (46%).

3 x bin stores to accommodate a total of 60 bins along with a covered cycle store for up to 29 bicycles are also proposed within the central courtyard area. A further integral cycle store is proposed off the main atrium area for up to 24 bicycles. This would all be within the housing site.

Main pedestrian access points would be on the corner between Navigation Street and Marsh Lane. No pedestrian access points are proposed along Marsh Street. This relates to the housing site.

This application has been screened under the Environmental Impact Assessment Regulations (2017) and was found not to require an environmental statement.

### ***Supporting Documents***

**Addendum Statement** – Sets out the revised scheme including further car parking spaces at Brook Street. Explains the Brook Street car park has a current occupation of around 10-15% and asserts that sufficient nearby alternative parking is available to accommodate this.

**Preliminary Foundation Impact Assessment** – calculates potential development loadings.

**Bat Emergence Survey (May & June 2018)** – Concludes low to negligible bat activity within the application buildings and recommends caution during works along with mitigation and enhancement measures.

**Black Redstart Survey** – Concludes no presence of Black Redstarts within application buildings and recommends mitigation and enhancement measures.

**Design and Access Statement** – Sets out the context of the proposal with policies and the locality.

**Air Quality Statement** – Concludes an air quality assessment is not necessary and that 6 x electric vehicle charging points are provided within the application site.

**Noise Assessment** – Concludes internal noise levels can be mitigated through recommended glazing and ventilation measures and that external noise levels to the outdoor amenity area are acceptable.

**Bat Emergence Survey (September 2017)** – Identified an ‘transient and occasional’ bat roost within existing buildings and recommends hand-stripping of roof and restriction of works to avoid the active Bat Season.

**Flood Risk Assessment** – Sets out how surface and foul water would be discharged to existing public sewers along with the use of SUDS and attenuation storage tanks.

**Heritage Assessment Statement** – Concludes existing buildings are of low and no heritage value.

**Overview of Ecology Reports** – Recommends submission of a black redstart and habitat suitability survey.

**Travel Plan Framework** – Sets out how more sustainable modes of travel would be encouraged.

**Transport Statement** – Concludes the application site is in a sustainable location and that the development would not impact on the local highway network.

**Structural Condition Report** – Concludes existing buildings are in a dilapidated state and recommends consideration of demolition.

**Summary of Available Parking Spaces & Traffic Report** – Identifies numbers of available parking spaces in the locality pre 08:00am and post 19:00 hours.

**Visual Impact Assessment** – Shows the proposed development from key vantage points.

## Site and Surroundings

Ground levels within the application housing site:

- Slope upwards from west (nearest Art Court) to east (nearest Gallery Square) along Marsh Lane;
- Slope upwards from south-west (nearest the junction with Navigation Street) to north-east (nearest Gallery Square) along Marsh Street; and
- Slope upwards from south-east (nearest the junction with Marsh Street) to north-west (nearest Art Court) along Navigation Street.

Existing buildings within the application housing site comprise:

- **Greatrex House** - A locally listed three storey Victorian industrial building (former leatherworks) facing Marsh Street (derelict and dilapidated);
- **William House** - An early 20th Century four storey warehouse facing Marsh Lane (derelict and fire damaged); and
- **Navigation Street Offices** - Two storey office buildings from around the 1960s fronting Navigation Street (derelict).

The nearby area is a mix of modern residential development, commercial and industrial uses and leisure uses (at Waterfront North). Crown Works, a further locally listed building exists to the north-east; a late 19<sup>th</sup> Century building of four storey height which has been incorporated into the adjoining modern Gallery Square residential development.

The application site lies 21m south of the Walsall Canal and Basin and the Walsall Locks Conservation Area.

Nearest sites and buildings are:

- **New Art Gallery** – Between 23m and 34m high from existing ground level;
- **Crown Lofts & Gallery Square** – 5/6 storeys between 16m and 19m high with a density of around 320 dwellings per hectare;
- **Art Court** – 5/8 storeys between 17.5m and 27m high with a density of around 197 dwellings per hectare; and
- **FE Towe** – Three storeys at around 10m high.

The public car park at Brook Street (currently owned by the Council) is a surface level car park benefitting from existing lighting columns, a landscaped area fronting Brook Street and trees within the car park itself. The car park is currently unfenced (with the exception of part palisade fencing to the north-west corner relating to the adjoining industrial unit) and is located within Premier Business Park, surrounded by commercial / industrial premises and falls within an area retained for local quality industry in the emerging Site Allocation Document.

## Relevant Planning History

### William House:

06/1986/FL/W7 - Demolition of existing warehouse and erection of residential block of 44 flats with basement/ground floor for commercial premises (2 no. A3 uses).  
Refused 18/12/2006

07/2730/FL/W7 - Demolition of Existing Warehouse and Erection of Residential Block of 60 Flats and 2 A3/A4 Units on Basement Ground and Mezzanine Floor. (Resubmission of 06/1986/FL/W7). GSC 13/03/2008 (at a density of around 153 dwellings per hectare)

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://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 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**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF 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.

### **Local Policy**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Black Country Core Strategy**

- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN4: Regeneration of Town Centres
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

### **Saved Unitary Development Plan**

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV26: Industrial Archaeology
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC5: Greenways
- WA3: Other Town Centre Uses
- WA7: Development / Investment Opportunities
- WA12: Town Wharf ("Walsall Waterfront")

### **Emerging Walsall Town Centre Area Action Plan**

- AAPINV4 – Walsall Waterfront:
  - c) Appropriate uses for secondary sites (Holiday Hypermarket (TC09), William House and Stafford Works (TC14)) include hotel and conference facilities, cultural uses and further leisure uses that complement the planned investment. Residential will also be appropriate where an acceptable residential environment can be provided without constraining any leisure uses.*
  - f) All proposals will be expected to:
 
    - i) be of high design quality complementing the New Art Gallery, the canal (Policy AAPLE4) and the Conservation Area.**

*ii) relate positively, in visual and functional terms, to surrounding areas and particularly to the rest of the centre. Strong and secure pedestrian linkages will be required both to and within the development to encourage the maximum public access. In particular public access must be provided along the canal and at least one footbridge provided across the canal arm.*

*g) Development opportunities adjacent to the canal will be expected to contribute towards the improvement and maintenance of the canal infrastructure and towpaths. All development within the area will be expected to protect, conserve and where possible, enhance heritage assets including the Canal Locks Conservation Area. Schemes will also be expected to complement the natural environment of the canal and where possible provide green infrastructure (AAPLV8).*

- TC14 (William House and Stafford Works) - Opportunities for mixed town centre uses.

### **Emerging Site Allocation Document**

- IND3 Retained Local Quality Industry:

*Sufficient local quality retained land has been allocated to establish capacity to meet the Local Quality 2026 target set out in BCCS policy EMP3 and ensure that the stock does not fall below the minimum requirement set out in BCCS policy EMP1 Table 10. Proposals for high quality industrial investment will also be acceptable and welcome on this land. Proposals for non-industrial uses will not be permitted.*

- IN49.1 - Long Street / Queen Street.

### **Supplementary Planning Document**

#### **Conserving Walsall's Natural Environment**

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting

#### **Designing Walsall**

- DW1 Sustainability
- DW2 Safe and Welcoming Places

- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

### **Open space, sport and recreation**

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value

### **Waterfront**

- WA12: Walsall Waterfront:  
*6.3 - Building form and massing should maximise the restricted nature of Marsh Lane.*

*7.4 - The initial stages of regeneration in this area are exemplified by the recent conversion of the original Crown Works into high quality residential apartments, and its subsequent extension with similar quality proposals in Marsh Street and the surrounding areas are expected to be seeking and obtain similar planning consents.*

*10.6 - Development should be sensitive to adjacent uses; including the existing canal side apartments, the New Art Gallery.*

### **Affordable Housing**

AH1: Quality of Affordable Housing

- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

### **Air Quality SPD**

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

## **Consultation Replies (*Officer comments in italics*)**

*These consultation responses are based on the revised planning application consultation unless no new comments have been received, so the original consultation responses are reported.*

*NPPG confirms; 'consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice'.*

**Birmingham and Black Country Wildlife Trust** – *No further comments received.* Originally recommended additional bat survey between May and August (inclusive) along with mitigation measures to be agreed prior to determination and an external lighting strategy.

**Limestone & Structures** – No objection subject to condition to require further site investigation and submission of any necessary remedial measures.

**Canal and River Trust** – Recommends provision of nearby heritage public art interpretation, wind assessment required, contribution required towards improvement and maintenance of canal corridor, shading from development would impact on amenity space, basin and waterway, further ground investigations required post-demolition, and recommends a Construction and Environmental Management Plan.

**Cycling and Pedestrian Officer** – No comments to make.

**Public Rights of Way Officer** – No objection and recommends note to application regarding unrecorded rights of way (*this can be added as note to applicant*).

**Pollution Control** – recommends an Asbestos Survey, Construction Management Plan, restricted working hours, vibration condition, further ground contamination works post demolition along with conditions including ground gas protection measures, use of acoustic glazing and ventilation, inclusion of electric vehicle charging points.

**Fire Officer** - Access is required to within 18m of each fire main inlet connection on the front of the buildings and provision of water supplies for firefighting (*this can be added as note to applicant*).

**Police** – Objects on safety and security grounds to the pedestrian route between the housing site and car park site, explains there is a high number of reported crime incidents in the area (348 in June 18) and recommends improved lighting along pedestrian route between the two sites, use of a Capable Guardian on the housing site, submission of further security details at Brook Street, use of Park Mark scheme and use of Secure by Design measures including natural surveillance, lighting, CCTV, boundary treatment, landscaping, intruder alarms.

**Lead Local Flood Authority** – No objection subject to a condition to require compliance with the submitted Flood Risk Assessment and submitted calculations.

**Housing Strategy** – Requires a 25% off-site affordable housing contribution in the form of a commuted sum. This will equate to 301 units x 25% x £31,562.50 = £2,375,078.10.

**Community Protection Team** – Objects due to potential risk to the safety and security of intended occupiers navigating to and from the proposed Brook Street car park. Recommends site security plan, lighting, site management plans, low level planting and a gated on-site car park area.

**Environment Agency** – No objection subject to a condition to require an addendum to the Method Statement in the event any other contamination is identified during development works.

**Severn Trent Water** – No objection subject to a condition to require site drainage details.

**Coal Authority** – No objection and Standing Advice should be included (*this can be added as note to applicant*).

**Historic England** – No comments to make.

**Local Highway Authority** – Objects due to lack of accessible parking on the housing site, would discriminate against disabled residents, would result in isolated and unsecure route to Brook Street car park and exacerbate on-street parking.

**South Staffs Water** – No comments have been received

**Tree Preservation Officer** – No comments have been received

**Planning Policy** – No objection subject to restricting occupancy of the apartments based on the availability of Brook Street car park spaces. There are no restrictions on the use of the existing car park and its use in connection with the development would bring forward housing and wider regeneration benefits.

**Regeneration & Development** – No comments have been received

**Public Health** – No comments have been received

**Education Walsall** – No comments have been received

**Ecology Officer** – No objection subject to conditions regarding precautions during works and biodiversity enhancement measures.

**Clean and Green** – No comments have been received

**Area Partnership** – No comments have been received

**Western Power** – No comments have been received

**Walsall NHS** – No comments have been received

**Transport for West Midlands** – No comments have been received

**Inland Waterways Association** – No objection.

**Friends of the Earth** - No comments have been received

## **Transportation Planning - No comments have been received**

**Walsall Civic Society** – Objects to loss of non-designated heritage asset and leather works heritage, the monolithic scale and mass would result in adverse impacts on the Conservation Area, competes inappropriately with the Art Gallery, long expanses of 'dead frontages'.

## **Walsall Disability Forum - No comments have been received**

**Car Parks Team** - No objection. Brook Street car park is surplus to requirements and can be disposed. Confirms the presence of free nearby on-street parking undermines the current usage of the ticketed Brook Street car park.

## **Representations (*Officer comments in italics*)**

3 x objections have been received from adjoining neighbours in Crown Lofts on the following grounds:

- Proposed height and width would cover the whole sun on my terrace;
- The Crown Lofts / Gallery Square development should not be hidden behind the proposed big building;
- Marsh Street and Gallery Square residents' car park should remain accessible during demolition and construction works which should be limited to between 10am to 6pm;
- Noise, disturbance and dust during construction;
- Damage to private property (*this is not a material planning consideration and is a private matter*); and
- Concerns regarding construction workers breaking and entering private property during works (*this is not a material planning consideration and is a private matter*).

4 x objections have been received from nearby businesses:

- Brook Street car park should be publically marketed for sale (*this is not a material planning consideration*);
- Existing litter and dog faeces in locality (*this is not a material planning consideration*);
- Brook Street car park should remain available for local businesses;
- Distance from development to car park is unsuitable and intended occupiers likely to park on-street;
- Security issues in locality due to prostitution, drug dealing & drug taking and car theft; and
- Loss of Brook Street car park to local businesses would exacerbate existing on-street parking issues.

A further representation was received from adjoining landowners (Station Street):

- Townscape should be visually enhanced by the replacement of run-down buildings;

- Proposed development, in particular the roof top garden, has the potential to result in loss of privacy and overlooking of future occupiers of our re-developed site (08/0523/FL - *permission now lapsed*);
- Proposed vehicle access should take account of necessary future access into our site opposite; and
- Support this application subject to the development not constraining further development in this area.

## Determining Issues

- Principle of Development
- Safety and Security
- Highways
- Design & Character
- Heritage
- Amenity
- Ecology
- Flooding
- Environment & Land Stability
- Local Finance Considerations
- Planning Obligations and Land Transfer

## Assessment of the Proposal

### Principle of Development

The main application development site is identified as an allocated site in the emerging Town Centre Area Action Plan with proposed uses for hotel and conference, cultural or leisure use and residential, providing it would not constrain any nearby leisure uses.

The principle of residential development is therefore considered acceptable subject to all other considerations set out in this report and related safeguarding conditions, drainage, SUDS, land contamination, limestone, facing materials, waste management scheme, construction management plan, adjusting the parking layout, visibility splays, noise attenuation, electric charging points, secure by design, park mark, ecology, boundary treatments, landscaping, lighting to make the flatted development acceptable in planning terms whilst meeting the 6 national tests.

The existing Brook Street car park falls within a wider area allocated for employment uses in the emerging Site Allocation Document. There are no restrictions on the existing car park which tie it to surrounding employment uses and no material change of use would occur from its proposed use in connection with this proposal.

The applicants submitted addendum statement explains that the Brook Street car park has a current occupation of around 10-15% and asserts that sufficient nearby alternative parking is available to accommodate this. Furthermore, its use in connection with the development would bring forward housing and wider regeneration benefits. On balance, the principle of car parking at Brook Street is considered acceptable subject to a Section 106 agreement to tie the car park to the residential development and ensure the Brook Street spaces are secured in perpetuity to minimise the loss of nearby on-street parking and to safeguard local

businesses. The Section 106 will include clauses to prevent continued occupation of the tenanted residential units if the car park should be unavailable for residential occupiers of the flatted development at any point in time.

Local businesses objected to the loss of Brook Street car park on the grounds it would result in the loss of parking for local businesses. The principle of the car park's sole use by residential occupiers of the flatted development, has been considered above and found to be acceptable in this instance for the reasons set out.

In assessing the flatted part of the development against the three NPPF core objectives, the regeneration benefits arising from the flatted development to provide additional homes is considered to benefit the local economy from the investment and the local society by providing the additional homes. Whilst it is considered, the development would have some environmental impacts on neighbours and potentially the canal corridor, in this instance, when weighing the overall planning merits of delivering the flats is considered the benefits to the economy and society outweighs the potential environmental impacts.

Overall, the principle of the flatted development is considered acceptable subject to a condition to secure the Brook Street spaces in perpetuity, and subject to all other material considerations set out in this report.

In assessing the parking part of the development against the three NPPF core objectives, it is recognised that the provision of the parking at Brook Street contributes to the delivery of the flats, which contributes to the regeneration benefits. Given the location of the offsite car park, in an industrial area 320 metres walk from the flats, in an area known for crime and ASBo behaviour and where there is objection based on evidence by both Police and Community Protection, it is considered there would be negative impacts regarding social welfare and environmental issues that cannot easily be overcome to the extent that the regeneration benefit would not outweigh the harm to future residents and the environment. Consequently, the LPA is unable to recommend approval as it considers, based on consultee responses, there would not be any safeguarding conditions that could be imposed to address the consultee concerns.

### **Safety and Security**

The submitted addendum statement explains the Brook Street car park would be secured using boundary fencing, barriers, CCTV and lighting.

The Community Protection Team and the Police object due to the safety and security risks to the intended future flat occupiers navigating to and from and within, the proposed Brook Street car park due to a high level of reported crimes (348 in June 2018) in the area including drug related crime and anti-social behaviour, particularly during evenings / night time when local businesses are closed and there is a lack of natural surveillance.

Furthermore, The Community Protection Team and the Police recommend submission of further details showing the position of and improved lighting, CCTV and physical security measures to the Brook Street car park and along the route, along with further details of how the CCTV would be monitored and overall management of site security.

Local businesses object due to existing crime and security issues in the locality including prostitution, drug dealing & taking and car theft. Whilst physical measures could be secured by condition on any permission which would meet the 6 national tests, the Community Protection Team and the Police evidence regarding existing crime and anti-social behaviour issues in the area and their objection around safety and security for future residents, on balance it is considered that the proposal has the potential to result in harm to the safety and security of intended residents as they travel between the flats and the car park. This would be contrary to NPPF2, NPPF8 & NPPF95, BCCS Policy CSP4 and saved UDP Policy ENV32. The application should be refused on this basis.

Should planning committee be minded to support this application including the Brook Street car park, members must be fully satisfied that the proposal offers an acceptable level of safety and security for intended residents to and from the flats and the Brook Street car park, plus the potential of future residents being caught within the car park. If planning committee choose approval, a range of safeguarding conditions compliant with the 6 national tests should include; improved lighting within the Brook Street car park, site management plan, monitored CCTV, boundary treatment, landscaping, intruder alarms, panic call buttons and fob-controlled self-closing gated access. In addition, improved lighting to and from the car park, monitored CCTV at key points along the route secured via a S106, and potential S278 for further works in the highway along the route, due to existing high crime related issues in the area. Restrictions on glare and light pollution arising from any associated external lighting affecting the canal side could be secured by condition.

In securing the Brook Street car park, the pedestrian route between Bridgeman Street and Brook Street would be closed at the boundary of the car park, ~~thus closing~~ creating a location for ASBo and crime to take place. In order to address this, the Bridgeman Street access will need to be secured with fence/gate which can be secured via a payment in the S106, should members approve the proposal.

In assessing this application against the NPPF three core objectives, the potential harm arising to intended occupiers of the development regarding a potentially unsafe and unsecure environment is considered outweighs any economic and social benefits. This application does not represent sustainable development.

Overall, the proposed isolated location of the Brook Street car park is considered would provide an unsuitable parking location along with an unsafe and unsecure pedestrian route to and from the residential development site. This application has the potential to result in harm to the safety and security of intended occupiers and cannot be supported in its current form based on consultee responses.

## **Highways**

The overall proposed parking provision equating to 46% is broadly consistent with adjacent developments and some flexibility can be afforded to development in sustainable town centre locations such as this.

However, the majority of parking spaces (75 spaces) are proposed at Brook Street, located approximately 350m from the development site and would involve the crossing of three road junctions along the pedestrian route, including Bridgeman Street, a busy local distributor route. No details have been provided to demonstrate

how the proposed parking would meet the needs of disabled occupiers. Should the application be approved, a safeguarding condition would require all spaces for people with disabilities to be provided on-site as suggested by the Local Highway Authority.

The Brook Street car park is located within a business park which will not provide a significant level of natural surveillance at night or weekends when businesses are likely to be closed. The isolated nature of the Brook Street car park when combined with a potentially unsecure and inaccessible pedestrian route, is considered likely to result in intended residents choosing to park on-street near to the development site itself.

There is an existing prevalence of on-street parking in the area, used by local businesses, shoppers, and nearby residents. The loss of Brook Street car park when combined with a likely increased use of on-street parking is considered has the potential to displace parking in the area and to exacerbate existing parking issues around the site. Furthermore, the position of any replacement lighting column bases have the potential to further reduce the number of parking bays at Brook Street.

The cumulative impacts of the development have the potential to result in significant road safety implications and have severe impacts on the local highway network contrary to NPPF108-110, BCCS Policy TRAN2 and saved UDP Policies GP2, T7, T13. For this reason, it is considered the application cannot be supported and should be refused.

Despite requests to the applicant to consider a further reduction in the number of apartments in the scheme and an increase in on-site car parking through a revised layout, the applicants have failed to consider this approach.

Local businesses object to the loss of the Brook Street car park on the grounds that it would result in loss of parking to support local businesses, would displace and exacerbate on-street parking. This has been assessed above and found to be unacceptable for the reasons set out.

Local businesses have also stated the car park should be put for sale on the open market. Whilst not a material planning consideration, the Council's Asset Management Team has confirmed that a Local Authority can dispose of assets in any way it chooses (under section 123 Local Government Act 1972) as long as it is able to demonstrate that the disposal represents best consideration. This allows the sale of a property asset to a named party on the proviso that the Council can demonstrate that it achieved the best consideration that could reasonably be obtained.

Should members be minded to support this application, it is recommended that they are fully satisfied that the proposal offers an acceptable level of safety and security for the future flatted development occupiers to and from the Brook Street car park, and appropriately laid out parking spaces. As a minimum, conditions should be imposed to require the implementation of all necessary security measures as set out in this report along with conditions recommended by the Local Highway Authority for the following:

- Provision of all disabled spaces on-site at Marsh Street;
- Clear demarcation of all parking bays along with numbering if necessary in connection with allocation to apartments;
- Retention of existing landscaped buffer at Brook Street to provide the necessary visibility splay; and
- Provision of 5.5m set back at vehicle access point to Brook Street.

The Local Highway Authority has also confirmed a number of improvements would be required along the pedestrian route to and from Brook Street to improve its overall accessibility and secured through separate highways legislation.

The Brook Street parking would need to be secured in perpetuity through a Section 106 legal agreement, which is likely to require the use of associated short-term tenancies in the development to provide suitable enforceability in the event the Brook Street parking becomes unavailable in future, and no alternative parking can be provided.

Whilst not a material planning consideration, it is important to understand the need of securing short-term tenancies through the Section 106 process.

Section 6.1 of the Human Rights Act 1988 states *'It is unlawful for a public authority to act in a way which is incompatible with a Convention right'*. The relevant conventions in this case are considered to be Article 8 (Schedule 1 - Right to respect for private and family life) which explains *'everyone has the right to respect for his private and family life, his home and his correspondence'* and Article 1 of the first protocol (Schedule 1 – Protection of Property) which explains *'every natural or legal person is entitled to the peaceful enjoyment of his possessions'*.

The use of short-hold tenancies will limit occupation to 6 month periods. In the event the Brook Street parking becomes unavailable in future, the tenancies would not be able to be re-granted at the end of their current term, meaning that units would be unoccupied until parking provision was put in place elsewhere. The use of short tenancies avoids any disturbance to the enjoyment of homes for intended occupiers' and simply prevents the grant of new tenancies. In this instance it is considered necessary to ensure the safe operation of the highway in the interest of public safety and public interest. This is consistent with the provisions of the Human Rights Act.

The Local Highway Authority previously queried whether Marsh Lane would be upgraded and adopted as a public highway. The applicant's agent has explained that the owner/s of the land in question are unknown and Marsh Lane falls outside of the application site boundary. The vehicle access would be off Marsh Street and pedestrian access is also shown off Navigation Street. For these reasons, it is considered it is unreasonable, or not possible to seek the adoption of Marsh Lane as part of this current application.

A resident has requested that the Marsh Street and Gallery Square residents' car park should remain accessible during demolition and construction works and this could be secured by a condition that meets the 6 national tests. An adjoining landowner also raised concerns over whether the proposed vehicle access off Marsh

Street would hinder future vehicle access into a future development scheme at Station Street. In the absence of any firm re-development proposals at Station Street it is not possible to take this into consideration at this time.

In assessing this application against the three core objectives of the NPPF, the potential harm arising to the safety and operation of the highway, and users of the environment, is considered outweighs any economic and social benefits. This application does not represent sustainable development.

Overall, the proposed inaccessible and unsafe pedestrian route and resulting likely exacerbation and dispersed on-street parking is considered has the potential to result in harm to the safety and operation of the highway and its users. This application cannot be supported in its current form.

### **Design & Character**

The proposed developments urban layout would reflect the historic built form wrapped around the perimeter of the site, whilst providing an internal courtyard area with parking/cycle storage at ground floor and is considered acceptable.

The overall appearance is a simple, modern design along with a simple palette of external materials. This is considered would reflect the emerging character of the nearby area which has benefitted from regeneration in recent years. Specific external materials and colours would be secured by condition that meets the 6 tests on any permission to ensure a satisfactory appearance of development.

The reduced overall height is considered helps to minimise impacts on the character of the area and would be similar in height as the nearest highest point of the Art Court waterfront development.

Walsall Civic Society originally objected on the grounds that the proposal would compete inappropriately with the Art Gallery and would provide long expanses of 'dead frontages'. The proposal has since been reduced and it is considered the development would not now compete with the Art Gallery building. Pedestrian accesses are off Marsh Lane / Navigation Street and whilst there appears to be none off Marsh Street, the vehicle access is considered would provide some natural surveillance and helps to break up the frontage and would not sustain a reason for refusal.

In assessing this application against the three core objectives of the NPPF, the economic, environmental and social benefits arising from the proposal outweigh the lack of multiple access points along Marsh Street and a refusal would not be warranted.

Overall, the proposed design is considered acceptable subject to the recommended materials condition.

### **Heritage**

The proposed loss of the locally listed building 'Greatrex House' is regrettable and its role as part of Walsall's leather works heritage is noted. The submitted structural report explains the building is in a dilapidated state. Whilst NPPF Paragraph 130 states that neglect to a heritage asset will not carry weight in the decision making process, it should be noted that the current applicants are not the owners of the site.

Nearby locally listed Crown Works, a former saddlers, has been incorporated into a modern residential development scheme (Gallery Square) and also forms part of Walsall's leather works heritage. When read in conjunction with Crown Works, the Greatrex House building is considered to play an important role in the historic character of this location.

Greatrex House and Crown Works are non-designated heritage assets and as such, an assessment must be made on the loss and impacts of these assets and weighed against any wider benefits of the proposed re-development scheme. Initially, the applicants were asked that the Greatrex House façade be incorporated within the proposal to retain and enhance the most important features of the heritage asset. The applicants have explained this would not be possible due to scheme viability and associated logistics in shoring up the façade. Planning committee accepted the loss of Greatrex House when they resolved to approve the proposed development.

A request to the applicants was made for a Section 106 contribution towards Public Art in the form of a heritage interpretation or heritage education programme to compensate for the loss of Greatrex House. Viability has been considered as set out in a further section of this report which concludes this scheme to be unviable with and without Section 106 requirements. Planning committee accepted the development was unviable when they resolved to approve the proposed development.

On balance, whilst the loss of Greatrex House is regrettable, when considering the current dilapidated state of the building and the wider regeneration of a derelict site, the re-development and regeneration of this site and the public benefits it would bring. It is considered the economic and social benefits to the wider community and economy outweigh the loss to the environment of this non-designated heritage asset in this instance. A condition would be attached to any approval to require the recording of Greatrex House prior to its demolition in accordance with national heritage advice. It is considered this condition would meet the national 6 tests.

The CRT has concerns about the loss of William House due to its role as a former industrial building in the canal setting. However, William House is severely fire damaged with no chance of the current building being restored and brought back into use, whilst currently having a detrimental impact on the appearance and setting of the nearby Walsall Locks Conservation Area.

On balance, the principle of a modern re-development scheme that does not try to replicate the historic environment or provide a pastiche appearance is considered acceptable subject to detailed consideration set out elsewhere in this report.

Walsall Civic Society has objected to the loss of the non-designated heritage asset and leather works heritage and due to adverse impacts on the Canal Conservation Area and these matters have been considered above.

In assessing this application against the three core objectives of the NPPF, the economic, environmental and social benefits arising from the proposal outweigh the loss of the locally listed Greatrex House building and a refusal would not be warranted.

Overall, the proposal is considered acceptable subject to the recommended condition for the recording of Greatrex House.

### **Amenity**

Updated shading diagrams have been submitted which show reduced shading to nearby neighbours' balcony / roof terrace areas, nearby leisure uses and to the outdoor grassed amenity area directly to the north, particularly during summer months when these areas are most likely to be used. On balance, this is considered sufficient to minimise harm to amenity and is acceptable.

The proposed flatted development includes balconies and a roof garden area for use by the intended occupiers equating to around 8m<sup>2</sup> of amenity space per apartment. On balance, even though this falls below the recommended minimum of 20m<sup>2</sup> per apartment in the Designing Walsall SPD, this is considered acceptable due to the sustainable town centre location and close proximity to outdoor amenity space; north between the canal and Marsh Lane / Upper Navigation Street (at 4m to north), the canal network and nearby parks / open space (Arboretum 0.5miles to north-east and Sister Dora gardens 0.4miles to south-west).

Amended drawings have been submitted to provide a 13.5m gap between the proposed development and an existing side facing roof terrace and associated doors serving an open plan living area for an apartment at Crown Lofts. This is considered acceptable and meets the recommended minimum 13m distance between habitable windows and blank walls exceeding 3m in height as set out in Appendix D, Designing Walsall SPD. A resident objected due to potential loss of sunlight to a roof terrace and this has been considered above.

A condition would be included on any permission to ensure the proposed fifth and sixth floor side facing windows serving apartments 167-1c and 197-1c shall be high-level top-opening windows to safeguard neighbours amenity.

Balconies and habitable windows / doors in the west elevation of the proposal would directly face existing balconies and habitable serving apartments at Art Court at a distance of 18m. Some flexibility can be applied to separation distances across roads, and on balance, this is considered acceptable in this high-density urban environment.

An adjoining landowner has also raised concerns regarding potential overlooking to a development at Station Street. As this relates to a lapsed planning permission limited weight can be applied to this.

The overall layout has been designed to avoid directly facing habitable windows within the internal courtyard area and nearest windows would be between 14m and 22m between north and south apartments at right angles and this is considered acceptable to minimise loss of privacy, overlooking / perceived overlooking.

The application sites urban town centre location and close proximity to nearby leisure uses means that a higher level of noise and disturbance is to be expected over and above any experienced in other predominantly residential parts of the borough. These impacts could be minimised through the introduction of acoustic glazing and ventilation and secured by condition on any permission in line with the

recommendations of Pollution Control which can be secured via a safeguarding condition that meets the 6 national tests.

The Canal and Rivers Trust (CRT) objected to a lack of a wind assessment due to the height of proposed development and potential impacts on users of the canal basin and tow path. No existing evidence has been provided to demonstrate current patterns of wind movement along the canal and tow path at this location. When combined with the reduction in height of the proposal (made since the CRT comments were made), and retention of an 18m gap to Art Court, on balance it is considered the proposal is unlikely to result in significant additional impacts to the micro-climate in this location.

In assessing this application against the three core objectives of the NPPF, the proposal is considered to provide a satisfactory level of amenity to intended and surrounding occupiers and provides economic, environmental and social benefits.

Overall, the proposal is considered acceptable subject to the recommended safeguarding conditions.

## **Ecology**

### ***Black Redstarts***

The submitted Black Redstart report is considered proportionate to the application site which the Council's consultant ecologist considers is not an optimal site for this species. The submitted report did not identify any Black Redstarts within application buildings.

This application is considered acceptable subject to conditions on any permission to ensure caution is taken during works along with compensatory and enhancement measures in the form of 6 x bird boxes and a green / brown roof integrated into the proposed development. This would be in line with the recommendations of the submitted survey and the Council's consultant ecologist. Should the development take longer than 1 year to commence the applicant will need to submit an updated black redstart survey which can form part of the condition.

### ***Bats***

The submitted 2018 bat report used a suitable number of surveyors at a time that would have detected maternity roosts and did not identify bat roosts. Whilst the submitted 2017 surveys recorded two common pipistrelle bats roosting in the building, this is likely to have been an occasional transitory roost.

Overall, the risk of encountering a bat is low, and it is considered the proposal is acceptable subject to conditions on any permission to require works to be carried out under a precautionary working method statement along with compensatory and enhancement measures in the form of 6 x bat boxes and biodiversity landscaping features integrated into the proposed development. This would be in line with the recommendations of the submitted survey and the Council's consultant ecologist. Should the development take longer than 1 year to commence the applicant will need to submit an updated bat survey which can form part of the condition.

### ***Other Ecology Matters***

CRT recommended submission of a Construction and Environmental Management Plan and this would be secured by condition on any permission that would meet the 6 national tests.

CRT also raised concerns over additional shading of existing habitat along the waterway. The additional shading diagrams submitted which demonstrate additional shading would be minimised and this is acceptable.

Mitigating the proposed habitat would be secured and maintained in an appropriate manner through a S106 agreement to ensure a management company can maintain the habitat.

In assessing this application against the three core objectives of the NPPF, the proposal is considered to provide a satisfactory level of biodiversity mitigation and enhancement and provides economic, environmental and social benefits.

Overall, the proposal is considered acceptable subject to the recommended mitigation and enhancement conditions.

### **Flooding**

The application site is within Flood Zone 1 and conditions would be applied to any permission to ensure finished floor levels are set 150mm above ground level, limiting surface water run-off from the development to not exceed 5l/s and attenuation flood storage as recommended by the Lead Local Flood Risk Team.

To ensure the attenuation is retained in perpetuity and constantly delivers its intended function via a S106 legal agreement, including the facility is maintained on an appropriate schedule for the lifetime of the development.

In assessing this application against the three core objectives of the NPPF, the proposal is considered to provide a satisfactory level of flood mitigation measures and provides economic, environmental and social benefits.

Overall, the proposal is considered acceptable subject to the recommended flood mitigation conditions.

### **Environment & Land Stability**

The flatted part of the development is on a former industrial site and over former limestone workings. Conditions as recommended by Pollution Control would be included on any permission regarding an Asbestos Survey, Construction Management Plan, restricted working hours, vibration, further ground contamination works post-demolition along with conditions including ground gas protection measures and 6 x electric vehicle charging points. These conditions would be written to meet the 6 national tests. These conditions would help to minimise impacts on neighbours' amenity during works and addresses neighbours objections in this regard.

The submitted preliminary foundation impact assessment sets out potential loadings of the development through use of various piling solutions, assuming a presence of underground 'treated' limestone workings. However, the Council's Limestone consultant has confirmed that any potential on-site limestone workings are likely to be untreated and preference would be given to treatment of such workings over the

use of any piling solution. The Council's Structures Team confirm the land can be adequately stabilised if necessary to support the proposed development.

The Council's Structures Team, and Limestone consultant, consider the presence of limestone workings beneath the site is unlikely but cannot be ruled out in the absence of additional boreholes and site investigations, particularly to the north and east sections of the site to correspond with the limestone consideration zone.

In light of consultee comments, it is considered the submitted technical information provides a proportionate and reasonable level of information to assess the likely suitability of the land to support the development insofar as is possible with the application buildings in situ. A condition that meets the 6 tests would be included on any permission to require additional bore holes on areas of the site currently covered by buildings, along with the submission of a mining engineer's report assessing the effect of any underground limestone workings on the proposed development and any necessary remediation measures.

NPPF paragraph 198 places a duty on Local Planning Authorities to ensure '*all reasonable steps*' are taken to ensure development takes place after the loss of part of, or the whole of a heritage asset. The above mentioned condition would therefore prevent the locally listed building (Greatrex House) from being demolished until the additional bore holes and ground investigations have been carried out to the north and east sections of the site along with agreed remedial measures.

In assessing this application against the three core objectives of the NPPF, the proposal is considered to provide a satisfactory environment and provides economic and social benefits.

Overall, the proposal is considered acceptable subject to the recommended mitigation, remediation and safeguarding conditions.

### **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 the erection of up to 236 dwellings.

The Government has indicated that, for 2018-19, 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 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

### **Planning Obligations and Land Transfer**

Due to the size of the proposed development, off-site contributions were sought towards open space (£347,696) and affordable housing (£2,375,078.10) along with

public art (regarding heritage as explained above in report) and further contributions towards the maintenance and improvement of the canal tow path.

The applicant submitted an open book financial appraisal which has been independently reviewed by the Valuation Office Agency (VOA). The VOA concludes that the proposal is significantly unviable with and without the policy required open space and affordable housing financial contributions. Despite requests from officers, no supporting information has been submitted by the applicant to demonstrate how they intend on delivering a significantly unviable scheme. Furthermore, no revised evidence has been submitted to assess the potential impacts on viability arising from the reduction of 65 apartments, or to take account of any potential vacant building credit.

The applicant's agent did not consider the public art element to be appropriate and no agreement was reached as to the form of potential public art meaning no financial sum has been attributed to it. Also, the CRT has not quantified their request for a contribution and these matters were not therefore included in the overall viability assessment. Notwithstanding this, the VOA conclusions render the scheme unviable without any financial contributions and these could not be sought in any case.

If the viability position is accepted in relation to the provision of affordable housing and open space provision, it is recommended that a Section 106 Agreement is still required to secure the following:

- the on-going maintenance and management of on-site attenuation flood storage;
- on-going maintenance of any proposed green / brown roof areas to ensure its on-going role in supporting ecology;
- on-going maintenance of any public open spaces and landscaped areas on both sites;
- Brook Street parking provision in perpetuity;
- monitored CCTV and improved lighting along the pedestrian route between the flats and Brook Street car park in perpetuity;
- fencing/gate to secure Bridgeman Street access along the unrecorded public route between the existing industrial units; and
- on-going maintenance of security measures at Brook Street car park.

In the normal course of events, where a development site is in the ownership of the Council, the site would be subject to the completion of a Section 111 Agreement, to enable planning permission to be released, and to require the subsequent completion of the necessary Section 106 Agreement at the time of the completion of the sale of the land to the developer. In this instance, there are two sites within the application but only one, Brook Street, is in the current ownership of the Council. Accordingly, planning permission could not be issued until the Brook Street car park was sold to the developer and the S106 agreement, which relates to both sites, has been completed. Were the planning permission to be granted earlier, or a S111 completed in relation to the Brook Street site only and not the Marsh Street flatted scheme, there would be a substantive risk that the applicant may choose to develop the flatted scheme without the Brook Street car park and those other works within the S106 agreement would not be secured. Therefore, planning committee are advised that the transfer of land and the completion of the S106 will need to take place on the same day, before planning permission is released.

## Summary

In assessing this application against the three core objectives of the NPPF, the potential harm arising to the safety and security of intended occupiers and to the safety and operation of the highway, and its users, is considered would result in an unsafe and unsecure environment which would outweigh any wider economic and social benefits.

Overall, the proposal is considered does not represent sustainable development and cannot be supported in its current form.

## Conclusions and Reasons for Decision

The improvements to the proposal are noted and progress has been made since the original submission. Also, the principle of re-development is acceptable and the benefits of regeneration are understood.

Consultee, residents, local businesses and an interested party's comments have been taken into consideration, along with an assessment against local and national policy and guidance.

To conclude, this application has been assessed against the three core objectives of the NPPF; economy, environment and society as set out below:

**Economy** – The regeneration benefits of developing this vacant and derelict town centre site is considered would provide a positive contribution to the town centre and would help to bring more people into the town centre which may result in increased spending and use of town centre shops, leisure facilities and other services to the benefit of the economy.

**Environment** – The regeneration benefits of developing this vacant and derelict town centre site is considered would significantly improve the overall appearance of the site itself and the wider area in completing one of the final pieces of the surrounding Waterfront re-development scheme. However, based on consultee advice, the proposed isolated location of the Brook Street car park, existing crime and anti-social behaviour and an inaccessible and unsafe pedestrian route, has the potential to result in severe transport impacts and harm to the safety and security of intended occupiers of the development. Overall, the proposal would result in an unsafe and unsecure environment and this is considered to outweigh any other benefits arising.

**Society** – The social benefits arising from the provision of additional homes in a sustainable town centre location are recognised and welcomed. However, on the basis of consultee advice, the proposed isolated location of the Brook Street car park, existing crime and anti-social behaviour and an inaccessible and unsafe pedestrian route, has the potential to result in harm to the safety and security of intended occupiers of the development. Overall, the proposal would result in an unsafe and unsecure environment and this is considered to outweigh any other benefits arising.

On balance, the proposal does not represent sustainable development and the benefits arising do not outweigh the resulting harm of the proposal. The application cannot be supported for the following reasons:

### **Design & Character**

Notwithstanding the potential to secure security measures by way of condition as set out in this report, the isolated location of the Brook Street car park, lack of natural surveillance and existing crime and anti-social behaviour issues have the potential to result in harm to the safety and security of intended residents. This would be contrary to NPPF2, NPPF8 & NPPF95, BCCS Policy CSP4 and saved UDP Policy ENV32. The application should be refused on this basis.

### **Highways**

Notwithstanding the submitted information and supporting evidence, the cumulative impacts of the development has the potential to result in significant road safety implications and have severe impacts on the local highway network contrary to NPPF108-110, BCCS Policy TRAN2 and saved UDP Policies GP2, T7, T13. For this reason, it is considered the application cannot be supported and should be refused.

On balance, whilst the regeneration of the site is strongly supported and improvements have been made which overcome some of the previous concerns, it is considered that the outstanding concerns in relation to safety and security and highways safety, to which objections have been raised, weigh heavily against the proposal and on that basis, it is considered that the scheme cannot be supported at this time.

Should members be minded to approve this development, it is recommended that all conditions set out in this report be included. The conditions would be written to meet the national 6 tests.

## **Positive and Proactive Working with the Applicant**

### **Refuse**

Officers have engaged in pre-application advice on this scheme and has maintained regular contact with the applicant's agent including on and off-site meetings. Despite improvements being made, these are not sufficient to warrant an approval in this instance for the reasons set out in this report.

## **Recommendation**

Refuse Permission

## **Reasons for Refusal**

1. Notwithstanding the potential to secure security measures for the car park and the flatted development as set out in this report, the isolated location of the Brook Street car park, lack of safe pedestrian route without the benefit of natural surveillance combined with known existing, and potential exacerbated, crime and anti-social behaviour issues, has the potential to result in harm to the safety and security of intended residents using the car park and the route to and from the car park and the

flatted development. This would be contrary to NPPF2, NPPF8 & NPPF95, BCCS Policy CSP4 and saved UDP Policy ENV32.

2. Notwithstanding the submitted information and supporting evidence, the cumulative impacts of the development have the potential to result in significant road safety implications and have severe impacts on the local highway network contrary to NPPF108-110, BCCS Policy TRAN2 and saved UDP Policies GP2, T7, T13.