



Planning Committee

Report of Head of Planning and Building Control on 04 March 2021

Plans List Item Number: 6

Reason for bringing to committee

Significant Community Interest

Application Details

Location: Darlaston Health Centre, Pinfold Street, DARLASTON, WEDNESBURY, WS10 8SY

Proposal: ERECTION OF SECURE BIN STORE IN EXISTING CAR PARK, AND WIDENING OF EXISTING RAMP TO MAIN ENTRANCE. PROPOSED BIN STORE TO CONTAIN CLINICAL AND NON-CLINICAL WASTE, INCLUDING COVID-19 RELATED WASTE.

Application Number: 20/1526

Case Officer: Sally Wagstaff

Applicant: NHS Property Services

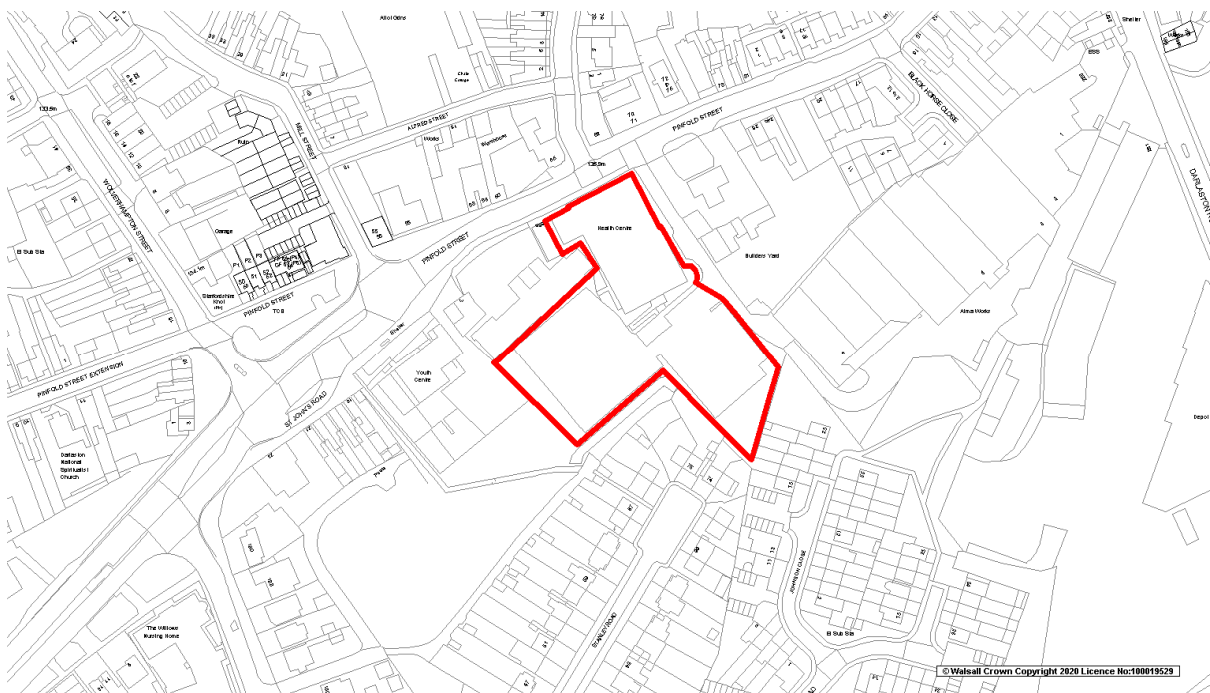
Ward: Darlaston South

Agent: Matt Sheffield

Expired Date: 15-Feb-2021

Application Type: Full Application: Minor Use Class E(e) (Medical or Health Services)

Time Extension Expiry:



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received within the consultation period; and
- Finalising of planning conditions

Proposal

This application relates to the erection of a secure bin store within the existing car park of Darlaston Health Centre for clinical and non-clinical waste including covid related waste.

The health centre is currently being used as a vaccination centre as part of the Covid-19 vaccination programme.

The proposed bin store will be wooden with a steel frame and roof with two separate compartments for up to 9 bins. 6 bins for general waste and 3 bins for clinical waste. The bin store will have two separate digipad door locks for both compartments. Internal and external bulkhead lights will be fixed above the doors.

The bin store will be located behind the entrance gates to the car park within 2 bays currently used for disabled parking.

The bin store measures:

- 6 metres in width
- 4.65 metres in depth
- 2.7 metres in total height

There are currently a number of bins close to the existing access ramp to the entrance, non-clinical waste bins are on the pavement and clinical waste bins locked behind a palisade fencing enclosure. The proposal would allow for the existing waste to be kept within a secure area.

The proposal also includes widening of the existing ramp to the main entrance of the health centre. The ramp will be increased to 1.68 metres in width at the widest point enclosed by a wall approx. 700 mm in height with a handrail. Lighting will be added on the ramp to ensure the safety of the customers after dark. The existing security fencing and gates around the entrance to the ramp will be replaced with new ones to match the existing.

Site and Surroundings

The application site hosts a two storey modern pitched roof health centre at the back of the footpath along Pinfold Street, Darlaston. There is a large car parking relating to the centre to the rear of the site accessed via a driveway along the eastern side of the building.

The main entrance to the health centre to the rear of the building, there is an accessibility ramp and cycle storage to the front of this. There is also an entrance on Pinfold Street which currently not in use.

To the east of the site is a car dealership, caravan storage facility and beyond this a trailer parts manufacturing business.

To the south of the site are residential properties of Johnson Close, the nearest property no. 25 has a triangular garden with one corner close to the boundary of the application site, the garden is approximately 30 metres away the location of the bin store.

There are also residential properties to the south east of the site on Stanley Road, no. 75 has a back garden which adjoins the boundary of the site, the garden is approximately 35 metres from the location of the bin store.

To the west of the site is Shi Guru Ravidass Temple and Jhoots pharmacy both facing Pinfold Street.

Relevant Planning History

None

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 4 – Decision Making**

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
- ENV32: Design and Development Proposals
- T4 - The Highway Network
- **Black Country Core Strategy**
- Vision, Sustainability Principles and Spatial Objective

- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies (*Officer comments in italics*)

Highway Authority – Support, the ramp alterations shall meet DfT Inclusive Mobility guidance standards.

Public Health – (*verbal comments*) The contents of the bins would be managed by a clinical waste company in line with their set requirements. If members of the public have specific concerns regarding this management of the waste they are able to contact the Environment Agency for further advice.

Pollution Control – No requirements or recommendations

Police Architectural Liaison Officer – No objections

Representations

Objections have been received from 4 nearby neighbours with concerns relating to:

- Covid waste stored close to residents and users of health centre
- Health safety risks are unknown as they are not described in application
- Bin store is within close proximity to neighbouring gardens
- How will the health centre ensure bin store is secure
- How will the bin collections be managed
- Increased heavy duty vehicular movements next to residential properties
- Fear of rodents

Determining Issues

- **Design and Character of the Area**
- **Amenity of neighbouring residents**
- **Health and safety of local residents**

Assessment of the Proposal

Design and Character of the Area

The size, height and design of the bin store is appropriate for the needs of the health centre and would not have a detrimental impact upon the character of the area.

Widening the existing ramp and associated changes would be an improvement for the users of the health centre and would not have a detrimental impact upon the character of the area.

Amenity of neighbouring residents

The proposed bin store would be sited approximately 30 metres from the nearest property no. 25 Johnson Close and 35 metres from no. 75 the nearest property on Stanley Road with the health centre car park between the properties and the bin store. The bin store would not result in a loss of light or outlook to residential properties on Johnson Close and Stanley Road.

Health and safety of local residents

The site currently has clinical and non-clinical waste bins which will be moved into the secure bin store. Planning permission is required for the physical bin store and not its contents, nevertheless the safety of local residents is a material consideration. Public Health have been consulted and have verbally advised that the contents of the bins would be managed by a clinical waste company in line with their set requirements. The applicant has confirmed that all of the covid waste will be handled in line with government guidance. It is understood there will be no change to the existing collection routine.

It is considered that the location of the bin store and the security provided will be an enhancement to the current facilities in place at the health centre. The bins have lids and would be securely locked away with a digipad security system to enable access only to those who manage the waste. The proposed bin store would be sited approximately 30 metres from the nearest property no. 25 Johnson Close and 35 metres from no. 75 the nearest property on Stanley Road with the health centre car park between the properties. It is considered the contents of the secure bin store and the collection of the waste would have not have an effect upon the quality of life enjoyed by the occupiers of properties on both Johnson Close and Stanley Road. Public health have advised if members of the public have specific concerns regarding this management of the waste they are able to contact the Environment Agency for further advice.

On balance it is considered the proposal would result in a scheme which is no more harmful to the health of local residents than the current waste facilities provided onsite.

Access and Parking

The proposal would not result in a change to the access onto the car park. No changes are proposed to the collection routine on site.

The proposed bin store would be located in two disabled parking spaces resulting the loss of two spaces. Disabled parking facilities remain on site to meet the needs of the users of the health centre.

No objections received by the Highway Authority in relation to highway and pedestrian safety. A note to the applicant is recommended in relation to the ramp complying with DfT Inclusive Mobility guidance standards.

Conclusions and Reasons for Decision

The design of proposal is considered to be acceptable in terms of size, height and materials and on balance would not harm the character of the area. The proposal complies with saved polices GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD.

The development has a limited impact upon the amenity of neighbouring properties in terms of light, outlook and privacy. The proposal complies with saved polices GP2 and ENV32 of Walsall's UDP.

The proposal does not warrant refusal on the basis of the contents of the bin store.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised by local residents in terms of the management of the waste, additional information has been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received within the consultation period; and
- Finalising of planning conditions

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Proposed Bin Store, drawing no. UJ085-1532-DB-RE-ZZ-DR-A-0803 rev 04, submitted 22/12/20
- Proposed Ramp Adjustments, drawing no. UJ085-1532-DB-RE-ZZ-DR-A-0803, rev 03, submitted 22/12/20

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

Notes for Applicant

1. The ramp alterations shall meet DfT Inclusive Mobility guidance standards.

END OF OFFICERS REPORT