



## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 5

#### Reason for bringing to committee

Council Application

#### Application Details

**Location:** 4 BLAKENALL HEATH, BLAKENALL HEATH PRECINCT, WALSALL, WS3 1HL

**Proposal:** ERECTION OF PROTECTIVE WINDOW MESH TO WINDOWS ON THE FIRST FLOOR AND SECOND FLOOR.

**Application Number:** 20/1356

**Case Officer:** Leah Wright

**Applicant:** Walsall Metropolitan Borough Council

**Ward:** Bloxwich East

**Agent:** Baily Garner LLP

**Expired Date:** 24-Jan-2021

**Application Type:** Regulation 3: Minor Application (SI 1992/1492)

**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:

- Submission of a revised design for an acceptable form of window grilles; and
- Finalising of conditions.



## Proposal

This application proposes the erection of protective window mesh/grilles to windows on the first and second floor at 4 Blakenall Heath.

A Design and Access statement was submitted to support the application stating that Walsall Council have an ongoing problem with bricks being thrown through the unit windows and thus they are constantly having to replace the windows.

At present, the windows are boarded up by MDF and as such, this proposal is seeking a more permanent solution to the effects of anti-social behaviour at the site.

It has been expressed by officers that the present design of the grilles is not acceptable and would result in a development which appears unattractive and incongruous, being a detriment to not only the subject property but to the parade of units and surrounding area.

It is however noted that the grilles are necessary to combat the ongoing issue of security and crime at this site.

## Site and Surroundings

Number 4 Blakenall Heath is the end unit within a parade of 4 units. The parade is three storeys high with commercial on the ground floor and residential above. The units are sited within the Bloxwich area of the West Midlands which lies 2.5 miles from Walsall Town Centre. The overall site measures 0.019ha, most of which is a commercial unit. The proposed site for the works measures approximately 120sqm.

The site can be accessed by pedestrians from Blakenall Heath and there is vehicular access located to the south of the block.

4 Blakenall Heath benefits from single storey extensions.

The surrounding area is characterised by residential to the west and commercial shops to the east.

The site is not within a Conservation Area nor is it a listed building.

## Relevant Planning History

**07/0410/AD/E6-1** no. internally illuminated fascia sign 4457mm wide, 1036mm (maximum) height and set 495mm from wall in front of roller shutter box- **Grant**

**04/1879/FL/E5**-Demolition of existing public convenience. Removal of existing canopy - 1-4 Blakenall Heath. Proposed Public Convenience - adjacent 5 Blakenall Heath. Proposed canopy - 1-4 Blakenall Heath. Environmental Improvements - Paving, lighting, furniture & fencing- **Grant**

**04/0891/AD/E6**-New signs on front and side of building- **Grant**

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 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **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](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- GP2: Environmental Protection
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres

### **Black Country Core Strategy**

- CSP4: Place Making
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

### **Site Allocation Document**

- SLC1: Local Centres

### **Designing Walsall**

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

## Supplementary Planning Documents

- Shopfronts (2014)

### Consultation Replies

**Designing Out Crime** - No comments received.

**Area Partnership Team** – No comments received.

### Representations

No representations received.

### Determining Issues

- Design and character of the property and surrounding area
- Amenity of nearby residents

### Assessment of the Proposal

The NPPF has three overarching objectives, which are independent and need to be pursued in mutually supportive ways.

At section 2 of the NPPF (Achieving sustainable development) reference is made to a social objective. It states that support to strong vibrant communities can be achieved by fostering a well-designed and safe built environment.

At section 7 (Ensuring the Vitality of Town Centres) it states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption.

At Section 8 (Promoting healthy and safe communities) it states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

At Section 12 (Achieving well designed places), it states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Policy ENV32 of the Unitary Development Plan (UDP) states that poorly designed development or proposals which fail to properly take into account of the context or surroundings will not be permitted. The policy goes on to further explain that when assessing the quality of design of any development proposal, the Council will use some or all of the criteria. There is specific mention here in the criteria to community safety and security which is the key to this proposal.

Policy ENV35 of the UDP refers to proposals for grilles and lists a number of factors that Council will take into account. Notably these include the character of the area in which they are located, the prominence of the building, whether the building is subject to surveillance by CCTV, and any proposals and initiatives for the enhancement of the centre in which they are located.

It is considered that grilles can have a significant effect on the appearance of an area. The shopfront SPD makes significant reference to security stating that security has always been a serious consideration in retail due to the risk associated with commercial goods. The fear of crime in conjunction with a rise in antisocial behaviour in modern society has resulted in a drive towards the use of aggressive security and surveillance measures.

Excessive security does, however, encourage crime itself as it suggests that valuable goods are present. It goes on to further explain that grilles should use frames that align with the mullions and transoms of the window behind and should be fixed sensitively into the masonry joints so as not to irreversibly damage the building.

Grilles should always sit within the window reveal and not be proud of the elevation or extend further down than the window cill. Further, Secure By Design certificated grilles are the preferred choice and should be certified to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications.

Policy DW2 of the Designing Walsall SPD, Safe and Welcoming Places, makes reference to the fact that residents must feel safe and secure in their homes and going about their daily life. It goes on to explain that opportunities for crime against property and the occupants of buildings must be minimised without compromising the visual quality of the townscape and landscape.

On balance, taking into account the specific nature of the ongoing issues at this site, it is considered that the principle of window grilles at this location being both commercial and residential in nature, is acceptable in this instance and evidenced by the above reference to national and local policy. This is however subject to receipt of a revised and improved design to ensure their appearance minimises the potential for any increased fear of crime in the locality by introducing improved materials, design and finish of the grilles.

### **Design and Character of the proposal**

The proposed window grilles are to be installed to each window of the property and ground and first floor. The largest window, which is sited to the front elevation of the property at first floor, measures 2x2m. The grilles are considered to be modest in size and would not be excessive in nature.

Subject to their final design, they would not visually detract from the character and setting of the property or the existing parade. A planning condition would be attached to ensure the external finishing of the proposed works and the submission of details of materials.

It is considered the works would not significantly alter the building, nor would they result in changes to the layout of the development nor would it give rise to the number of inhabitants or vehicles to the site. Further the occupants of the property will still be able to open windows for natural ventilation, whilst protecting the glazing.

As such, they would serve the purpose of designing out crime without significantly compromising the visual quality of the building and surrounding area, subject to a revised design as mentioned above.

### **Amenity of nearby residents**

The window grilles would not give rise to an impact on the amenity of residents in terms of an overbearing/overshadowing impact.

The erection of window grilles would not detrimentally impact the visual amenity/ outlook of surrounding residents subject to conditions to secure the design of the grilles at all elevations in accordance with the amenity requirements of saved UDP policy GP2.

## Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, and the specific circumstances of this site and ongoing issues, it is considered that the erection of window grilles, subject to their final design, to the first and second floor would not cause any significant increase in fear of crime or result in any negative visual impact or result in any loss of visual amenity or loss of privacy for neighbouring occupiers subject to the below conditions.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework NPPF2,4,7, 8 and 12, BCCS policies CSP4, CEN1, CEN2, CEN3, CEN4, CEN5, ENV2 and ENV3, Policies, ENV14, ENV32, ENV35, GO2, S1, S2, S3, S5 of the saved Unitary Development Plan, the Shopfront SPD and the Designing Walsall Policies DW1, 2, 3 and 10.

The use of safeguarding conditions in respect of the approved materials and plans will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

### Positive and Proactive Working with the Applicant

#### **Approve**

Officers have spoken with the applicant's agent and in response to concerns raised regarding the design of the window grilles amended plans have been requested to enable full support to be given to the scheme.

### Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:
  - Submission of a revised design for an acceptable form of window grilles; and
  - Finalising of 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: This development shall not be carried out otherwise than in conformity with the following approved plans: -

1100 REV 01- Site Location and Block Plan – Received 30/10/2020  
4400 REV 01- Existing elevations– Received 30/10/2020  
4200 REV 01- Existing plans – Received 30/10/2020  
Design and Access Statement – Received 30/10/2020

1200 Rev 01 – Proposed GA Plans – Received 30/10/2020  
1400 Rev 01 – Proposed Elevations – Received 30/10/2020

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).

3a: Notwithstanding the details as submitted, and prior to commencement of the development hereby permitted, a revised design of window grilles shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a schedule of materials to be used in the construction of the window grilles, including details of the colour, size, texture and material and specification.

3b: The window grilles hereby permitted shall use frames that align with the mullions and transoms of the existing window behind and should be fixed sensitively into the masonry joints. The grilles shall be installed to sit within the window reveal and not be proud of the elevation or extend further down than the window cill.

3c. The development shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be maintained and retained for the life time of the development.

Reason: To provide a satisfactory means of safety and security and to ensure a satisfactory appearance of the development, in compliance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan, BCCS Policies CSP4, ENV2 & ENV3, DW2, DW3 & DW10 of the Designing Walsall SPD, the Shopfront SPD and the National Planning Policy Framework.

4: The window grilles shall not be installed other than in accordance with Secure By Design certificated grilles to LPS1175 security rating 2 (minimum) and installed in accordance with the manufacturers specifications.

Reason: To ensure a high level of security of the grilles hereby approved and to safeguard the amenities of the area and the occupiers of the neighbouring properties in compliance with the Shopfront SPD and saved policies GP2 and ENV35 of Walsall's Unitary Development Plan and policy DW2 of the Designing Walsall SPD.

**END OF OFFICERS REPORT**