

## Planning Committee

Report of Head of Planning and Building Control on 05 October 2023

Plans List Item Number: 1

### Reason for bringing to committee

Called in by Councillor Mehmi on the grounds that re-development offers an improvement to the character/amenities of the surrounding area to outweigh any potential harm.

### Application Details

**Location:** MORRIS CAR AND COMMERCIAL VEHICLE REPAIRS, ROLLINGMILL STREET, WALSALL, WS2 9EG.

**Proposal:** OUTLINE APPLICATION ALL MATTERS RESERVED FOR THE DEMOLITION OF EXISTING CAR GARAGE AND FRONT BOUNDARY WALL AND ERECTION OF A THREE STOREY BLOCK OF 16 X 1 AND 2 BEDROOM FLATS. CAR PARKING AND ASSOCIATED WORKS. (AFFECTS PROW WAL87).

**Application Number:** 21/1686

**Case Officer:** Stephanie Hollands

**Applicant:** Mr Prem Sundaru

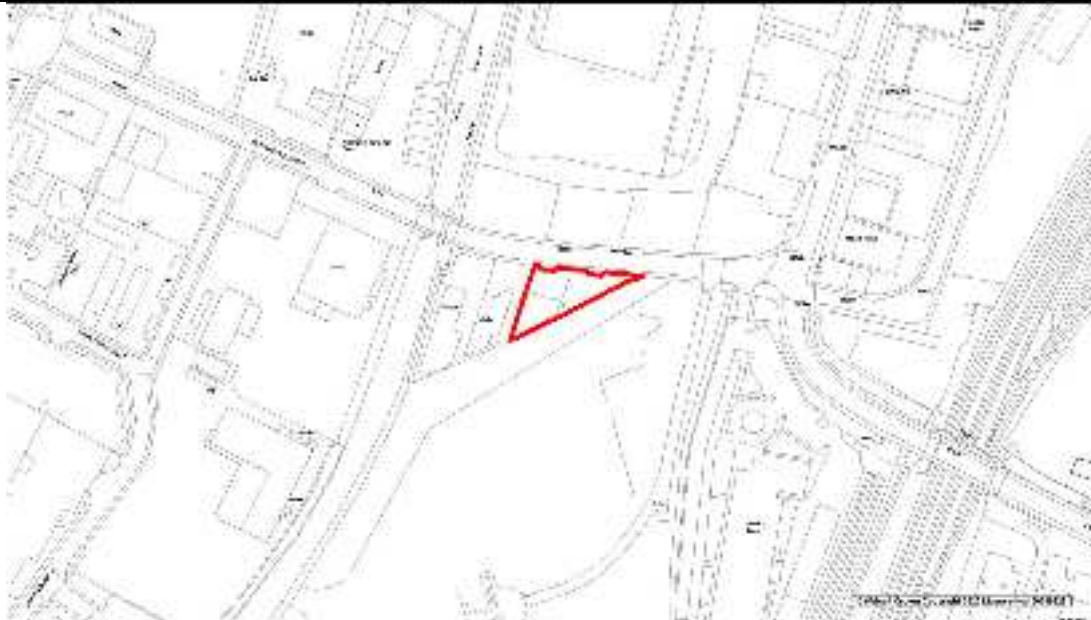
**Ward:** Pleck

**Agent:** Mr Oswell Dhilwayo

**Expired Date:** 24-Feb-2022

**Application Type:** Outline Permission: Major Application

**Time Extension Expiry:** 13-Oct-2023



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### Recommendation

Refuse

## Proposal

Outline application all matters reserved for the demolition of existing car garage and front boundary wall and erection of a three-storey block of 16 x 1 and 2 bedroom flats. Car parking and associated works. (Affects PROW Wal87).

The application forms indicate 10 x 1 bed and 6 x 2 bed flats and the indicative plans submitted indicate a two to three storey building with 4 flats on the ground floor, 8 flats on the first floor and 4 flats on the second floor. The building would be an irregular shape and would sit across the southern boundary of this triangular shaped site.

It does not appear that any private shared amenity space would be provided.

The development would utilise one of the existing vehicle access to Morris Motors off Rollingmill Street and the layout indicates 17 off street parking spaces along the western part of the site.

It is proposed that the proposal shall support the Walsall Access to Housing by allocating the development apartments into 60% ownership, 25% social renting and 15% private renting.

A Design and Access Statement has been submitted in support of this application.

## Site and Surroundings

The application site is currently occupied by Morris Car and Commercial vehicle repairs. It is occupied by a large single storey brick-built building with profiled sheeting roof and large roller shutter to the front set back from Rollingmill Street by approx. 15 mts. The forecourt area is used as customer car parking and car storage.

The frontage consists of a white painted 1.5m high brick wall with iron railings above and a wrought iron access gate from Rollingmill Street.

To the west of the application site is Queen Street Cemetery and Sister Dora Gardens.

To the east of the site there are two other similar size commercial buildings occupied by Kulaz Motors and MOT testing.

Rollingmill Street rises from east to west with the other two commercial units being on higher level to the application site.

The area is predominantly commercial in character (with the exception of the cemetery and gardens adjacent). Opposite is the Premier Business Park which is core employment land as identified by the Unitary Development Plan.

## Relevant Planning History

21/1032 - Outline application including access, appearance, landscaping, layout and scale of the demolition of existing car garage and front boundary wall and erection of a three-storey block of 17x 1- and 2-bedroom flats. Car parking and associated works. (Affects PROW Wal87) – Withdrawn – 07/10/2021.

18/1240 - Change of use from vehicle repairs workshop (B2 General Industry) to vehicle repair workshop and MOT testing station (Sui Generis Use) - Grant subject to conditions – 06/11/2018

P18157 – Erection of factory for chain making. Grant permission subject to conditions 1955

P37072 – Extension to the chain making factory. Grant subject to conditions 1965

BC6582 – Display of motor vehicles from forecourt. Grant subject to conditions 1977

## 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 5 – Delivering a sufficient supply of homes**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 56) 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 in the process and can speed up decision making. 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**

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV23: Nature Conservation and New Development
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- LC1: Urban Open Spaces
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H4: Affordable Housing
- T1: Helping People to Get Around
- T8: Walking
- T9: Cycling
- T7: Car Parking
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- EMP3: Local Quality Employment Areas
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

RC1: The Regeneration Corridors  
HC2: Development of Other Land for Housing  
IND3: Retained Local Quality Industry  
M1: Safeguarding of Mineral Resources

## **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

## **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
- Appendix D

## **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
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

### **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
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

## **Consultation Replies**

**Canal and River Trust:** Advise that suitably worded conditions and/or a legal agreement are necessary.

**Community Safety Team:** No comments received.

**Drainage:** No comments received.

**Ecology Officer:** No comments received.

**Housing Strategy:** Policy HOU3 of the Black Country Core Strategy seeks to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. I note that the applicant is proposing 25% of the development as social rented housing. This would be acceptable as long as secured by way of S106 agreement.

**Housing Standards:** No comments received.

**Inland Waterways Association:** No comments received.

**Local Access Forum/ Ramblers Association:** Concerns raised.

**Local Highways Authority:** Support in principle subject to revisions and conditions.

**Public Health:** Ask that a % of maisonettes are available at affordable rent or purchase. That opportunities for active travel are made so that this proposed development provides cycle parking with electric charging points is good.

**Environmental Protection:** The development is unsuitable for the location and Pollution Control do not support the application.

**Severn Trent Water:** No objections to the proposals subject to the inclusion of a condition.

**Public Rights of Way:** Objection at this time as the application proposes to build upon a PROW, the applicant will need to confirm their proposals for a stopping up.

**Strategic Planning Policy:** The application is almost identical to previous application 21/1032 and our comments remain the same. The design and access statement refers to the superseded UDP proposals map rather than the current policies map. The site is allocated for retained local quality industry under SAD policy IND3, not policy IND4. The site is currently occupied by a functioning employment use and lies in the middle of an industrial area. The application should therefore be refused.

**Tree Preservation Officer:** No comments received.

**Waste Management (Clean and Green):** No comments received.

**West Midlands Police:** Observations and recommendations, no objection.

## Representations

The application was advertised by way of site and press notices displayed and notification letters sent to 11 surrounding properties. The public consultation time expired 27th May 2022. Two objections have been received with the following comments provided below:

- This is highly commercial area of Walsall, any residential use will have a dramatic impact on businesses in the surrounding area around operating hours, noise, and light pollution, some of these are long standing businesses and this situation is often seen where permission to build properties is given and then businesses or entertainment facilities are forced out due to noise etc. It is not practical to build this type of property in this area.
- Our position with regards the proposed planning application 21/1686 is identical to what was submitted last year for 21/1032, please refer to the comments below. Our position is unchanged which is you cannot put a residential block of flats directly in the middle of an industrial estate; we are a 24-hour police recovery contractor, and the proposed site is opposite to our main salvage yard that is in use all day and night. The proposal will harm the estate with the change of use and also our business directly.

## Determining Issues

- Principle of development
- Design, layout and character
- Amenity of neighbours and amenity of future occupiers
- Highways
- Public right of way
- Ground conditions and environment
- Nature conservation
- Planning Obligations
- Urban Open Space Contribution

- Local Finance Considerations

## Assessment of the Proposal

### Principle of development

The site is allocated in the Walsall Site Allocation Document for retained local quality industry, site reference IN49.4 under policy IND3. Residential development is therefore contrary to this policy and to Black Country Core Strategy (BCCS) Policy EMP3. Evidence published for the Black Country Plan shows that we need a significant increase in employment land and the retention of most existing employment land to support housing growth. This proposal would be contrary to that need and would cause a loss of employment land. In addition, whilst any new use of the site would be required to provide suitable mitigation against possible adverse effects from existing nearby uses under the 'agent of change' principle in NPPF paragraph 187, residential development is likely to constrain the remaining nearby industrial uses.

The Design and Access Statement has misinterpreted the development plan and the SHLAA. The statement includes an extract of the UDP proposals map (which showed no specific allocation for this site) but this has been superseded by the policies map that supports the SAD. It also refers to policy IND4 (which is in the SAD), however this policy relates to specific sites that are identified on the policies map and does not include the current site.

The SHLAA does not form part of the development plan, but in any case, the 'broad locations' it refers to do not include sites that are allocated for another use in the plan.

The Statement also refers to the previous planning permission for the change of use of the site from B2 to motor repairs. The motor trade is listed under BCCS policy EMP3 as an appropriate use for local quality industry areas.

Even if residential development was acceptable on the site, the type of development proposed would be inappropriate. The proposed density would equate to 112 dwellings per hectare. BCCS policy states that developments of 15 dwellings or more should provide a range of house types with reference to the standards in table 8. Table 8 indicates that densities in excess of 60 dwellings per hectare are only appropriate within a strategic centre or town centre.

Residential development would also be required to contribute to affordable housing and off-site open space.

The Applicant has not confirmed whether they would be willing to enter into a S106 agreement to provide these contributions.

Based on the above Strategic Planning Policy recommend that the application should therefore be refused.

### Design, layout and character

The character of the area is industrial/commercial. The indicative proposal seeks to erect a two and three storey residential development with a stepped and varied ridgeline due to the land levels within the existing site. The proposed two and three storey development will be out of character with the existing industrial/commercial uses in the area.

The proposed two and three storey development by reasons of its scale, massing and poor design would be inappropriate in its context, fails to integrate into the existing urban form, or add to the overall character and quality of the area. The indicative plans show the proposed development would sit at the east of the site fronting Rollingmill Street, the proposed two and three storey development would be visually prominent and visually obtrusive in the street scene, and especially given the gradient of the site and that the site slopes downwards towards



the junction with Corporation Street West, Queen Street and Long Street. Furthermore, the elevations are of a poor design.

The proposed layout consists of built development with very little space for amenity and planting within the site. This is uncharacteristic of the surrounding pattern of development as such represents over development of the site.

The indicative plans do not appear to provide any private shared amenity space and limited space on site for this provision.

One of the bin stores and the cycle store have been located abutting the northern boundary of number within the car parking area. Whilst there are no elevation details of these structures, the cycle parking structures is isolated and set away from the proposed flats and the bin locations are on the site frontage to Rollingmill Street. These should be integral features or positioned closer to the flats.

The ground floor habitable room windows of flats 1-4 would be in very close proximity to the boundary treatment required to secure the site adjacent to the Queen Street Cemetery and Sister Dora Gardens. It is considered that these windows would have very limited light and outlook.

The West Midlands Police have no objections to the proposal subject to secure by design. If planning permission was to be granted then the recommendations regarding windows, doors etc would be attached as a note for applicant. The Design and Access Statement refers to community safety designing out crime. The undercroft hidden areas can create vulnerability. Security such as alarms and CCTV are sometimes forgotten and are more easily included during construction. These could be secured by way of conditions if the planning permission was to be granted.

### **Amenity of neighbours and amenity of future occupiers**

Environmental Protection previously submitted comments on planning application 21/1032 for a similar development on the same land. These comments remain relevant and have been copied below but would add that the Applicant will need to supply an Air Quality assessment prior to the application being considered.

Pollution Control has concerns about introducing a permanent sensitive receptor in the middle of what is effectively an industrial/commercial estate location, with the attendant consequences of potentially significant negative impacts both on the development itself and the extant industrial activities and businesses in the area. This amounts to consideration of the 'Agent of Change' Principle, as the extant industry etc. could be subject to future constraints in the event that owners/occupiers of the residential premises have legitimate claims in respect of nuisance.

The application site is located in an industrial location at a point where there are notable vehicle movements passing the site, including Heavy Goods Vehicles which access the area. No noise impact assessment has been carried out and it is not known whether sufficient mitigation can be engineered into the design to off-set the impacts of traffic/vehicles movements and neighbouring industries. It stands to reason that this can constrain and/or inhibit future expansion from existing industry, as well as deterring other businesses coming to the locality.

Approximately 100 meters from this site is a business, which due to their emissions to air, land and water (including noise) holds a Part A2 Environmental Permit. While the emissions are controlled by limits within the permit, any residential premise in such proximity may require them to re-evaluate said emissions and the regulator will be required to introduce tighter emission limits.

On balance, it is considered that the general amenity of residents would be poor at best, and if an acceptable internal amenity could be delivered it would necessitate sealed windows and other elements to reduce noise, poor air quality and potential odour impacts.

In conclusion, the development is unsuitable for the location and Environmental Protection do not support the application.

This application fails to demonstrate how the proposed development would mitigate against noise arising from nearby industrial uses in order to provide an acceptable level of amenity to intended occupiers. This application also fails to provide an assessment, along with any necessary mitigation, of potential ground contamination, hazardous materials and air quality to ensure the safety of occupiers.

Neighbouring occupiers have also raised concerns with regards to the impact on the operation of existing businesses introducing residential into an established industrial/commercial area.

### **Ground conditions and environment**

The application site lies within a Coal Development Low Risk Area.

No information regarding ground contamination on the site was supplied in support of the application and Environmental Protection holds no information on ground conditions at this site address other than that obtainable from previous land use data and historic mapping. This shows that the site has historically been occupied by an industrial/commercial use. On this basis it would be necessary for a ground condition survey to be submitted in order to identify any potential ground contamination and mitigation requirements.

### **Highways**

Rollingmill Street is an unclassified road on the periphery of the town centre in a predominantly commercial area. There is an existing uncontrolled pedestrian crossing point on Rollingmill Street approximately 30m to the south of the site. It is believed a Definitive public right way crosses the site. The site is well connected to the footway and canal towpath network and is approximately 1000m from the town centre. It is therefore considered a reasonably sustainable location.

The site is currently served by two commercial vehicle accesses. The proposal looks to utilise the western-most access with modification. The redundant access shall be permanently removed and reinstated back to full kerb height.

17 parking spaces for the 16 flats is provided. Notwithstanding the site is reasonably sustainable, being approximately 1000m from the town centre, there are parking restrictions on both sides of Rollingmill Mill Street so cannot accommodate any over-spill parking, say for visitors of residents with more than one car. Adequate reversing aisle widths are provided on the indicative layout.

The level of on-site parking should therefore be increased to 150%.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

Therefore, in light of the comments above, the Highway Authority supports, in principle, the residential redevelopment of the site subject to the following:

- The level of parking provision shall increase in line with T13 parking policy in order to minimise potential over-spill parking onto Rollingmill Street which carries a high percentage of commercial traffic.
- There appears to be level difference between the car park and the building entrance required flights of steps. A ramped access will be required also to ensure the car park is fully accessible.
- Covered, secure cycle shelter provision will be required.
- A suitably sized and accessible Refuse Bin Storage facility will be required.
- A construction traffic management plan (CEMP) will be required.

### **Public right of way**

A definitive public right of way, known as footpath 87 Walsall falls within the red planning boundary outline, within the sites southern boundary. This footpath is obstructed and has not been open to public use for some years but remains present as no stopping up or diversion order has ever been completed despite the path being closed off within the former Morris Cars site.

Public rights of way object to the application on the grounds of insufficient information. At present, the application fails to acknowledge the presence of public footpath 87 Walsall and does not set out details for a stopping up order, or alternative proposals for this footpath.

The indicative proposed planning layout shows that new dwellings, parking areas and amenity space would be built on the line of Public Footpath 87 Walsall. The public rights of way team would support an order to stop up Footpath 87 between Rolling Mill Street and Footpath. Based upon the current proposed layout, the footpath would be built upon and the statutory requirements for an order would therefore be met.

Stopping up of the footpath is the preferred approach, as should the path be re-opened across the site it would remain obstructed elsewhere. Creating a cul-de-sac would allow opportunities for crime and ASB and would compromise safety and security of the proposed development.

A stopping up order must be made under either:

- Section 257 of the Town and Country Planning Act 1980, upon application to the Public Rights of Way Team at Walsall Council. I enclose a copy of our application form for background information;
- Or Section 247 of the Town and Country Planning Act 1990, upon application to the Department for Transport. For further information see <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

It will however be necessary for the stopping up to be completed prior to commencement of the proposed development and pre-commencement planning conditions are required in respect of this.

### **Nature Conservation**

The application site is in close proximity to Queen Street Cemetery and Sister Dora Gardens which provides an opportunity for bats to be present within the application building. This application has not been supported by a bat survey and has failed to assess, or provide any necessary mitigation for, the potential for bat presence and is contrary to the NPPF, BCCS Policy ENV1, UDP Policy ENV23 and NE1-NE6 of the Natural Environment SPD.

## **Planning Obligations**

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- necessary to make the development acceptable in planning terms.
- directly related to the development.
- fairly and reasonably related in scale and kind to the development.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework.

The development triggers the Council's policies regarding contributions towards 25% Affordable Housing. Saved Policy H4 (Affordable Housing) of the Walsall Unitary Development Plan sets out that developers must ensure that affordable housing will be reserved for those that need it and will remain available at low costs of initial and successive tenants.

Policy HOU3 (Delivering Affordable Housing) of the Black Country Core Strategy sets out that local planning authorities will seek to secure 25% of affordable housing on all sites of 15 or more dwellings where it is financially viable. The tenure and type of affordable housing will be determined on a site by site basis based on the best available information regarding housing need. On sites where 25% affordable housing is proven not to be viable, the maximum provision will be sought that will not undermine the viability of the scheme, subject to achieving optimum tenure mix and securing other planning obligations as necessary. Claw back and other flexible arrangements will be sought through planning agreements, wherever possible, to allow for changing market conditions.

The Council's Affordable Housing SPD (April 2008) sets out guidance affordable housing. This includes guidance on the mix of sizes and spatial location within the site.

It is proposed that the proposal shall support the Walsall Access to Housing by allocating the development apartments into 60% ownership, 25% social renting and 15% private renting.

The applicant would be required to enter into a S106 to secure 25% policy compliant affordable homes with affordable rent tenure.

No agreement has been provided by the applicant to the necessary S106 to secure the affordable housing provision, and this will form a refusal reason.

## **Urban Open Space Contribution**

Policy OS1 of the urban open space SPD and policies GP3 and LC1 of the UDP requires all types of residential development to provide a contribution towards public open space for all development with 10 or more units being proposed. In this case, the proposal for 16 flats would require a commuted sum of £ 14,366.00 to be made. The audit of green spaces around the Borough has identified a shortfall in provision for children and young people and the quality of some parks and other spaces. The aim of the contributions is to maintain and improve all parks and gardens and coping with increased pressure on existing provision and creating new open spaces to cope with additional pressure. The proposed development would result in an unacceptable demand on open space provision in the locality in the absence of alternative provision to be secured by a S106 Agreement.

No agreement has been provided by the applicant to the necessary S106 to secure the open space contribution, and this will form a refusal reason.

The proposed development would result in unacceptable demand on limited public open space provision in the locality in the absence of any provision to address these shortfalls. As such the proposal is contrary to policies HOU2 and HOU3 of the Black Country Core Strategy and saved policies GP3 and LC1 of the Walsall Unitary Development Plan, Policies OS1, OS2, OS3, OS4, OS5, OS6, OS7 and OS8 of the Urban Open Space Supplementary Planning Guidance.

### **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 16 new homes.

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

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

## **Conclusions and Reasons for Decision**

In weighing the key material considerations and consultee responses against the national and local planning policies and guidance, it is considered the proposal cannot be supported in its current form due the loss of an existing employment site allocated for retained local quality industry and there are no benefits of the proposal that would outweigh the harm arising from this loss. The loss of this employment land would result in additional adverse impacts to the Council's existing shortage of employment land supply. In addition, the proposal fails to evidence how the development would mitigate against noise arising from nearby industrial uses to ensure their continued unhindered operation.

The proposed two and three storey development will be out of character with the existing developments in the area along Rollingmill Street.

The proposed two and three storey development by reasons of its scale, massing and poor design would be inappropriate in its context, fails to integrate into the existing urban form, or add to the overall character and quality of the area. The indicative plans show the proposed development would sit at the east of the site fronting Rollingmill Street, the proposed two and three storey development would be visually prominent and visually obtrusive in the street scene, and especially given the gradient of the site and that the site slopes downwards towards the junction with Corporation Street West, Queen Street and Long Street.

The proposal fails to demonstrate how the proposed development would provide a satisfactory level of amenity for intended occupiers in terms of noise and disturbance, light, outlook and lack of private amenity space.

The proposed development would result in unacceptable demand on limited public open space provision in the locality in the absence of any alternative provision to address these shortfalls. As such the proposal is contrary to policies HOU2 and HOU3 of the Black Country Core Strategy and saved policies GP3 and LC1 of the Walsall Unitary Development Plan, Policies OS1, OS2, OS3, OS4, OS5, OS6, OS7 and OS8 of the Urban Open Space Supplementary Planning Guidance.

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

## Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

## Recommendation

Refuse

Reasons for Refusal

1. This application would result in the loss of an existing employment site allocated for retained local quality industry and there are no benefits of the proposal that would outweigh the harm arising from this loss. The loss of this employment land would result in additional adverse impacts to the Council's existing shortage of employment land supply. This application is therefore contrary to Policy IND3 (Retained Local Quality Industry) of the Site Allocation Document, Black Country Core Strategy (BCCS) Policy EMP3 (Local Quality Employment Areas) and the NPPF paragraph 20.
2. This application fails to evidence how the development would mitigate against noise arising from nearby industrial uses to ensure their continued unhindered operation contrary to Saved UDP Policies GP2 (Environmental Protection), ENV10 (Pollution) and JP7 (Use of Land and Buildings in Other Employment Areas ) and has the potential to constrain adjoining and nearby employment uses to the detriment of the aims of IND3 (Retained Local Quality Industry) of the Site Allocation Document, and the NPPF paragraphs 174 and 185.
3. This application fails to demonstrate how the proposed development would provide a satisfactory level of amenity for intended occupiers for the following reasons:
  - i. Proposal fails to assess, and demonstrate, how the development would mitigate against noise arising from nearby industrial uses.
  - ii. Proposal fails to provide an assessment, along with any necessary mitigation, of potential ground contamination, hazardous materials and air quality to ensure the safety of occupiers.
  - iii. Proposal fails to demonstrate provision of any usable private outdoor amenity space.
  - iv. Proposal fails to demonstrate that an acceptable level of light and outlook could be achieved to ground floor habitable room windows.

The proposal is contrary to NPPF paragraphs 130, 136, 174, 183 to 185, Saved UDP Policy GP2 (Environmental Protection) and Air Quality SPD.

4. The application fails to provide accurate up to date evidence about the possible presence of bats, or the impact on their roosts or habitats within the existing building or around the site. The submission is therefore contrary to saved Policy ENV23 (Nature Conservation and New Development) of Walsall's Unitary Development Plan and Conserving Walsall's Natural Environment SPD.

5. The proposed scale and indicative design of the proposed development would not integrate with the existing built development due to the high density which would be at odds with the surrounding built development along Rollingmill Street. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework paragraph 125, The Black Country Core Strategy, policies CSP4 (Place Making), HOU2 (Housing Density, Type and Accessibility) and ENV3 (Design Quality), and Walsall's Saved Unitary Development Plan policies, in particular GP2 (Environmental Protection), and ENV32 (Design and Development Proposals).
6. The proposed development fails to provide the necessary supporting infrastructure for public open space provision. As such the proposal is contrary to policies HOU2 (Housing Density, Type and Accessibility) and HOU3 (Delivering Affordable Housing) of the Black Country Core Strategy and saved policies GP3 (Planning Obligations) and LC1 (Urban Open Spaces) of the Walsall Unitary Development Plan, Policies OS1 (Qualifying Development), OS2 (Planning Obligations), OS3 (Scale of Contribution), OS4 (Local Standards for New Homes), OS5 (Use of Contributions), OS6 (Quality and Value), OS7 (Minimum Specifications) and OS8 (Phasing of On-site Provision for Children and Young People) of the Urban Open Space Supplementary Planning Guidance.
7. The proposed development fails to secure the affordable housing provision and is contrary to Saved Policies GP3 (Planning Obligations) and H4 (Affordable Housing) of the Unitary Development Plan, Black Country Core Strategy Policy HOU3 (Delivering Affordable Housing), AH1 (Quality of Affordable Housing), AH2 (Tenure Type and Size), AH3 (Abnormal Development Costs), AH4 (Provision Location) and AH5 of the Affordable Housing Supplementary Planning Document and Paragraph 65 (Delivering a sufficient supply of homes) of the National Planning Policy Framework.
8. The application fails to acknowledge the presence of public footpath 87 Walsall and fails to demonstrate how the development would accommodate this footpath and fails to demonstrate any alternative proposals for this footpath. This proposal is therefore contrary to Saved Policies GP2 (Environmental Protection), T1 (Helping People to Get Around), T8 (Walking) and T9 (Cycling) of the Unitary Development Plan, TRAN4 (Creating Coherent Networks for Cycling and for Walking) of the Black Country Core Strategy and Paragraph 100 of the National Planning Policy Framework (Open space and recreation).

## **Notes for Applicant**

### **West Midlands Police**

The applicant may consider the following:

Construction security.

[https://www.securedbydesign.com/images/CONSTRUCTION\\_SITE\\_SECURITY\\_GUIDE\\_A4\\_8pp.pdf](https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf)

Suitable lighting will provide some security.

External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas.

Access control is important.

Restricted to residents and their permitted visitors.

For apartments consider card entry system or similar. With correct management and maintenance this should provide security.

Access control to the building see Secured By Design Homes 2019 page 41, 27.

To allow residents entry, to their floor area and apartment.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see

<https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see :

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_NEW\\_version\\_2.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf)

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Combined fire resistance with security. (See SBD Brochure page 5, 5).

[https://www.securedbydesign.com/images/downloads/DOORSET\\_BROCHURE\\_200319.pdf](https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf)

Cycle stores, approved products. (SBD Homes 2019 page 68, 56).

**END OF OFFICERS REPORT**