

Planning Committee

Report of Head of Planning and Building Control on 07 April 2022

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest.

Application Details

Location: 197, STAFFORD STREET, WALSALL, WS2 8ED

Proposal: EXTENSION TO SIDE OF 197 STAFFORD STREET TO FORM 6 NO. 1 BEDROOM SELF CONTAINED APARTMENTS.

Application Number: 19/0206

Case Officer: Ann Scott

Applicant: M FAZAL

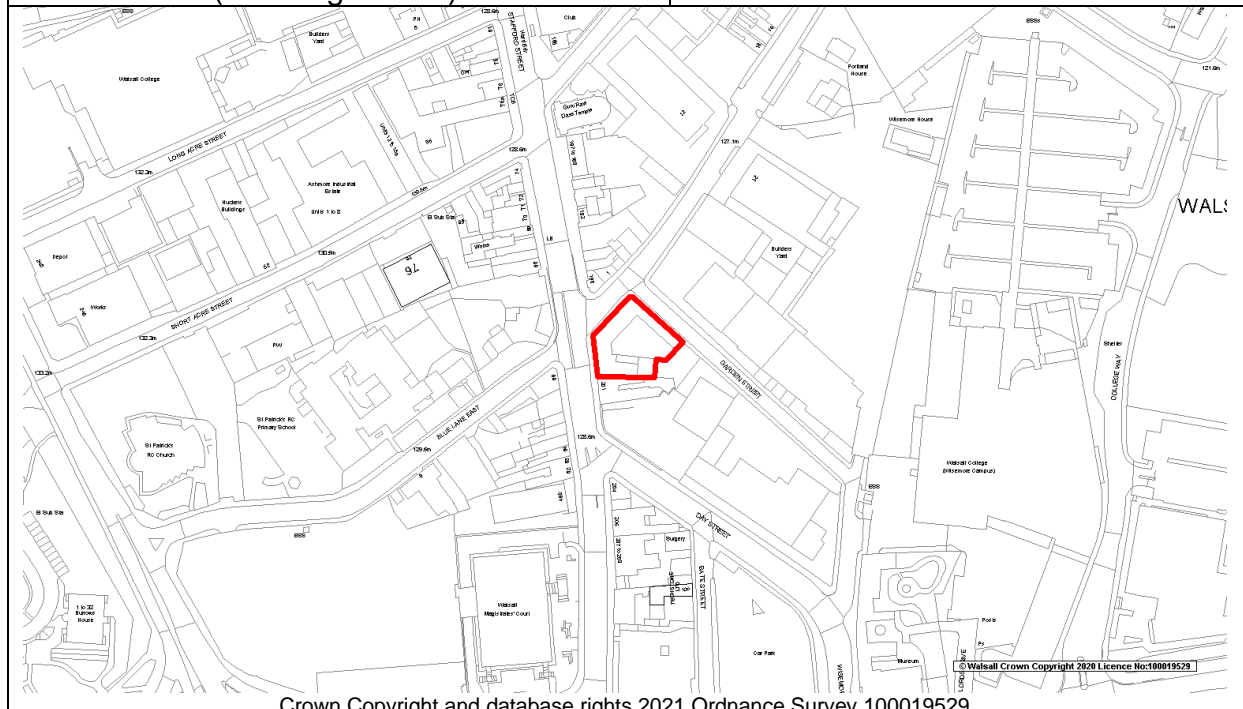
Ward: Blakenall

Agent: PAUL CLIFTON

Expired Date: 10-Apr-2019

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

Time Extension Expiry:



Recommendation:

Refuse

Proposal

In addition to significant community interest, the applicant is related to Councillor Amo Hussain and it is therefore considered necessary to seek resolution on this proposal from Members of this Planning Committee.

Extension to side of 197 Stafford Street to form 6 no. 1 bedroom self-contained apartments. This current application has been submitted following the refusal of application number 18/0714 and has been amended to aim to address the previous reasons for refusal.

This application proposes the erection of a three storey building to provide a total of 6 x 1 bedroom flats accessed via a single entrance point off Stafford Street.

The proposed building would abut 'Oriel House' on the corner of Stafford Street, Portland Street and Garden Street and would be of simple modern overall design with a mix of facing brick and render finish. The proposed building would be similar in height to Oriel House and will measure:

- Between 13m and 13.7m deep;
- Between 7.9m and 9.6m wide; and
- 8.9m high to a flat roof (to match adjoining building 'Oriel House').

A total of 12 x parking spaces are provided on-site which serve the wider application site; 3 x spaces are reserved for the 6 x flats at first floor within Oriel House (approved under 18/0020) and the remaining 9 x spaces would serve the commercial use at ground floor (becoming available for flats outside of commercial operator opening times).

A private rear amenity space of 46m² is proposed.

The following documents have been submitted in support of this proposal:

- **Design and Access Statement** – sets out the context of the site and proposal.
- **Planning Statement** – concludes the test has been carried out in that the office space above the ground floor has proved to be unlettable and this is the reason for the move to a change of use. The scale of proposal, when combined with a lack of overall office take-up within the Gigaport area, is unlikely to affect the overall aims of the Gigaport consent and Town Centre Area Action Plan (AAP).

Site and Surroundings

The application site currently contains a two storey utilitarian box shaped, flat roof building 'Oriel House', with commercial use at ground floor and recently given approval for 6 x flats at first floor, however appears to currently be in use for a boxing club.

The site is located within Phoenix Business Park in Walsall town centre on the corner of Stafford Street, Portland Street and Garden Street. The application site also lies within the wider Gigaport area and within site TC48a of the AAP.

An externally illuminated large hoarding advertisement is affixed to the side of No.200-201 Stafford Street facing, and falling within, the application site boundary. Consent has also been given to replace this hoarding with an internally illuminated LED hoarding sign (up to 26/06/2022).

Relevant Planning History

17/0837- formation of 9 x bedroom house in multiple occupation (HMO) in disused first floor – Prior approval refused 10 August 2017.

17/0881 - Replacement of existing 1no illuminated 48 sheet advertising display with 1no illuminated 48 sheet digital LED advertisement – Approved for 5 years 18 September 2017.

18/0020 – Conversion of the upper floor from B1 Office to C3 for 6 x 1 bedroom apartments – Approved 2nd March 2018.

18/0714 – Extension to side of 197 Stafford Street to create 6 x no.1 bedroom self-contained apartments.- Refused 19 September 2018 for the following reasons (summarised):

- Unacceptable highway safety impacts
- Insufficient evidence to demonstrate the proposal would not prejudice future office development
- Insufficient details to demonstrate how existing hoarding sign would be removed/revoked
- Proposed bin/store harmful to character and appearance of area.

Relevant Policies

National Planning Policy Framework (NPPF)

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

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic,

social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF 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

Black Country Core Strategy

- CSP1: Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- CEN1: Importance of Centres for the Regeneration Strategy
- CEN3: Growth in Town Centres
- CEN4: Regeneration of Town Centres
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- S8: Housing in Town Centres
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Town Centre Area Action Plan

AAPB1: Office Development

AAPINV3: Walsall Gigaport (Site TC48a): High Quality Office Development

AAPLV1: Residential Developments

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW8 Adaptability

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points

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 consider 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.

Consultation Replies

Highways - No objection due to the site’s sustainable credentials and likelihood of low car ownership levels subject to conditions regarding a revised parking layout along the Garden Street frontage and implementation and retention of the cycle storage and construction methodology statement.

Environmental Protection – conditions suggested in relation to mitigation measures for future residents to be provided with a good acoustic environment including acoustic mitigation, contaminated land and air quality.

Fire Authority – No objections

Police Architectural Liaison Officer - objections to the application on the grounds of Fear of crime, No natural surveillance, and High amount of ASB and Vehicle crime.

Severn Trent Water – No objections

Representations

Three letters of objection with regards to:

- Antisocial behaviour, fear of crime and crime
- Littering (*not a material planning consideration*)
- Lack of police presence in the area (*not a material planning consideration*)
- Business area and should not be considered for residential use
- Issues with parking in the area and congestion

Determining Issues

- Has this application addressed the previous refusal reasons?
- Any other Material Considerations
- Local Finance Considerations

Assessment of the Proposal

Refusal Reason 1: Unacceptable highway safety impacts.

The sustainable location of this town centre site is noted. However, the proposed intensification of the site is considered likely to give rise to an increase in demand for on-site vehicle parking thus needs to be assessed. The previous application for flats under 18/0020 has expired and has not been implemented so there is no duplication of the parking provision with the current application.

It should be noted that the existing and proposed parking spaces along the Garden Street frontage are of substandard length (approximately 4.4m) which is below the required length of 4.8m. This means that standard or large cars overhang the public footway and obstruct the public highway. Taking this into account, this leaves 4 useable parking spaces on the Portland Street forecourt area.

Given the site's sustainable credentials being close to the town centre, the likelihood that the residents of the development may have low car ownership levels and that residential schemes generally in the town centre have reduced or no on-site parking provision, on balance this current application is considered acceptable subject to the conditions recommended by the Local Highway Authority.

Therefore this current application has overcome the previous reason for refusal in relation to unacceptable highway safety impacts.

Refusal Reason 2: Insufficient evidence to demonstrate the proposal would not prejudice the future development of offices in surrounding and wider Gigaport area.

Insufficient evidence has been submitted to demonstrate that the proposal would not prejudice the future development of offices in surrounding areas and the wider Gigaport area and would not prohibit the AAP Policy AAPINV3: Walsall Gigaport (Site

TC48a): High Quality Office Development coming forward for office development in the future.

The revised Design and Access Statement advises that the applicants have not managed to let the ground floor office space and advise that they consider that whilst the site is part of an area designated for future office development because permission as already been granted for apartments at first floor and that this portion of the application site would be undevelopable for offices without access being gained around the existing building which has been flagged up as being a problem for pedestrians and parking in conflict on this part of the application site. The ground floor does appear to be in use for business use for car parts sales and plumbing supplies. The first floor appears to be being used for a boxing gym. It is considered that this application still does not put forward sufficient information to demonstrate that the proposal would not prejudice the site and area around it being developed for offices in the future. The AAP has now been adopted and therefore carries more weight in determining applications.

This refusal reason has not been overcome.

Refusal Reason 3: Insufficient evidence to demonstrate how the existing and replacement hoarding sign would be removed/revoked.

The submitted application advises that the applicant would be willing to negotiate the termination of the lease for the hoarding and are willing to accept a planning condition to control this. However, this is not something that can be controlled by way of a planning condition as the lease for the advertisement is not under the control of the LPA and is a private matter between the applicant/landowner and the third party whom have a lease to display the advertisement. The previous reason for refusal still stands, therefore.

Insufficient details have been submitted to demonstrate how the existing hoarding sign, and recently approved replacement hoarding sign, affixed to 200-201 Stafford Street, would be removed / revoked. The proposal has the potential to result in an unacceptable living environment for intended occupiers contrary to NPPF8 Promoting Healthy and safe communities, NPPF12 Achieving well designed places and saved Unitary Development Plan Policy GP2 Environmental Protection.

This refusal reason has not been overcome.

Refusal Reason 4: Proposed bin store fronting Stafford Street has the potential to harm the character and appearance of the site and nearby area.

The applicant has put forward a bin store which is proposed with louvre doors for ventilation and a security lock so that only residents of the apartments have access.

The design and access statement advises that a private refuse collection company would be used to provide waste disposal services for the site. The previous application demonstrated a fenced bin store area to the side of 197 Stafford Street adjacent to the pedestrian access.

The amendments have therefore overcome the previous reason for refusal in relation to the bin storage area and the character and appearance of the site and nearby area and accords with Black Country Core Strategy Policy CSP4, saved Unitary Development Plan Policy GP2 Environmental Protection and DW3 of the Designing Walsall SPD and the National Planning Policy Framework.

Any Other Material Considerations

Matters relating to antisocial behaviour, fear of crime and crime were considered in the determination of the previous similar proposal and were not deemed to warrant the inclusion of a refusal reason on these grounds. No evidence has been provided to demonstrate that position has changed and cannot therefore be re-considered in the determination of this re-submission application.

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 because of the construction of new housing.

This application proposes 6 new homes.

The Government has indicated that, for 2020-21, 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.

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

Consultee and nearby business comments have been fully considered in the assessment of this application along with local and national policy and guidance. It is considered that the proposal has the potential to prejudice the overall aims of the AAP and Gigaport office provision, would result in an unacceptable level of amenity for intended occupiers and potential for unacceptable highways safety impacts.

Whilst the social and environmental benefits of providing residential flats on this brownfield site is understood, on balance, this is not sufficient in this instance to

outweigh the potential harm arising as set out in this report and this current application fails to overcome all previous refusal reasons.

Considering the above factors, it is considered that the application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Whilst additional supporting information has been submitted by the applicant's agent, this is insufficient to address the concerns as set out in this report and the application cannot be supported in its current form.

Recommendation

Refuse

1. Insufficient evidence has been submitted to demonstrate that the proposal would not prejudice the future development of offices in surrounding areas and the wider Gigaport area and would not prohibit the AAP Policy INV3: Walsall Gigaport (Site TC48a): High Quality Office Development coming forward in the future.
2. Insufficient details have been submitted in support of the proposal to demonstrate how the existing hoarding sign, and recently approved replacement hoarding sign, affixed to 200-201 Stafford Street, would be removed / revoked. The proposal has the potential to result in an unacceptable living environment for intended occupiers contrary to National Planning Policy Framework Chapter 8 Promoting Healthy and safe Communities and NPPF Chapter 12 Achieving Well Designed Places and saved Unitary Development Plan Policy GP2 Environmental Protection.

END OF OFFICERS REPORT