



### Planning Committee

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

Plans List Item Number: 2

#### Reason for bringing to committee

Major application

#### Application Details

**Location:** 1, FREER STREET & 28 BRIDGE STREET, WALSALL, WS1 1QD

**Proposal:** PROPOSED CHANGE OF USE AND EXTERNAL CHANGES TO 1 FREER STREET TO PROVIDE 7 APARTMENTS, DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF A TWO STOREY BUILDING TO PROVIDE 2 APARTMENTS AND CHANGE OF USE OF FIRST FLOOR OF 28 BRIDGE STREET TO 3 APARTMENTS.

**Application Number:** 17/1262

**Case Officer:** Peter Gittins

**Applicant:** Brian Trubshaw

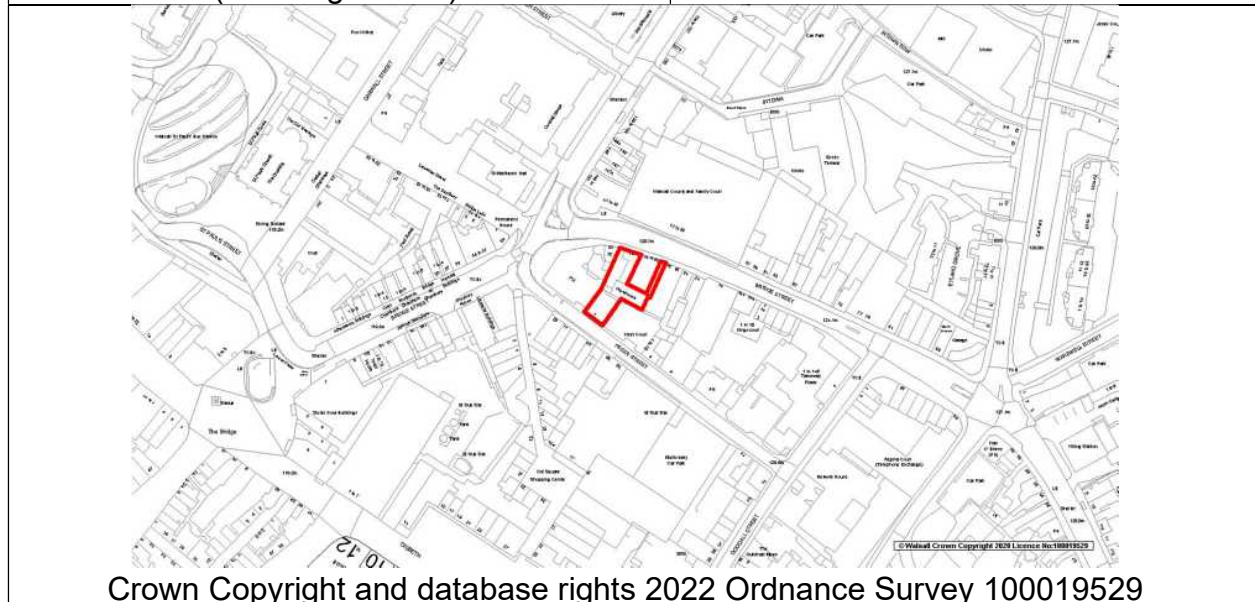
**Ward:** St Matthews

**Agent:** PAUL CLIFTON

**Expired Date:** 31-Dec-2017

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

**Time Extension Expiry:** 14-Aug-2019



#### Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and s106 to secure contributions towards open space and waste management strategy.

## **Current Status**

At the Planning Committee meeting of 11 July 2019 Members resolved:

That planning application number 17/1262 be delegated to the Head of Planning, Engineering and Transportation to grant, subject to amended conditions and a Section 106 Agreement to secure contributions towards open space and a waste management strategy to be agreed between Highways and Clean and Green and include a minimum of three Eurobins and subject to conditions as contained within the report and supplementary paper.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

### **Supplementary Paper**

**Highway Authority enquiry:** The Highway Authority of the Council has raised questions regarding the waste management strategy and whether it's possible to ensure that waste bins are not stored on the street between collections.

**Access Verification:** The Council's Waste Management team examined the proposed access to Bridge Street and confirmed that it is wide enough to accommodate a standard euro bin and that there's adequate space for waste collection.

**Bin Requirements:** The Waste Management team has also considered that the development project will require one waste bin and two recycling bins and identified that there is space available on the footpath where these bins can be placed on collection days.

**Door Access Widening:** That widening the door access to the sunken garden would be a beneficial improvement and that this enhancement can be addressed through a planning condition.

Overall, it was established the euro bins for this project can be stored away from the road, meaning they will not need to be stored on the street, between collections addressing the Highway Authority's concerns.

**Recommendation that:** Planning Committee resolve to Delegate to the Head of Planning, Engineering and Transportation to grant, subject to amended conditions and a Section 106 Agreement to secure contributions towards open space and a waste management strategy.

### **Any Other Updates**

The route originally proposed for the euro bins and disposal of waste from the sunken garden via an external passageway to Bridge Street is no longer an option as the neighbouring owner is not willing to agree to this. The applicant now proposes the bins are moved through an internal corridor, via temporary ramps to negotiate the levels differences, and through the main front door and onto Bridge Street.

There have been additional responses within the Council to this new proposal and the following is a breakdown of the key points:

### Legal Team's comments

The legal team expresses doubts about the feasibility of using a narrow passageway inside the building for waste collection. They are concerned about drafting a legally enforceable condition or Section 106 obligation that would require the bins to be promptly removed from the pavement after collection. They consider this issue a key to the acceptability of the project. Additionally, they believe it may be contrary to Building Regulations to allow the passage of euro-style bins through the inside of an apartment block. Comments have been requested from Building Control on this matter and will be provided in the supplementary paper.

The legal team believes that the unavailability of the external passageway, which was a key factor in the committee's initial approval of the application, means that the proposed development as described in the application cannot be carried out. They suggest that a redesign of the scheme may be required to store bins in an accessible location, potentially resulting in a reduction in the number of units in the development.

### Highway Team's comments

The Highways team proposes an alternative solution. They suggest relocating the internal shop "office" into the retail area of the shop, repurposing the office space as a combined bin and cycle storage area. This would free up more space in the sunken garden and allow for the widening of the corridor and doorway leading to the lobby area. This change would require the bins to be taken out through this route, providing a more straightforward and accessible path.

Since this would require a re-design of the proposed scheme, that has not been provided by the applicant, it is not possible to assess the application on this basis. Furthermore, this solution would lead to additional problems including odours, potential for vermin and associated amenity issues.

### Conclusion on the additional comments received.

Overall, it is considered that there is a lack of an acceptable waste management strategy for the proposed development and that any attempt to secure the new internal bin route would not be enforceable by condition or Section 106 obligation. Whilst it is noted that there have been no further comments from the Council's Waste Team or Building Control on the amenity impacts of waste passing through and internal space it is not considered that such impacts would be significant unless the bins remained stored in the internal areas. Whilst the Council Highway Team's suggestion of repurposing the office space as a combined bin and cycle storage area is welcomed as it addresses the practical issues of negotiating the levels differences with bins, it is considered that the internal storage of waste bins could lead to smell, vermin, and amenity issues and that this would not be a satisfactory solution.

### **Conclusion**

The matter of waste management has been extensively discussed by the original committee and it is necessary for the committee to revisit the decision.

On balance it is considered that the recommendation within the original report should be changed to one of refusal. It is therefore recommended that the application be Delegated to the Head of Planning and Building Control to refuse and finalise reasons for refusal based on the fact that:

1. There is a lack of an acceptable waste management strategy for the proposed development such that a situation would be created whereby there would be a lack of control over the management of waste between the proposed units and the street giving rise to the potential for excessive noise odours and associated amenity impacts to future occupiers compromising health and safety of occupiers and contrary to saved policies ENV 10, GP2 of Walsall's Unitary Development Plan
  
2. No legal agreement has been entered into as part of this application to secure the payment of an open space contribution, which is contrary to Policy GP3 (a) of the Council's Unitary Development Plan and to the Council's adopted supplementary planning document Urban Open Space, April 2006

## THE ORIGINAL REPORT FOLLOWS:

### Proposal

This application seeks planning permission for the change of use and external changes to 1 Freer Street to provide 7 apartments, demolition of existing warehouse and erection of a two storey building to provide 2 apartments and change of use of first floor of 28 Bridge Street to 3 apartments.

A shared sunken garden is proposed in a courtyard formation within the centre of the site, including an area for bin and cycle storage. This area would be accessible to all of the apartments. An existing shared access from Bridge Street would provide level access to this area.

The external changes to 1 Freer Street are to the rear elevation of the building and consist of the insertion of an eight additional sash style windows (with brick headers and cills) and two doors.

There are no external changes to the front of 28 Bridge Street. To the rear angled windows are proposed.

The new apartment block would be two stories in height with pitched parapet roof. Mock windows are proposed to the elevation facing Freer Street. Habitable room windows face across the courtyard.

The application has been supported by the following information:

#### *Design and Access Statement*

- Buildings have been vacant for a number of years and have been difficult to let.
- Layout takes into account the significance of the façade of 1 Freer Street
- Demolition of the dilapidated warehouse gives the opportunity to provide the attractive feature of the courtyards/sunken garden which can be accessed by all the new apartments.
- Cycle storage is provided.
- Town centre car parking is available on a number of sites nearby.
- Public transport is on the doorstep and all amenities are within each reach.

#### *Heritage Statement*

- Layout and formation of a courtyard will bring back into use these attractive and important buildings.
- The original windows will be retained in both buildings and signage fascia panels on 1 Freer Street will be removed and the masonry made good.
- No evidence from the Historic Environment Record relating to the warehouse building.
- If approved the scheme would bring back into use these attracting and important buildings.

#### *Noise Assessment*

- Given the levels of environmental noise day and night measured at both street facades to achieve the good standard habitable rooms on street facades will require secondary glazed windows.
- Room ventilation would be achieved by alternative means.

## Site and Surroundings

The application site is within the Town Centre and is part of Bridge Street Conservation Area.

Freer Street is mainly commercial, with A1 and A2 and A4 uses. 1 Freer Street was last used as a decorators shop. There is an open site next to no. 1 which is used as a private car park. There is a public car park further along Freer Street.

Bridge Street consists of a mix of town centre uses, A1, A2, A3, A4 and A5 with residential to the upper floors of some of the buildings. The ground floor of no. 28 is used as a solicitors. The upper floor was last in use as an office. Within Bridge Street there are a number of late night bars and night clubs.

The adjoining building on the corner of Bridge Street and Freer Street (historically known as the Black Swan) is a vacant public house.

Walsall bus station is 235m walking distance away, the train station 470m walking distance away. Church Hill Open Space is 320m walking distance away.

## Relevant Planning History

07/0476/FL/W5 - Proposed change of use to licensed premises as public house, nightclub and restaurant. GSC 23/4/07

10/0472/TE - Application to extend time limit for implementation of 07/0476/FL/W5: Proposed change of use to licensed premises as public house, nightclub and restaurant (A3 and A4 uses). GSC 2/7/10.

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 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**

- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (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**

- 3.6 to 3.8 Environmental Improvement
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- 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
- 8.3 Urban Open Space
- LC1: Urban Open Spaces

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- 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
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

### **Walsall Site Allocation Document 2019**

- HC2: Development of Other Land for Housing
- EN5: Development in Conservation Areas
- T2: Bus Services
- T3: The Rail Network
- T4: The Highway Network
- T5: Highway Improvements

### **Walsall Town Centre Area Action Plan 2019**

*NOTE for case officer: Check Town Centre Area Action Plan Inset of Local Plan Policies Map for any allocations for individual sites*

- AAPB1: Office Development
- AAPLV1: Residential Developments
- AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
- AAPLV6: Securing Good Design
- AAPT1: Pedestrian Movement, Access and Linkages
- AAPT2: Cycling
- AAPT3: Public Transport
- AAPT5: Car parking

### **Supplementary Planning Document**

#### **Designing Walsall**

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

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

- OS1: Qualifying Development
- OS2: Planning Obligations

- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

### **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

### **Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.**

In determining any planning application, special attention shall be paid to the desirability of preserving listed buildings and preserving or enhancing the character or appearance of conservation areas as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Consultation Replies**

**Highways** – concerns about the practicality of the waste collection arrangements.

**Pollution Control** – significant acoustic glazing and alternative means of ventilation would be required, a construction management plan would be required and contaminated land investigation.

**Police Crime Reduction** – no objections.

**Housing Standards** – some of the bedrooms are on the small side, should be at least 10sqm. One of the bedrooms on the first floor has its means of escape through a kitchen window.

**Severn Trent Water** – no objections subject to use of recommended drainage condition.

**Environmental Health** – no comments received.

**Clean and Green** – no comments received.

## **Representations**

Surrounding occupiers notified by letter, site notice displayed and advertised in local newspaper.

No comments received.

## Determining Issues

- Principle of development
- Impact upon the historic environment
- Impact upon the character and appearance of the area
- Residential and neighbouring amenity
- Highway safety
- Planning Obligations.

## Assessment of the Proposal

### Principle of development

1 Freer Street was last used as a decorators shop (appears to have been vacant since at least September 2014) and the upper floor of 28 Bridge Street as offices. The application seeks permission for these buildings and a new two storey block to be used as residential.

This is a Town Centre location, Saved UDP policy S8 supports housing within the Town Centre providing it supports the centre's retail, commercial and leisure functions including the growth of the evening economy.

The Town Centre Area Action Plan policy AAPLV1 supports residential use through the conversion of existing buildings where it does not jeopardise the commercial function of the centre and accords with policy AAPB1. AAPB1 encourages the use of upper floors for offices.

1 Freer Street would be an A1 use, this has been vacant for some time and is outside of the Primary Shopping Area where there are a number of vacancies. The loss of the retail use would not be prejudicial to the overall retail function of the town. Similarly given the vacancy rate for offices in the town, the loss of the upper floor of 28 Bridge Street would not be detrimental to the overall office provision in the town.

The NPPF recognises that residential development can play an important role in ensuring the vitality of centres, 12 residential units would support the evening economy. The NPPF also states that housing applications should be considered in the context of the presumption in favour of residential development. This is a highly sustainable location.

Weight is given to the vacancy of these buildings and the opportunity to bring them back into use on a comprehensive basis and the benefits active use would have upon the preservation and enhancement of the Conservation Area. On balance, the proposed use would not prejudice the function of the Town Centre.

### Impact upon the historic environment

SAD policy EN5 explains developments should preserve or enhance the character and appearance of the Conservation Area.

The NPPF explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The NPPF also guides that LPAs should take account of the desirability of sustaining and enhancing the significance of a heritage asset and putting them into viable uses;

the positive contributions assets can make to sustainable communities including economic vitality and positive contribution to local character.

1 Freer Street is an attractive three storey building that makes a strong contribution to the historic environment. Bringing this building back into use would enhance the character of the area. In heritage terms the proposed rear windows look to match the existing used within the building.

The proposed angled rear windows to 28 Bridge Street would cause no harm.

The existing warehouse building has little heritage or architectural value and its demolition would not harm the Conservation Area. The two storey apartment building within the courtyard would have the same pitched roof parapet design to that used within 1 Freer Street and includes architectural detailing that is similar to those used within the area.

On balance the development would preserve the setting and character of the Conservation Area.

### **Impact upon the character and appearance of the area**

Bringing the building back into use would be positive. From the street there are no physical changes to 1 Freer Street and 28 Bridge Street. The two-storey apartment block is set back 30m from Freer Street and would have a smaller mass than the existing warehouse building. The roof design is the same as no. 1 and would add variety to the street. It is explained that this building would be finished out of bricks and tiles that match those used within 1 Freer Street. Subject to a condition that defines these materials the proposal would integrate into the character of the area.

### **Residential and neighbouring amenity**

Given the constraints of the site and with the proposal endeavouring to protect the historic environment, each apartment is single aspect, with bedroom(s), separate bathroom, kitchen and lounge. Apartments either have an outlook across Freer Street, across Bridge Street or across the shared courtyard. There is a 9m separation distance between the Freer Street and Bridge Street buildings. Angled bay windows are proposed to the rear of the first floor of 28 Bridge Street, with one side obscure glazed and the other clear. This design ensures occupiers are provided reasonable outlook without resulting in significant mutual overlooking whilst protecting the historic environment. The layout ensures surveillance of the shared courtyard which provides security benefits to these shared areas. It is recognised that high density town centre living cannot always achieve the separation distances and outlook of the suburbs. Weight is given to making the most efficient use of the site. Each of these apartments would have sufficient access to natural light and acceptable outlook considering the constraints of the site

Housing Standards raise concerns about the size of some of the bedrooms and means of escape. The 1-bedroom units meet the minimum gross internal floor areas of 39sqm and 2 bedroom units meet the minimum 50sqm as prescribed in the national described space standard document. Means of escape would be a requirement of the Building Regulations and are not material to this application.

A safe and secure environment for the occupiers can be achieved through the use of crime prevention measures, such as door and window standards and access control measures which can be required by condition.

In addition to the shared amenity space the site is within walking distance of Church Hill Open Space and Bath Street public gardens and the amenities of the Town Centre. The internal layouts provide sufficient living space and appropriate level of outlook. The NPPF states that housing applications should be considered in the context of the presumption in favour of residential development. This is a sustainable location and would make effective use of the land, providing sufficient amenity provision for future occupiers while providing 12 further homes.

Bridge Street has a number of late-night bars and clubs, Freer Street also has a bar and the former Black Swan on the corner of Bridge Street and Freer Street, while currently vacant, in planning terms could be brought back into use. Therefore, there is a high level of background noise into the evenings and weekends. A noise survey has been submitted in support of the application that identifies that the proposed units on Bridge Street are subject to significant noise and will require significant acoustic glazing and an alternative means of ventilation to meet British Standards and World Health Organisation guidelines, as the occupiers will not be able to open their windows without being subjected to noise disturbance from pubs, clubs, restaurants/takeaways, and the general night-time social activities in the area.

It is recognised that not being able to open windows would impact upon residential amenity, however alternative means of fresh air through mechanical ventilation can be provided which would ensure an acceptable level of amenity would be provided given the context of the town centre location. In considering the wider planning balance, subject to a condition securing full details of these arrangements and their installation, this would be acceptable.

In addition to these measures Pollution Control recommend acoustic mitigation is used between the ground and first floor of 28 Bridge Street to protect potential residential occupiers from any noise from the commercial activities at ground floor.

Given the existing residential occupiers in the area a demolition and construction management plan would also be necessary to protect residential amenity during works.

Pollution Control also advise that due to the historic use of the land a site investigation report and implementation of any required mitigation measures would be necessary to safeguard future occupiers. A condition that meets the Government's six tests is recommended.

To the rear of the first floor at 36-38 Bridge Street is an existing bedroom window with an outlook of the existing warehouse. The proposed apartment block due to the hipped roof would increase outlook from this window.

### **Highway safety**

The application does not provide any off-street parking. Bin and cycle storage areas are proposed within the courtyard that would have a level access from Bridge Street.

This is a highly sustainable location within walking distance of all Town Centre amenities and within walking distance of both of the bus stations and the train station. There are also public car parks within close proximity. Accordingly, the absence of off-street parking would not give rise to conditions prejudicial to highway safety.

Highways have concerns about the practicality of the bin store with the access being through a narrow passage onto Bridge Street. There are examples of euro bins

already being stored on the pavement of Bridge Street and the restricted access to the internal bin store could encourage further storage on the highway instead. The application details explain that the bins would be collected by a private waste management company. Whilst it is recognised access for bins is contrived due to the built form of this Conservation Area there are no other options to service this development whilst protecting and enhancing the historic environment.

As discussed, the development would be a positive addition to the Town Centre. A Waste Management Statement can be provided that sets out the precise steps, for example that waste will be collected by a private company (as the applicant proposes) and that other than during collection times bins are stored in the bins store. This can be secured through a S106 agreement.

A planning condition that retains the bin and cycle features would be necessary.

### **Planning obligations**

BCCS policy DEL1 and saved UDP policies GP3 and LC1, require, where appropriate, provision and improvements to or provision of urban open space within the proximity of the application site on qualifying developments above the threshold of 10 units. Utilising the Urban Open Space SPD would seek a financial contribution of £13,319.00 from this scheme for improvements to urban open space in the locality, which the applicant has agreed to provide this contribution in full. Clean and Green strategic works have been asked to identify some improvement projects in the locality. This contribution would be secured through a S106 agreement which forms part of the recommendation.

### **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 12 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

## **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 that the principle of development is consistent with the provisions of the development plan. The proposal would preserve the character and appearance of the Conservation Area and would not have an adverse impact upon the visual amenities of the area. The proposal would not impact up adjoining occupiers and ground conditions and drainage can be address by conditions. The development would not give rise to conditions prejudicial to highway safety. Sufficient residential amenity would be provided for potential occupiers and the amenity of nearby residents would not be affected.

Safeguarding conditions in regard to land contamination, construction management, drainage, acoustic mitigation, matching materials, cycle shelter, bin store, security measures and windows are necessary and meet the six tests. A S106 agreement in regard to open space provision is also required. Taking into account the above factors it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, HOU1, HOU2, CEN4, TRAN2, TRAN5, ENV2, ENV3 and ENV5 of the Black Country Core Strategy, policies HC2 and EN5 of the Walsall Site Allocation Document; policies AAPB1, AAPLV1, AAPLV5, and AAPLV6 of the Walsall Town Centre Area Action Plan; saved policies 3.6, 3.7, GP2, ENV10, ENV14, ENV32, ENV40, S8, T7, T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

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

Officers have worked with the applicant's agent securing amended plans and clarification over the proposal to enable support to be given.

### **Recommendation**

Grant planning permission subject to conditions and a S106 agreement

### **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 other than in conformity with the application form and following plans and documents: -

- Location and site plan received 21/8/18
- Proposed development plan received 21/8/18
- Existing cellar plan received 20/9/17
- Existing ground floor plan received 20/9/17
- Existing first floor plan received 20/9/17
- Existing second floor plan received 20/9/17
- Proposed basement plan received 21/8/18
- Proposed ground floor plan received 21/8/18
- Proposed first floor plan received 21/1/19
- Proposed second received 21/8/18
- Proposed roof plan received 21/8/18
- Existing elevations Freer Street received 21/1/19
- Existing elevations Bridge Street received 20/9/17
- Existing sections received 20/9/17
- Proposed elevations Freer Street received 21/8/18
- Proposed elevations Bridge Street received 21/8/18
- Proposed elevations Bridge Street received 21/8/18

- Environmental Noise Assessment received 11/2/19

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3a. Prior to the commencement of development a ground contamination survey having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

3b. Prior to the commencement of development a copy of the findings of the ground contamination survey, together with an assessment of identified and/or potential hazards arising from any land contamination shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).

3c. Prior to the commencement of development a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2).

3d. The remedial measures as set out in the 'Remediation Statement' required by part d) of this condition shall be implemented in accordance with the agreed timetable.

3e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

3f. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

Reason: To ensure safe development of the site and to protect human health and the environment.

4a. Prior to the commencement of any works on site, including site preparation, clearance or demolition shall not take place until a Demolition and Construction Management Plan, setting out how the demolition and construction works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and construction working hours, shall be submitted for written approval of the Local Planning Authority.

4b. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: In the interests of residential amenity and in accordance with saved policy ENV10 of the UDP.



5a. Prior to the commencement of development of the two storey apartment block drainage plans for the disposal of foul and surface water flows shall have first been submitted to and approved in writing by the Local Planning Authority.

5b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

*Reason:* To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or prevent the creation or exacerbating a flooding problem and to minimise the risk of pollution.

6a. Prior to the commencement of development details of acoustic mitigation and ventilation measures to be implemented to address the issues identified in the Environmental Noise Assessment Report received on 11/2/19 shall have first been submitted for written approval of the Local Planning Authority. This shall include scale drawings of the proposed details at 1:20 scale.

6b. Prior to the first occupation of any part of the development hereby approved, the agreed acoustic mitigation measures shall have been installed and an independent written validation statement shall have been submitted to the Local Planning Authority confirming the installation of the agreed acoustic mitigation measures.

6c. The agreed acoustic mitigation measures shall thereafter be retained for the life of the development hereby approved.

*Reason:* To mitigate the impacts of noise from commercial premises, to protect the amenity of future occupants and to preserve the setting, appearance and character of the Conservation Area.

7a. Prior to the commencement of development a noise insulation scheme to address noise between the ground floor commercial operations, the next door commercial operations, and the proposed residential premises at the application site for the Bridge Street apartments shall be submitted for written approval of the Local Planning Authority. As a minimum, the apparent weighted sound reduction index,  $R_w$ , between the commercial development and the residential units shall not be less than 70dB.

7b. Prior to the first occupation of any part of the development hereby approved, the agreed acoustic mitigation measures shall have been installed and an independent written validation statement shall have been submitted to the Local Planning Authority confirming the installation of the agreed acoustic mitigation measures.

7c. The agreed acoustic mitigation measures shall thereafter be retained for the life of the development hereby approved.

*Reason:* To mitigate the impacts of noise from commercial premises and to protect the amenity of future occupants.

8. Prior to the development first being brought into use, rear facing apertures to 1 Freer Street shown to be blocked shall be done so with matching bricks and bonding.

*Reason:* To preserve the setting, appearance and character of the Conservation Area.

9a. Prior to the commencement of development details of the proposed cycle shelter which shall be covered, illuminated and secure, shall be first submitted for written approval of the Local Planning Authority.

9b. The approved details shall be implemented prior to the development hereby approved is first brought into use.

9c. The cycle shelter shall thereafter be retained for the use of the future occupiers and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and to encourage sustainable modes of travel in accordance with UDP policy GP2, T7 and T13 and Black Country Core Strategy TRAN4.

10a. Prior to the development hereby approved first coming into use the bin storage area shall be implemented and be available for use by the future occupiers of the development.

10b. The bin storage area shall thereafter be retained and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and to encourage sustainable modes of travel in accordance with UDP policy GP2, T7 and T13 and Black Country Core Strategy TRAN4.

11. The two storey apartment block hereby approved shall be finished in brick and tiles that match closely to those used within 1 Freer Street at the time of the application.

Reason: To preserve the setting, appearance and character of the Conservation Area.

12. The development shall be constructed to meet the following minimum security measures and thereafter retained as such;

-A minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond standard certification should be used on all door locks

-Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

- Communal entry to the apartments shall be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination

- Security anchor for the cycle stands must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation.

Reason: To ensure the safety and security of the development and its occupiers in accordance with BCCS policy ENV3.

13. For the avoidance of doubt none of the existing windows or doors to the front elevation of 1 Freer Street shall be replaced but shall be repaired on a like for like basis as necessary.

Reason: To preserve the setting, appearance and character of the Conservation Area.

## Notes for applicant

### *Pollution Control*

*CL1* - Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

*CL2* - When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

*CL3* - Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

**END OF OFFICERS REPORT**