

Planning Committee

Report of Head of Planning and Building Control on 15 January 2024

Plans List Item Number: 2

Reason for bringing to committee

Called in by Councillor Ditta on the grounds that the proposal would have insufficient parking, lack of details around waste, lack of privacy in neighbouring properties and fear of crime.

Two public petitions against the proposal have also been received, with 73 signatures and 145 signatures respectively for the reasons stated above.

Application Details

Location: 59-61, WEDNESBURY ROAD, WALSALL, WS1 4JL

Proposal: CHANGE OF USE OF INDUSTRIAL (E) TO RESIDENTIAL (C3) TO DELIVER 11 SELF-CONTAINED APARTMENTS ASSISTED LIVING WITH 2 ROOMS FOR STAFF FOR 24/7 STAFFING.

Application Number: 22/0381

Case Officer: Sally Wagstaff

Applicant: Keystone Homes Ltd

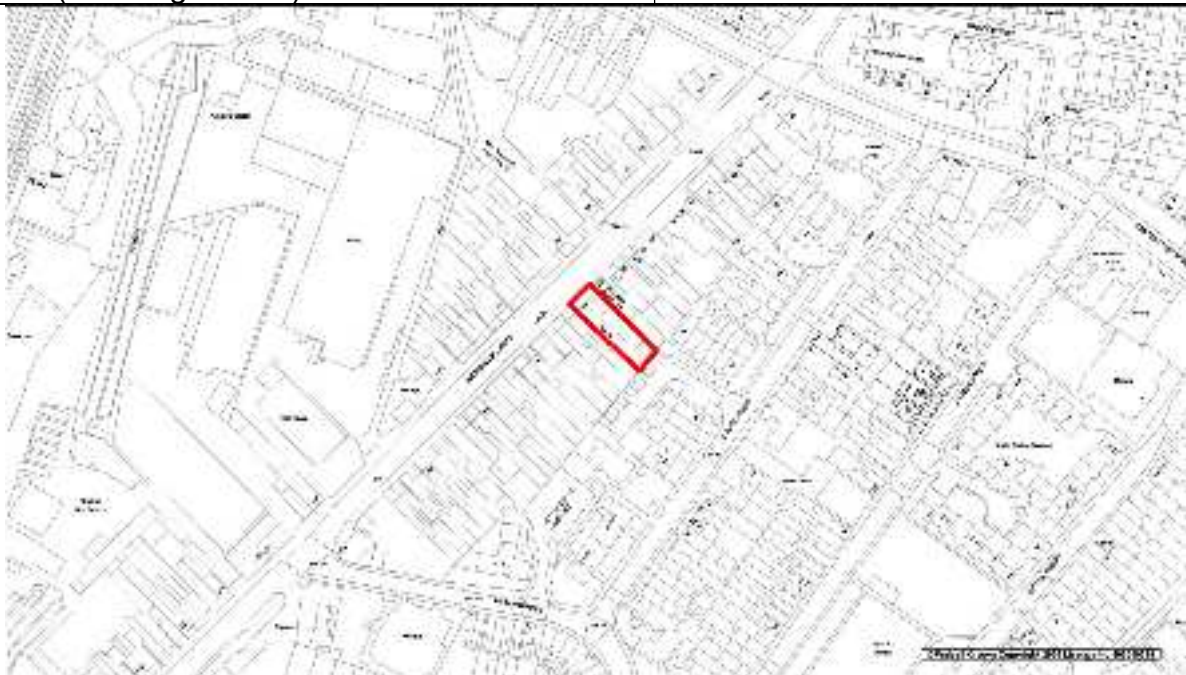
Ward: Palfrey

Agent: Architecture & Interior Design Ltd

Expired Date: 06-Oct-2022

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

Time Extension Expiry: 28-Jul-2023



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure an open space contribution and:

- Addressing concerns regarding flood risk/drainage;
- Providing an acceptable waste management strategy; and
- The amendment and finalising of conditions;

Proposal

The proposal relates to the change of use of 59-61 Wednesbury Road use class industrial (E) to residential (C3) to deliver 11 self-contained assisted living apartments with 2 rooms for staff to allow for 24/7 staffing.

The Ground floor plan includes:

- 1 x meeting room with access to a toilet
- 1 x reception
- 1 x 24 hour office
- Flat 1 is accessed from the front elevation of the property. With kitchen/living space with separate bedroom and shower room - 45.5 sqm
- Flat 2 is accessed from the front elevation of the property with kitchen/living space with separate bedroom and shower room - 42.1 sqm
- Flat 3 is accessed from the rear of the property with kitchen/living space with two separate bedrooms and shower room - 64.3 sqm
- Flat 4 is accessed from the rear of the property with kitchen/living space with separate bedroom and shower room – 56.0 sqm
- 47 sqm area of amenity space is included on the ground floor which is accessed via the rear of the property

The First-floor plan includes:

- Flat 5 - kitchen/living space/bedroom with separate shower room - 37.0 sqm
- Flat 6 -kitchen/living space/bedroom with separate shower room - 37.0 sqm
- Flat 7-kitchen/living space/bedroom with separate shower room - 37.0 sqm
- Flat 8-kitchen/living space/bedroom with separate shower room - 37.0 sqm
- Flat 9-kitchen/living space/bedroom with separate shower room - 44.0 sqm
- Flat 10 - kitchen/living space with separate bedroom and shower room - 33.0 sqm
- An external staircase is attached to the first floor providing access to serve the first floor flats.

The second-floor plan includes:

- Flat 11 - kitchen/living space with two separate bedrooms and shower room - 45.5 sqm

The Design and Access Statement states that the concept relates to aiding people who have housing difficulties start a comfortable lifestyle, allowing them to become self-sufficient. The property would be managed by Aspire Supported Living CIC. The agent has confirmed in writing that that occupants are those that require support needs to retain their independence in physical and emotional needs.

The following information on the operation of the site has been provided:

- 1 Support Worker - Housing support workers' responsibilities include but not limited to providing housing related support to the tenants to enable them to maintain their tenancies and to achieve their aspirations for independent living. When it comes to elderly tenants they support and help with health care needs, including taking to their GPs for routine checks or collecting medication. They also provide emotional support for all tenants.
- 2 Security (12-hour increments) to cover during the night and weekend, 24 surveillance, full CCTV
- 2 part time cleaners Monday to Saturday between 10:00am to 1:00pm and 4pm to 10pm.

- 1 housing support worker 09:30 to 5:30pm Monday to Friday.
- 4 members of staff at one time
- There are emergency escape doors that have bush bar with alarm censor centrally linked to the security room.

To confirm the proposal is not for conversion to a HMO, which relates to at least 3 tenants living together sharing toilet, bathroom or kitchen facilities with other tenants. This proposal is for assisted living flats, in which occupiers would have their own kitchen and bathroom facilities within a self-contained unit.

Since submission of the application, the agent has submitted supporting information in response to consultee comments and resident concerns with regards to the proposed use and operation of the site.

The proposed plans have been amended on several occasions in response to officer advise and consultee comments. Amendments to the proposal include:

- reducing the number of apartments from 17 to 11 due to concerns regarding the sizes of the flats.
- The outdoor amenity area has being repositioned and a defensible space created between flat 1 and 2 to create additional privacy and security of those occupiers.
- The plans now show a cycle and bin store
- The windows to the rear of the building facing South Street are now high level fixed light blocks due to concerns the position of windows on the rear could stifle any future development of the garage block on South Street.
- The internal layout reconfigured to take into account comments from housing standards
- Car parking removed from the rear of the site to avoid noise/ disturbance and potential conflict between pedestrians and residents
- The existing gate to the side drive has been repositioned to be flush with the front of the site to ensure that the recess does not allow for potential non-residents to loiter around the gate.

The LPA are aware that internal alterations to the property have taken place however this does not mean that the proposal has been implemented without planning permission. The officer has carried out two site visits, the building was not being used for living accommodation at the time of the visit on 9 February 2023 and 29 August 2023.

Site and Surroundings

The application property is a two storey, detached dwelling house with a double frontage built around 100 years ago. The property has had several modern extensions to the rear which form a 'L' shape within the site. The property has been used as a Saddlery for a number of years and has an industrial use class.

The site is located on Wednesbury Road, a district distributor. There is off street parking available for two cars on the frontage and currently a tarmac courtyard area is used for parking to the rear, accessed from the drive at the side of the property.

The surrounding area is predominantly residential in character consisting of terraced properties. 63 Wednesbury Road which adjoins the site is a residential dwelling. Adjacent to the site is a church, Bethany Church of God. There is also a Church opposite the application site, New Testament Church of God.

The site does not lie within the Cannock Chase Special Area of Conservation (SAC) 15km Zone of influence. It is not within a Conservation Area and has no heritage or non-designated heritage status.

The site is located within a sustainable location, within walking distance to Walsall Town Centre and there are two bus stops within close proximity to the application site to access to regular bus services towards Walsall and around the borough.

Relevant Planning History

BC21521P -Rebuilding of and First Floor Extension to Existing Workshop. Granted Subject to Conditions 04/01/1988.

BC24457P - Extension to form Toilets With Store Over. Granted Permission Subject to Conditions. 02/11/1988.

BC33462P – Erection of Store – Granted Permission Subject to Conditions. 30/07/1991

BC53042P - Change of use of part of ground floor and part of first floor to leisure club. Permission Refused. 06/01/1999

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 10 – Supporting high quality communications**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed and beautiful places**

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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities

- ENV32: Design and Development Proposals
- JP8: Bad Neighbour Industrial Uses
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing
- H5: Housing for People with Special Needs
- T4 - The Highway Network
- T5 - Highway Improvements
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T12: Access by Public Transport
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- LC1: Urban Open Spaces

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

HC3: Affordable Housing and Housing for People with Special Needs

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

T4: The Highway Network

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
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- 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

Consultation Replies

Archaeology

No objection - there are no below-ground archaeological implications for this proposal

Ecology Officer

No objection

Environmental Protection

No objection, acoustic mitigation required to be secured via condition.

Housing Standards

No objection however doors to bathrooms are opening directly into kitchens. Concerns regarding an oversupply of HMO accommodation in the Walsall Area.

Fire Officer

Concerns raised as the accessway does not comply with minimum requirements of 3.7m for fire appliance access.

Lead Local Flood Authority

Concerns raised in relation to drainage strategy

Local Highways Authority

No objection subject to the conditions relating to, controlling the use of site, implementation of the proposed car parking spaces and a covered cycle shelter.

Police Architectural Liaison Officer

No objection - concerns raised in relation to:

- Vehicle and pedestrian conflict due to car parking arrangements
- No access control at point of entry into the site
- Open access to the rear of the site, no access control to room at the rear - No requirement to go through reception or identify themselves. At a location requiring 24 hour staff.
- CCTV monitors does not prevent or restrict access.
- 24 hour staff suggested that effective monitoring of the site will be important
- Lighting on site should be continued LED lighting during pool light and darkness.

Public Health

Need for bike parking to be provided

Public Lighting

No objection

Severn Trent Water

Concerns raised in relation to drainage strategy

Strategic Planning Policy

No objection, the principle of residential accommodation can be supported.

Waste Management (Clean and Green)

Bins should be to the front of the property to allow for easy access and will require a trade waste contract with the council or an independent waste provider for the staff waste

Representations

141 objections have been received from local residents and those within the wider ward during 4 consultation periods. A number of residents have responded multiple times with same or similar comments with concerns regarding:

- Insufficient parking due to number of occupants and lack of on street parking provision in the area
- Problems with the vulnerable occupiers could occur outside of support worker hours which are 9.30 to 5.30pm Monday to Friday. This could result in impact upon neighbours and emergency services.
- Area currently has an issue with crime and anti social behaviour, this proposal would increase the problem of crime/anti social in the area. *No evidence has been put forward to substantiate this claim regarding the proposal*)
- Concerns over safeguarding of the occupiers of the premises in an area with high crime rates
- High number of HMO properties, assisted living and Hostels in the area (proposal is *not a HMO or a Hostel, it is assisted living - self-contained units*).
- Other multi occupied properties in the area have issues with anti-social behaviour
- The area suffers with fly tipping, there is no provision for waste on the plans or supported documents, (agent *has now provided a waste management strategy*)
- Proposal would put the safety of children, elderly and faith communities at risk
- Noise disturbance during the day

One comment of support has been received by a local resident in relation to:

- There is a shortage of supported accommodation, this type of accommodation is needed for young people

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage

- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

There are no policies in the development plan specifically assisted living accommodation.

However saved UDP policy H6 refers to nursing homes and rest homes for the elderly but contains advice about parking and the types of property that will be suitable. Paragraph (b) VIII states that large, detached properties are the most obviously suitable for these uses. Paragraph (b) states that the Council will take account of the accessibility of a property to local amenities and public transport.

SAD policy HC3 states that the Council will encourage the provision of housing for people with special needs, including single people, the elderly, people with disabilities and any other groups who require specialist accommodation, in locations that would be acceptable for general housing. Such housing will be particularly encouraged in and close to centres, provided the sites are not required for centre uses.

The proposal relates to the conversion of a detached property which was extended to the rear and used as a saddlery back to a residential property. Apart from adjacent church, the neighbouring uses are residential. The proposal would therefore revert the property back to its original use and remove the current non-conforming industrial use which has the potential to cause disturbance to neighbouring residents. The proposal can be supported on planning policy grounds however detailed issues relation to the amenity of occupiers and neighbouring residents will also need to be considered as detailed below.

Residents have raised concerns around the type of resident that would reside in this development. It must be noted that this is not a material planning consideration. The local planning authority is required to consider land use matters which in this application is for change from an industrial use to a form of residential use in a residential location. Like with any residential property, the planning legislation does not have control over who may or may not live in that property.

The housing standards team have requested planning officers have regard to a document relating to HMO's. This is not planning policy therefore note the LPA note its content but is it is not a material planning consideration. To add, this proposal is not a HMO it is for self-contained units with staffing in any case.

Design, Layout and Character

The principle of the design is to utilise the existing buildings on site for conversion into residential accommodation. The building frontage will have minimal design changes with entrances retained and utilised with improvements to the ground floor windows.

The first-floor windows to flat 10 would face out onto the garage block serving properties of South Street. The windows to flat 9 and 10 have both been changed to be glass blocks to allow for sun light but are non-opening, it is unfeasible to install an outward opening window to flat 9 due to its relationship to the existing garage block. To add, the glass blocks have been added to limit overlooking to the garage block as this could potentially stifle any future development of

the garage block on South Street. Whilst the rear glass blocks to flat 10 do not provide quality outlook to the rear of the flat, there is a primary large window serving the habitable rooms allowing outlook and light. Again, whilst the bedroom to flat 9 would have glass blocks, the flat does have a window to the kitchen/living room which on balance would allow for natural light, to ensure the occupants quality of life is sufficient. All other flats have at least two windows.

The proposal includes an area of communal green amenity space which is 47.7 sqm in total. It is significantly below the 20 sqm per unit as set out in the amenity space guidelines within Appendix of Designing Walsall SPD. Due to the apartments being majority no. 1 bedroom it is very unlikely that the development would attract those with families who are more likely to want larger outdoor space. The proposal is a 10 minute walk to Bath Street Gardens and is within a sustainable location due to the proximity to Walsall Town Centre and public transport routes. On balance, in this instance it is considered the proposed shortfall is acceptable and would not have a detrimental impact upon the amenity of future occupiers of the site.

Local residents have raised concerns relating to insufficient information regarding waste collection. A bin store has been included to ensure that bins are not left on the highway before and after collection. The applicant has provided a waste management strategy and the waste management team have specified the site will need 1x 660L domestic waste bin emptied on a weekly collection and 1x 1100L recycling (green bin) fortnightly collection. For the 2 members of staff on site the company will need to take a trade waste contract out with the council or another waste provider for the staff waste as they may not be council tax-paying residents.

The waste management team have not currently commented on the submitted waste management strategy. However, this can be concluded prior to determination and a condition attached to ensure waste collection is carried out with the agreed strategy.

A cycle store and bike parking has been added to the plans. This is in response to both the highway department request for covered cycle storage and public health request for bike parking. It is considered in this instance secured cycle storage is the most appropriate means of bike parking therefore prior to determination the bike parking could be removed from the plans. A condition would be necessary for full details of the cycle storage to be submitted to ensure that it will cater to the number of residents and would be sufficiently secure.

The gate to the side drive has been repositioned to the front elevation to ensure safety and security to residents due to concerns that a recessed entrance to the rear of the site could allow for non-residents to loiter. This also alleviates concern from the police in relation to site security for access to the rear of the site. The applicant has confirmed the security details for the site within the 'Aspire supported living letter' submitted in response to local residents concerns regarding the proposal. The site is proposed to have staff 24 hours a day and external cctv. The Police architectural liaison officer has raised the need for controlled access to the site, it is considered to ensure that only permitted residents can access the premises full details of the security measures to be implemented could be conditioned.

The fire service has raised concerns the driveway to the side of the premises does not comply with the 3.7 metres width for fire appliance access. This is part of a Building Regulations requirement under Building Regulations 2010 Approved Document B, Volume 1: Dwelling (2019 edition), Requirement B5: Access and facilities for the fire service. The applicant would need to liaise with either Local Authority Building Control or an Approved Inspector as to whether plans meet fire safety legislation and guidance and signify approval of the plans if appropriate.

Car parking for two cars is proposed to the front of the site off road as is the current situation, the introduction of car parking in this area would not have a detrimental impact upon the character of the street scene. A condition is recommended for the two car parking spaces to be demarcated prior to occupation of the development.

On balance, it is considered the layout of the site is acceptable. It would have very minimal impact on the character of the area due to limited external changes to the building. With the use of planning conditions, the LPA can ensure that the proposal has the adequate security features, waste disposal and cycle storage.

Amenity of Neighbours and Amenity of Future Occupiers

The number of units within the property have been reduced from 17 to 11 after concerns were raised by officers in relation to the room sizes. The flat sizes within the development now vary between 33.0 - 64.3 sqm. Walsall Council do not have adopted space standards in which to assess the appropriateness of flat sizes, nevertheless, National Minimum Space Standards are used as a guide for residential development. All of the units except flat 10 are above the prescribed of 37.0 sqm for a one bed, one person flat. The 2 x two bedroom flats are 45.5 and 64.3 sqm. The National prescribed standard for upto 4 persons is 70 sqm. It is acknowledged that 3 out of the 11 are smaller than the space standards prescribe however on balance, it is considered the flats would get sufficient natural light and have appropriate amenities to ensure sufficient quality of life for the occupants.

The property shares a party wall with 63 Wednesbury Road which is a residential property. The proposed use has the potential to give rise to noise emissions that could have an impact on the occupiers of the adjoining dwelling due to the intensification of people within the property compared to the number of people in a 'standard dwelling'. Whilst it is acknowledged that the proposal could result in increased noise emissions, the site has been used for industrial use since pre 1988 and is known to have been a saddlery since at least 2009. It is considered that the number of occupants which is likely to be up to 13 due to 9 x 1 bed and 2 x 2 bed would not result in an unacceptable noise impact in comparison to the existing industrial use. Environmental Protection have not raised concerns in relation to the potential for noise and disturbance from occupants of the development on the adjoining/adjacent premises however it is considered that a scheme which achieves a suitable degree of noise insulation between adjoining dwelling could mitigate concerns raised by local residents in relation to noise emissions from the property.

Environmental protection have advised a mitigation scheme is necessary due to road traffic noise which is to safeguard occupants of the property. A noise insulation scheme will be secured by way of condition.

The relationship between the building and no. 63 Wednesbury Road means the proposed amenity space is set on the inside of the site against the backdrop of existing building, away from the boundary of this property. It is acknowledged that the use of the outdoor amenity area by occupants could give rise to increase in noise. It is considered that due to the existing building being built to the boundary the noise heard from within the courtyard amenity area would not be unduly detrimental to the amenity of no. 63 Wednesbury Road. To add, it is unlikely all occupants would use the outdoor space at the same time.

There are no windows proposed within the side elevation of the property facing no. 63. It is considered there would be limited overlooking of the garden area of no. 63 Wednesbury Road.

There is currently a gap in the boundary treatment between the courtyard area and the adjacent church no. 57. A condition could be secured for full details of boundary treatment to protect the privacy of both the users of the church and the occupiers of the site.

Concerns have been raised by local residents in relation to the intensification of coming and goings from the property due to the proposed use. It is acknowledged that in comparison with a 'standard' dwelling house the proposal could result in more activity on the site however it is likely that the previous use of the site would have meant that employees would have come and gone albeit, most likely, during daytime hours. The site is also located adjacent and opposite to two churches; it is expected the congregation would visit in higher numbers than what is the 'normal' level for a dwellinghouse. On balance it is considered the proposed use is acceptable in a residential area and would not result in noise and disturbance over and above the established use.

A significant number of residents have expressed concerns that the proposal could lead to an increase in crime and antisocial behaviour on the site. Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is often limited unless there is sufficient evidence to show that the increased fear of crime would actually occur in relation to this specific proposal. While the police architectural liaison officer expressed some concerns regarding lack of details about site security they have not raised an objection to the principle of the use nor raised any concerns around crime/ anti-social behaviour. Furthermore, no evidence has been submitted to substantiate this concern. The suggested principles of secured by design would be included as an informative note. To add, the behaviour of people in the street and safeguarding are all matters outside the scope of the planning legislation to consider.

On balance, it is considered that the proposal would not result in an undue impact upon residential amenity due to noise and disturbance as to warrant refusal of the application for this reason.

Highways

Wednesbury Road is a District Distributor Road. There are two managed parking spaces available on the small forecourt and one additional car parking space can be provided over the dropped kerb to serve the property. There are on street parking bays along Wednesbury Road for residents of the area. On the opposite side there are double yellow lines, a number of properties have drives for off road car parking.

The residents of the development are unlikely to be car owners, the spaces being for the use of the predicted 4 members of staff on shifts and visitors. The local highway authority consider the level of parking provision is considered acceptable.

There have been a number of objections made in relation to the level of parking provision on site and the potential for the proposal to lead to discriminate parking. The local highway authority have assessed the proposal and 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 paragraph 115. The proposal is therefore considered acceptable.

The highway authority are concerned that the storage of bins to the front of the property could impact the parking provision on site which may result in bins left on the highway therefore suggest a waste management strategy is finalised. As referenced above this can be agreed prior to the decision being issued.

Ecology

The proposal relates to the conversion of an existing property. No demolition of the current building is proposed. It is therefore considered not necessary to carry out any protected species reports. The existing site has no areas of landscaping. The proposal does include an area of grass for residents and a small area of landscaping which would be secured by condition.

Flood Risk / Drainage

The LLFA have confirmed they are satisfied a condition can cover party/-ies responsible for the maintenance of the proposed surface water system however have requested that details regarding exceedance and water quality are finalised prior to a decision being issued. The applicant has provided a revised drainage strategy to deal with these matters, the LLFA have not yet responded on the acceptance of this. It is considered prior to a decision being issued confirmation from the LLFA is required.

Severn Trent Water request further clarification in relation to the suitability of the proposed drainage strategy. The applicant has responded to correspondence from Severn Trent Water, the LPA are waiting on confirmation this information is satisfactory.

Planning Obligations

The proposal proposes a total of 11 apartments. An Urban Open Space contribution of £8,489 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP. The applicant has agreed this figure.

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 11 new units.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the proposal would be an acceptable use of this previously developed site within an existing residential area.

There is no significant evidence that the proposal would increase crime and anti-social behaviour in the area or give rise to an unacceptable level of noise and disturbance. The proposal is considered would not result in a significant loss of amenity for adjoining neighbours.

The application has sufficient off-street parking to meet policy requirements.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised in respect of the design and layout of the proposal. Amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure an open space contribution and:
 - Addressing concerns regarding flood risk/drainage;
 - Providing an acceptable waste management strategy; and
 - The amendment and finalising of conditions;

Conditions and reasons

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

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

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

Aspire Supporting Letter dated 19/01/2023

Noise Impact Assessment dated 20 February 2022

Proposed Ground Floor Plan 2022-066-055 Rev B dated 17/11/23

Proposed First and Second Floor 2022-066-066 Rev B dated 17/11/23

Proposed Front, Rear and Side Elevation 2022-066-077 Rev B 17/11/23

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

3. Notwithstanding the details submitted, the development hereby permitted shall not be operated or used otherwise than for assisted living accommodation.

Reason: To define the planning permission, and to control the parking demand at the site in accordance with UDP Policy T7 and T13.

4i. Prior to the commencement of the development hereby permitted details of acoustic glazing and acoustic passive and mechanical ventilation in accordance with the minimum sound reduction performance (DnTw) specified in the 'Noise Impact Assessment dated 20 February 2022' shall be submitted in writing to and approved in writing by the Local Planning Authority.

ii. The Applicant shall implement the agreed acoustic mitigation measures.

iii. Prior to the occupation of the development hereby permitted a written validation document that confirms implementation of the agreed mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: To protect the health and amenity of future occupiers/users in line with saved UDP policies GP2 and ENV14.

5a. Prior to the commencement of development hereby permitted details of the party/-ies responsible for the maintenance of the proposed surface water system including:

- i. contact details and address details
- ii. details of planned activities and frequencies of required maintenance
- iii. maintenance of the permeable amenity space

shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development shall not be carried out otherwise than in accordance with the approved maintenance details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6. Prior to the commencement of building operations above damp-proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

7a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

8. Prior to the first occupation of the development hereby permitted the two parking spaces to forecourt shall be fully implemented, being clearly demarcated on the ground and shall thereafter retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2, T7 and T13.

9a. Prior to the development first coming into operation, details of a covered and illuminated cycle shelter with facilities for locking shall be submitted to and approved in writing by the Local Planning Authority.

b. The cycle shelter shall be fully implemented in accordance with the approved details.

c. The cycle shelter shall thereafter be retained and used for no other purpose for the lifetime of development.

Reason: To encourage sustainable modes of travel and in accordance with Saved UDP Policy and the Black Country Core Strategy Policy TRAN4.

10a. Notwithstanding the details submitted and prior to the development first coming into operation full details of site security measures shall be submitted to and approved in writing by the Local Planning Authority.

b. The security measures shall be fully implemented in accordance with the approved details.

c. The security measures shall thereafter be retained for the lifetime of the development.

Reason: To ensure the safety and security of the development and its occupiers in compliance with saved UDP policy ENV32 and H1.

Notes for Applicant

West Midlands Police The applicant may consider the following: Construction site security. https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf 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/HOMES_GUIDE_2023_web.pdf

For flats / apartments. Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2023 page 73 2b.45). SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2023 page 73, 45.3). 'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2023 page 74, 45.4-5). Suitable lighting will provide some security. External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas. This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2). I would recommend 24 hour lighting using a daylight sensor to communal areas. Good quality LED lighting. Providing security to residents as they make their way within the building. (SBD Homes 2023 page 77 49.8). Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/> Advice on alarms and CCTV <https://www.policesecuritysystems.com/> Consider for communal shared entrances doors and visitor door entry systems to standard SBD Homes 2023 S48. In the interests of safety, security and crime prevention. Door sets fitted with TS 007 3 star rated cylinders to each of the individual rooms. Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9). All doors to a minimum PAS 24: 2022 standard doors for houses and apartments. Particularly external doors. PAS 24 2022 for all new windows. Controlled fittings – Building Regulations etc. This includes combined fire resistance with security.(See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf
Any entry and to each room would be an individual victim of dwelling burglary.

If required cycle stores, approved products, are recommended (SBD Homes 2023 page 60, 32 and 85, 64). Located in a clearly visible area.

West Midlands Fire Service

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application

Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.
- e. A facility to store building information for firefighters to complete their tasks.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

For flats, either of the following provisions should be made.

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building. Door(s) should be provided such that there is no more than 60m

between each door and/or the end of that elevation (e.g. a 150m elevation would need at least two doors).

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and meet the provisions in Section 8 of BS 9990.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Section 14: Fire mains and hydrants – flats

Provision of fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

a. The firefighting stairs.

b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

Wayfinding signage for the fire service

15.13 To assist the fire service to identify each floor in a block of flats with a top storey more than 11m above ground level (see Diagram D6), floor identification signs and flat indicator signs should be provided.

15.14 The floor identification signs should meet all of the following conditions.

- a. The signs should be located on every landing of a protected stairway and every protected corridor/lobby (or open access balcony) into which a firefighting lift opens.
- b. The text should be in sans serif typeface with a letter height of at least 50mm. The height of the numeral that designates the floor number should be at least 75mm.
- c. The signs should be visible from the top step of a firefighting stair and, where possible, from inside a firefighting lift when the lift car doors open.
- d. The signs should be mounted between 1.7m and 2m above floor level and, as far as practicable, all the signs should be mounted at the same height.
- e. The text should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch.

15.15 The wording used on each floor identification sign should take the form Floor X, with X designating the number of the storey, as intended for reference by residents. The floor number designations should meet all of the following conditions.

- a. The floor closest to the mean ground level (see Diagram D4) should be designated as either Floor 0 or Ground Floor.
- b. Each floor above the ground floor should be numbered sequentially beginning with Floor 1.
- c. A lower ground floor should be designated as either Floor –1 or Lower Ground Floor.
- d. Each floor below the ground floor should be numbered sequentially beginning with Floor –1 or Basement 1.

15.16 All floor identification signs should be supplemented by flat indicator signs, which provide information relating to the flats accessed on each storey. The flat indicator signs should meet all of the following conditions.

- a. The signs should be sited immediately below the floor identification signs, such that the top edge of the sign is no more than 50mm below the bottom edge of the floor identification sign.
- b. The wording should take the form Flats X–Y, with the lowest flat number first.
- c. The text should be in sans serif typeface with a letter height of at least half that of the floor indicator sign.

- d. The wording should be supplemented by arrows when flats are in more than one direction.
- e. The text and arrows should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch. NOTE: In the case of multi-storey flats with two or more entrances, the flat number should only be indicated on the normal access storey.

Evacuation alert systems

15.17 In blocks of flats (purpose group 1(a)) with a top storey over 18m above ground level (see Diagram D6 in Appendix D) an evacuation alert system should be provided in accordance with BS 8629. Secure information boxes

15.18 A secure information box provides a secure facility to store information about a building for use by the fire service during an incident.

15.19 Blocks of flats (purpose group 1(a)) with a top storey more than 11m above ground level (see Diagram D6 in Appendix D) should be provided with a secure information box. NOTE: Consideration should also be given to other buildings with large, complex or uncommon layouts where the provision of a secure information box may be beneficial.

15.20 The box should meet all of the following conditions.

- a. Sized to accommodate all necessary information.
- b. Easily located and identified by firefighters.
- c. Secured to resist unauthorised access but readily accessible by firefighters.
- d. Protected from the weather.

15.21 Best practice guidance can be found in Sections 2 to 4 of the Code of Practice for the Provision of Premises Information Boxes in Residential Buildings published by the Fire Industry Association (FIA).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey **more than 11m** above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be

provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

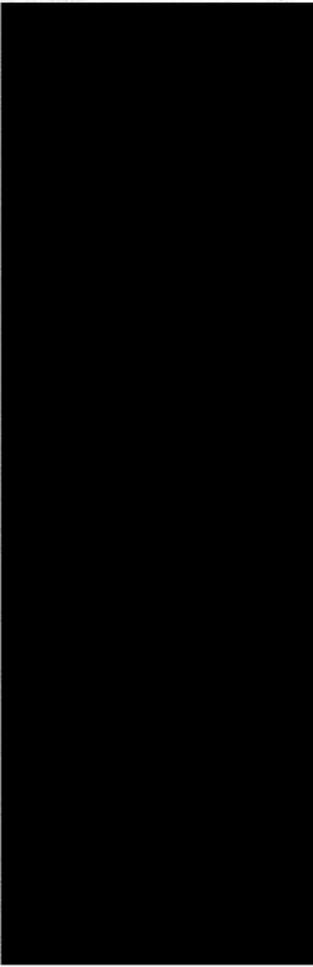
The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Appendix

Petition 1

We the undersigned and residents of Wednesbury Road object to the application 22/0381 of building 17 self-contained apartments at 59-61 Wednesbury Road. The objection is based on:

- Adequacy of parking- there is not enough parking for the occupants of the proposed application as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.
- Traffic- it will affect the flow of traffic in an area inundated with traffic issues
- Anti-social behaviour
- Impact on the amenity of the area- this area already has a number of social housing buildings and HMO's that is impacting the area

Name	Address	Signature
Mahmud Ravat	78E Wednesbury Road	
ANISA RAHAT	78E WEDNESBURY RD	
SABIRA RAHAT	78C WEDNESBURY RD	
HARON KAVAT	78B WEDNESBURY RD	
Saleem Ravat	78B Wednesbury Road	
ALI RAVAT	78B WEDNESBURY ROAD	
HI RAHAT	78C WEDNESBURY RD	
Y Ravat	78 WEDNESBURY RD	
FARJAN AKHTAR	76 WHITEHALL RD	
Rebeka Begum	94 Wednesbury RD	
KOUSOR MIAH	1 Grange St	
Mohammed Rahman	62 Corporation St West	
Njilafa Begum	53A Wednesbury	
Ashfa Begum	5.3A Wednesbury R	

Petition 2

We the undersigned and residents of Wednesbury Road object to the application 22/0381 of building 17 self-contained apartments at 59-61 Wednesbury Road. The objection is based on:

- Adequacy of parking - there is not enough parking for the occupants of the proposed application as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.
- Traffic - it will affect the flow of traffic in an area inundated with traffic issues
- Anti-social behaviour
- Impact on the amenity of the area - this area already has a number of social housing buildings and HMO's that is impacting the area

Name	Address	Signature
Bilal Ravat	15th Wednesbury Road Wednesbury West Midlands	[Redacted]
A. Ravat	78 Wednesbury Rd 10001 West Midlands	[Redacted]
P. B. B. I.	52 Wednesbury	[Redacted]
A. Hadda	55 Wednesbury	[Redacted]
Hussain	87 Wednesbury	[Redacted]
Kenneth Ailamen	85B Wednesbury	[Redacted]
M. SALLAO	91 WEDNESBURY RD	[Redacted]
M. M. M. M. M. M.	110 Wednesbury rd	[Redacted]
S. S. S. S. S. S.	93 WEDNESBURY 10000	[Redacted]
R. R. R. R. R.	97 WEDNESBURY RD	[Redacted]
B. B. B. B. B.	95 Wednesbury	[Redacted]
A. A. A. A. A.	99 wednesbury	[Redacted]
A. A. A. A. A.	101 wednesbury rd	[Redacted]
Y. Y. Y. Y. Y.	103 wednesbury	[Redacted]

END OF OFFICERS REPORT