

Planning Committee

Report of Head of Planning and Building Control on 21 July 2022

Plans List Item Number: 3

Reason for bringing to committee

An appeal has been made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission. Officers are therefore seeking a resolution from Members of this Planning Committee on how they would have otherwise determined this application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

Application Details

Location: LAND AT GOMER STREET, WILLENHALL, WV13 2NR

Proposal: FULL APPLICATION FOR 14 (8 X 1 BED AND 6 X 2 BED) APARTMENTS AND ASSOCIATED PARKING AND AMENITY SPACE

Application Number: 20/1001

Case Officer: Leah Wright

Applicant: Simon North

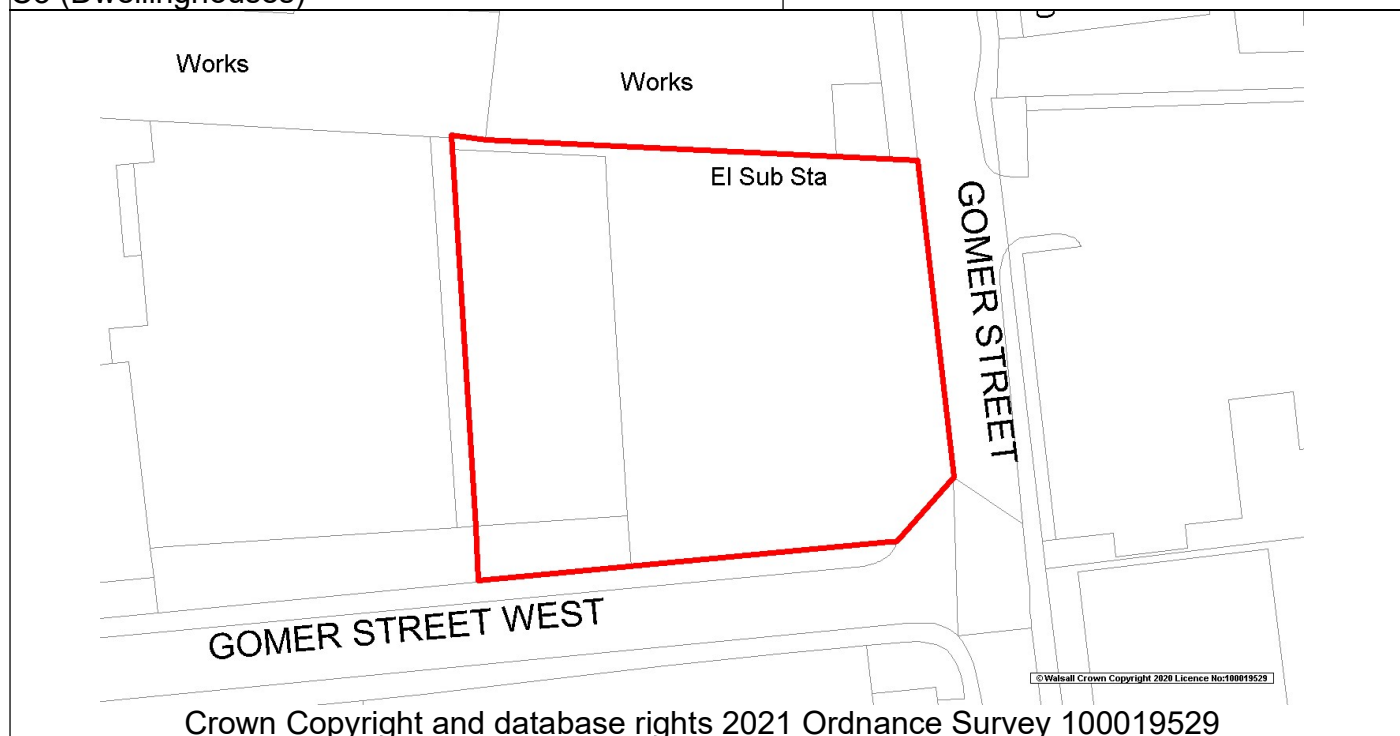
Ward: Willenhall South

Agent: J Mason Associates Ltd

Expired Date: 17-Nov-2020

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

Time Extension Expiry: 12-Aug-2021



Recommendation:

Refuse Planning Permission

Proposal

Full application for 14 (8 x 1 bed and 6 x 2 bed) apartments within a building which ranges from two to four storeys and associated parking and amenity space.

To note, the originally submitted scheme proposed 18 apartments, however the number was reduced to 14 to allow for more amenity space at ground floor level.

There will be 18no parking spaces provided with 3 electric vehicle charging points. There is a secure bin store proposed with 2no spaces, in addition to an internal, secure bin store.

A total of 338sqm of communal amenity space is proposed to the northern section of the site. Further, around the site there is soft landscaping proposed.

Site and Surroundings

The application site is located on the corner of Gomer Street and Gomer Street West. To the North and West side of the site sits industrial buildings, with the East of the site adjoining a residential street. The immediate context to the South consists predominantly of industrial and residential buildings. Most notably is the 14-storey residential block directly opposite the south elevation of the site.

The site is within a Coal Development High Risk Area and the Willenhall Conservation area is located to the east of the site.

Relevant Planning History

No relevant history.

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 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 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
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- EMP5: Improving Access to the Labour Market
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- 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
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
IND4: Local Industry Consider for Release
EN3: Flood Risk

EN4: Canals
T2: Bus Services
T3: The Rail Network
T4: The Highway Network
T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

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 archaeological implications for this proposal.

Coal Authority

- Coal Authority concurs with the recommendations of the Phase II Geotechnical Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Recommend granting of planning permission subject to conditions.

Ecology Officer

- No comment.

Environmental Health

- No comment

Environmental Protection

- If the application involved the re-development of the entire block, including the industrial buildings, i.e. part of a larger re-development scheme, then Pollution Control would be in support. However, as far as Pollution Control are aware, the existing industrial units have no planning restrictions, can operate 24-hours per day, seven days a week, if they wanted and could involve any B1, B2, B8 activity. Cannot support the application as is. If the application was to be re-submitted as part of a larger scheme then Pollution Control will provide additional comments on contaminated land, Air Quality SPD, and noise concerns.

Highways England

- No objection.

Historic England

- No comment.

Housing Standards

- No comments to make, however no dimensions provided to determine the bedroom sizes.

Local Highways Authority

- No objections subject to conditions regarding full details of the proposed cycle shelter, the submission of a construction methodology statement, full consolidation and hard surfacing of the parking and vehicle manoeuvring areas and the implementation of the highway footway.

Local Lead Flood Authority

- No objection to the application at this stage subject to the pre-commencement conditions below being attached to any planning permission, to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure

no increase in flood risk during the construction phase

Natural England

- No comment

Network Rail

- No comment

Public Lighting

- No street lighting implications concerning this development as lighting columns are absent from the proposed demolition and rebuilding by virtue of their being positioned away from the site. Security lighting is to be provided for the vehicle access; requested that the footprint of this lighting installation is confined to the site with no spill lighting onto adjacent properties.

Severn Trent Water

- No objections subject to a condition for the disposal of foul and surface water flows. Note to applicant advising there may be a public sewer located within the application site.

Sport England

- Application does not fall within remit; no detailed advice given.

Strategic Planning Policy

- The reduction from 18 to 14 dwellings means that no contribution to affordable housing is now required. The remaining points in our earlier response of November 2020 still stand.

Tree Preservation Officer

- No comment received.

Waste Management (Clean and Green)

- No comment received.

West Midlands Fire Service

- Note to applicant regarding compliance with building regulations.

West Midlands Police

- No objection; recommend principles of secure by design.

Representations

No representations received.

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees and Landscaping
- Coal Authority
- Environmental Protection

- Planning Obligations
- Local Finance Considerations
- Presumption in favour of sustainable development.

Assessment of the Proposal

Principle of Development

The allocation of the site as part of a “consider for release” site under SAD policy IND4 means that the loss of the site for employment use is acceptable in principle subject to the requirements of BCCS policy DEL2 being met.

It is understood that the site is now vacant so there are no existing occupiers to relocate. Strategic Planning Policy have stated that advice will need to be obtained from Environmental Protection colleagues about whether the remaining industrial activities in the rest of site IN206 would have an adverse impact on the amenity of future residents. In accordance with the “agent of change” principle in the NPPF, the development would be required to provide suitable mitigation to safeguard residents.

Emerging evidence for the Black Country Plan, which will replace the BCCS once adopted, is that there is a need for a substantial increase in the quantity of employment land across the Black Country. However, it is accepted that various factors relating to this site, including the surrounding uses which are mainly residential, the poor road access particularly for larger vehicles, and the quality of the existing buildings on the site, means that it is not suitable for long-term retention for industry regardless of need.

A residential use is supported in principle, subject to the inclusion of an adequate level of amenity space for each unit.

In terms of the design and dwelling types, a high-density residential development is supported on this site in principle. The site lies immediately adjacent to Willenhall District Centre which has good public transport access and is proposed to be served by a new railway station in the next few years.

As such, it is considered the proposal could be supported in principle subject to seeking advice from Environmental Protection and subject to other material considerations as set out below.

Heritage Assessment

The Willenhall Conservation area, a heritage asset, lies some 62m to the east of the site.

The traditional terrace housing along the southern half of Gomer Street has been demolished and the street is characterised by a parcel of open space used for dumping waste materials (application site), 15 storey high tower block and health care centre and ancillary car parking. A group of four 19th century building at the junction of Gomer Street and Wolverhampton Street survive.

The northern part of Gomer Street is characterised by traditional 19th and 20th century terrace dwellings. There is a modern infill development of two dwellings between numbers 32 and 39 Gomer Street.

The properties along Stafford Street vary in height from two stories to three stories. From Union Street, which is within Willenhall Conservation Area, small glimpses of the upper part of the 15 storey block are visible. There is no zone of theoretical plan which identifies prominent views of

the development from within the conservation area.

It is considered that given the development is maximum four storeys in height, the distance of the site from the edge of the conservation area and the application site, the proposed development would have some harm to the character and setting of the Willenhall Conservation Area, however that level of harm would be weighed as low and as such there are no objections from a Conservation perspective.

Midland Engineering Works to the north of the application site, the single storey saw tooth buildings can be seen on historic mapping dating from the 1930's, as such, they would be classed as non-designated heritage assets. There is a small extract that shows the relationship with the new development and these existing industrial buildings. The proposal illustrates that the proposed development would be stepped away from the boundary with these existing industrial buildings, which is welcomed. It is considered that the proposed development would have some harm to the significance of the non-designated heritage asset, however the level of harm would be scaled as low to medium and again there is no objection from a conservation perspective.

Design, Layout and Character

The submitted Design and Access statement states that the design of the proposal has been fully considered within the varied local context of the site in order to provide a contemporary design which respects the established urban grain and pattern of development.

The scheme reaches a maximum of four stories in height and follows the existing building line of neighbouring properties. It is considered that the varying height ensures the proposed building respects the surrounding scale of development and does not appear at odds, nor is overbearing.

It is considered that the design would be modern and appropriate in the surrounding area where residential properties are mixed in style and size and where there are blocks of flats already present.

The materials of the proposed building are proposed to be a mix of red and white brick with light mortar. The windows are proposed to be finished in a dark grey and the balconies will be black aluminium. It is considered that these are high quality.

The proposed layout makes efficient use of the site and there is appropriate shared amenity space and communal facilities provided which are secured.

As such, the proposal is acceptable from a design, layout and character perspective.

Amenity of Neighbours and Amenity of Future Occupiers

The Council has minimum standards for residential amenity the key standards relevant to this case are:

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13m separation between habitable windows and blank walls exceeding 3m in height
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk)
- Garden dimensions: 12m in length or a minimum area of 68 sq m for houses and 20 sq m of

useable space per dwelling where communal provision is provided.

There are a number of residential properties which border the site with the nearest properties being at 20 Gomer Street and neighbouring properties, some 22m to the north east of the site, St Marys Court, some 30m to the south of the proposal and a flat at the Falcon Inn, some 34m to the west of the site.

The proposed building has habitable windows facing outwards onto all directions of the surrounding area. It is considered that there is sufficient distance between the surrounding residential properties and the proposal, and the separation distances as above are met. It is considered that the proposal would not unduly affect the privacy of existing residents and is therefore acceptable from this perspective. Further, given the sites distance from other residential properties, the proposed development would not result in a loss of light, nor overshadowing.

The National Space standards (NSS) stipulate various standards including the minimum floor area of single and double bedrooms (7.5 and 11.5sqm) and the minimum gross internal floor areas of dwellings. All of the new dwellings meet the national space standards and would be dual aspect with no north aspect single dwellings proposed. As such it is considered that a good standard of internal amenity is achieved.

In terms of amenity space, the dwellings are provided with small balconies. Whilst it is noted that the balconies would not meet the minimum standard for private amenity space (20sqm per flat if shared space is provided) there has been shared amenity space provided to the north of the site and Willenhall Memorial Park is sited 0.3m from the site. As such, it is considered on balance that the shortfall in private amenity space is acceptable in this instance due to the shared amenity space and nearby open space which would allow future occupiers a good standard of amenity.

There is concern that the surrounding commercial occupiers may have a negative effect on the proposed sensitive use and future occupiers of the building; this is explored further in the Environmental Protection section of this report.

Highways

The Local Highways Authority have commented upon the application and have no objection to the scheme. 17 parking spaces are proposed which is considered acceptable in a district centre location and the development offers public benefits in terms of the provision of a new footway along the Gomer Street frontage and junction radius.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109 subject to conditions regarding full details of the proposed cycle shelter in order to encourage sustainable methods of travel, the submission of a construction methodology statement to minimise on street parking by site operatives and the potential disruption to free flow traffic, the consolidation and hard surfacing of parking and vehicle manoeuvring areas to ensure the safe and satisfactory operation of the development and for the adopted highway footway to be fully implemented.

Ecology

The application is supported by Bat survey for the bat roost potential at Gomer Street by Absolute Ecology.

There is one building located onsite which was subject to survey. Proposals have been made to

demolish the building to facilitate the sites redevelopment of a residential apartment block with parking and amenity area. A building inspection was undertaken 04/05/21 by Absolute Ecology LLP who assessed the building to be of low potential for supporting roosting bats. As such a subsequent activity survey was carried out by Absolute Ecology. Bats were confirmed to be absent from the building, with no bats seen to emerge from or re-enter during the activity survey.

As no bat roosts were identified during the survey, it will not be necessary to apply for a Natural England European Protected Species (EPS) licence and no further survey actions are considered necessary. However, where surveys have demonstrated a likely absence of bats in the building, it should be noted that it is possible that bats could begin to utilise the building at any time, and any works should be undertaken with care and vigilance for bats. Should bats be found during development, then all works must cease, and a qualified bat ecologist should be consulted. No nesting birds were observed internally or externally on the building; therefore, no further actions are required.

Flood Risk / Drainage

The site and immediately boarding areas are within Flood Zone 1. The Local Lead Flood Authority (LLFA) have commented on the application and have no objection to the application subject to pre-commencement conditions to ensure that a full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

Trees / Protected Trees and Landscaping

There are no protected trees within the boundary of the application site or within 20m of this proposal and as such an arboritucultural report was not required to support the proposal.

The proposal has put forward a soft landscaping scheme and this would be conditioned as any approval of the development.

Coal Authority

The application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of surface instability.

The applicant submitted a Phase II Geotechnical Assessment report (July 2021, prepared by SP Associates) in support of their application and the Coal Authority concurs with the recommendations of the Phase II Geotechnical Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development.

The Coal Authority therefore recommend that planning permission is granted subject to pre-commencement conditions regarding a scheme of intrusive investigations to establish the risks posed to the development by past coal mining activity and that any remediation works/ or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. Further a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. . This is in order to ensure the safety and stability of the development, in accordance with

paragraphs 183 and 184 of the National Planning Policy Framework

Environmental Protection

Environmental Protection were consulted on the proposal and have raised concern to the residential use. It was considered that taking one small section of an industrial estate and place a sensitive use upon it is piecemeal that fails to take a comprehensive approach to the redevelopment of the area and is not something that they could support.

The main concern from a Pollution perspective is whether the Applicant can address the Agent of Change Principle, which has been introduced into Planning Guidance/Legislation/Policies. Environmental Protection are of the opinion that due to the proximity of the site to industrial premises, then this has not been fully assessed.

The Applicant has attempted to address two areas of concern, noise and contaminated land, however, Environmental Protection feel that the noise assessment may not be representative of the normal week, as it was undertaken Friday to Monday. Additionally, by placing a sensitive receptor in such proximity it will curtail future activities and potential expansion plans, which factory owners may wish to undertake.

If the factories had planning restrictions places upon them, which required for only certain activities to be undertaken and time restrictions e.g. light engineering between 0700 to 2300 Monday to Saturdays, then this would be a mitigating factor. However, from Environmental Protection's understanding, the existing factories do not have any such planning constraints i.e. they can undertake 24-hour working and generate noise/vibration, emit odorous emissions, emit particulates/dust/gases as much as they like, provided they are in compliance with other legislative requirements.

In addition to the noise concerns, Environmental Protection do not have any specific details on emissions or odours from the existing industrial processes. As the businesses are located within an industrial area, away from sensitive receptors, Pollution Control have not received any significant complaints about them, therefore Pollution Control have no information on the businesses, their activities, and their emissions to atmosphere, water or land.

It is considered that if the application involved the re-development of the entire block, including the industrial buildings, i.e. part of a larger re-development scheme, then Environmental Protection could support the scheme. However, as above, the businesses do not have any current restrictions and as such the application is not supported. Detailed comments regarding contaminated land, Air Quality SPD, and noise concerns have not been provided at the time of writing this report due to the fact the proposal is currently not acceptable in 'principle' from an Environmental Protection perspective.

Planning Obligations

A contribution to off-site open space improvements will also be required, based on the number of bedrooms proposed in accordance with the open space SPD. This has been calculated as £13,860 and would need to be secured through a S106 agreement.

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 14 new homes.

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.

Presumption in favour of sustainable development

The latest available figures show that there was a 5-year housing land supply as at April 2021, however the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the size of the required supply buffer has increased resulting in the supply at the time of preparing this report being slightly less than 5 years, and the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Permission should be granted for the development unless any adverse impacts of doing so would 'significantly' and 'demonstrably' outweigh the benefits when assessed against the policies in the NPPF.

Paragraph 187 of the NPPF clearly states that Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). In this instance the existing businesses that surround the proposed site have the potential to have unreasonable restrictions placed upon them as a result of the proposed development, after these businesses have been established. This existing businesses could have a significant adverse effect on new development and there has been no mitigation of such effects put forward to support this planning application to safeguard future residents.

The purpose of the planning system is to contribute to the achievement of sustainable development with three overarching objectives, an economic objective, a social objective and an environmental objective. By allowing a residential use in this area, sustainable development would not be achieved. The existing businesses may have unreasonable restrictions on them meaning their growth may be limited and in terms of an impact socially, the existing businesses may negatively impact upon future occupiers, leading to a diminished quality of life with a poor level of amenity.

Weighing up the planning balance, it is considered that although the presumption in favour of sustainable development is in effect, permission should not be granted as in doing so it would significantly and demonstrably, as above, outweigh the benefits when assessed with the policies in the NPPF.

Conclusions and Reasons for Decision

FOR Refuse

The proposed residential development would not integrate effectively with the surrounding industrial businesses and it is considered that these existing businesses could have the potential to have unreasonable restrictions placed on them as a result of development permitted after they

were established. No mitigation measures have been put forward to support the application. This would be contrary to paragraph 187 of the NPPF.

The planning balance has been weighed up and it is considered that although the presumption in favour of sustainable development is in effect, permission should not be granted as in doing so it would significantly and demonstrably, as above, outweigh the benefits when assessed with the policies in the NPPF in relation to the above.

Positive and Proactive Working with the Applicant

Refuse

In this instance officers are unable to support the proposal for the reasons given above.

Recommendation

Reasons for Refusal

1. The proposed residential development would not integrate effectively with the surrounding commercial and industrial businesses, and it is considered that these existing businesses could have the potential to have unreasonable restrictions placed on them as a result of development permitted after they were established. No mitigation measures were put forward to support the application in terms of noise and odours arising from the surrounding commercial and industrial activities and as such this application fails to demonstrate that future occupiers would be provided with a satisfactory living environment. This application is therefore contrary to Saved Policies GP2, ENV14 and ENV32 of the UDP, Policy IND4 of the Site Allocation Document and paragraph 187 of the NPPF.
2. As the application is being refused the s106 cannot be entered into at this stage in order to make the development acceptable in planning terms. Consequently, the lack of the S106 for a contribution to Urban Open Space would be unacceptable due to the impact on the amenity of the local community, whilst reducing the facilities for outdoor sport and recreation contrary to policy OS1 (open space, sport and recreation) of the Site Allocation Document, GP3 (Planning obligations).

END OF OFFICERS REPORT