



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 3

Reason for bringing to committee

Major Application

Application Details

Location: 115-119, WEDNESBURY ROAD, WALSALL, WS1 4JQ

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT OF 14 NO. 2 BEDROOM APARTMENTS WITH 21 ASSOCIATED PARKING SPACES, CYCLE STORAGE AND AMENITY SPACE

Application Number: 20/1582

Case Officer: Ann Scott

Applicant: EDS Couriers

Ward: Palfrey

Agent: J Mason Associates Ltd

Expired Date: 11-Mar-2021

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

Time Extension Expiry:



Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and secure a Section 106 Agreement for an off-site public open space contribution and subject to:

- The amendment and finalising of conditions;

Proposal

Proposed residential development of 14 no. 2 bedroom apartments with 21 associated parking spaces, cycle storage and amenity space.

Site and Surroundings

The application site is presently a commercial property used for car tyre sales and automatic car wash facility. The site is primarily hard surfaced and there are low level buildings on the site which incorporate the existing business premises. The site is split into two separate business uses; adjacent to Milton Street is the tyre sales business and fronting Wednesbury Road is the automatic car wash. The site is bounded by an existing perimeter fence.

Opposite the site are commercial buildings Circa 1930's to 1950's and older terraced housing Circa 1890 to 1901.

To the rear of the site is a large Mosque which is of more recent contemporary construction which is imposing and has its own distinct character which is not typical of the local vernacular other than the use of buff and red brick detailing in the facing brick materials. Opposite the application site on Milton Street are lower level terraced commercial properties.

Relevant Planning History

02/1202/FL – Reinstatement as a parcel, sorting and delivery office – Granted 26/9/2002.

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 8 – Promoting healthy and safe communities**
- **NPPF 10 – Supporting high quality communications**
- **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 Framework, Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment).

Defines significance as ‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Planning Practice Guidance

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm.

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

- 3.6 to 3.8 Environmental Improvement
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations

- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- 5.3 to 5.11 Strategic Policy Statement
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC1: Urban Open

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- 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
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

T4: The Highway Network

HC2: Development of Other Land for Housing

Supplementary Planning Document

Conserving Walsall's Natural Environment

The natural environment and new development

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

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

Other Policy/guidance:

- National Design Guide
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009)
- National Design Guide 2021
- National Modal Design Guide 2021

Consultation Replies (*Officer Comments in Italics*)

Archaeology - No archaeological implications for this proposal.

Clean and Green - The property will require 2x660ltr bins for general waste and 2x1100ltr bins for recycling

Coal Authority – no objections or specific comments to make on the proposal.

Community Safety Team – Comments that the parking should be for residents only and should be privately accessible to prevent fly tipping.

Police (Designing Out Crime) – Provide recommendations on security measures).No objections.

Conservation Officer – No conservation objections.

Environment Agency – No comments to make.

Fire Officer – No objections suggest fire safety measures incorporated into the building which is covered by Building Regulations (*will be added as note to applicant*).

Housing Standards – no comments to make.

Local Highways Authority- supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, and a Construction Method Statement.

Natural England – no objections

Pollution Control – No objections conditions suggested regarding contaminated land and address the requirements of the Noise Assessment Dated 30th March 2021.

Public Health – No objections.

Severn Trent Water – No objection subject to drainage condition and note to applicant regarding potential for a public sewer to be present.

Strategic Planning Policy – Supports the application

Ward Members – Councillor Ditta objects to the proposal. The location for such a proposal is not suitable.

Representations

Third party comments - 21 objections on the following grounds;

- Not in keeping with the local area.
- Highway safety/parking issues/congestion
- Increased density in an already built up area
- Loss of view to mosque
- Flats not needed here

- Community safety concerns
- Increased noise and disturbance to the area
- Adversely affect neighbouring properties
- Loss of light
- Loss of privacy
- Fly tipping/litter issues/crime
- Building height
- Impact on nearby mosque building
- Noise during construction
- Adequacy of parking

Petition received with 47 electronic signatures in relation to the following;

- Loss of light - will directly affect the worshipers and children who access the facilities at Masjid Al-Farouq and residents of 8-30 Milton Street.
- Overlooking/Loss of privacy - three-storey building will directly overlook into the houses of residents in Milton Street leading to loss of privacy, as well as overlooking the Abu Bakr Nursery across the road.
- Adequacy of parking - not enough parking for the occupants of the proposal as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.
- Traffic generation - will affect the flow of traffic in an area inundated with traffic issues.

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology / Landscaping
- Flood Risk / Drainage
- Ground Conditions and Environment
- Planning Obligations
- Any other issues
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The application site is on a parcel of land of 0.46 acres or 1877.00 m², within the limits of development for Walsall. The site has no particular allocation and has been in use as a garage tyre business and automatic drive through car wash enterprise and previously as a computer repair business.

The application site lies at the Junction with Wednesbury Road and Milton Street. Behind the application site is the Masjid-Al-Farouq Mosque. Which faces both Milton Street and Wednesbury Road. There is a mini roundabout at the junction of Wednesbury Road and Milton Street.

Paragraph 8 of the NPPF relates to achieving sustainable development, and seeks to ensure that new development is sustainable in terms of the economy, social objectives and environmental objectives. Paragraph 10 provides for the presumption in favour of sustainable development. In terms of the location of the proposed development there are no objections in principle to the development of 14 apartments in this location within the development limits and well related to the Walsall Town Centre and wider settlement pattern.

Housing Need:

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 seeks to ensure the governments' objective of significantly boosting the supply of homes. Paragraph 61 relates to strategic housing supply policies and should be informed by local housing need. The council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test as a result of low housing delivery over the last three years. Paragraph 73b of the NPPF seeks to ensure that the supply of new homes should be well located and designed, and supported by the necessary infrastructure and facilities including a choice of transport modes. Walsall is connected by bus and rail services to the wider area and provides a sustainable location for the proposed development. The application site is closely located to the Walsall Town Centre.

The site is a former petrol station but has been under-utilised for many years. The site lies close to Pleck Local Centre and Walsall Town Centre on a main bus route. The high density housing scheme proposed is therefore supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 69 and 119.

Paragraph 74 relates to maintaining supply and delivery of housing sites over the development plan period. Local Planning Authorities should update annually a supply of deliverable sites against their housing requirement set out in adopted strategic policies.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to create a network of cohesive, healthy and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

The present Housing Delivery Test indicates that Walsall only achieved around 70% of its housing delivery over the period 2018-2021. Where applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites, with the buffer set out in paragraph 74, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years the presumption is in favour of granting permission as indicated in Paragraph 11d.

Heritage Assessment

The proposed development lies in the vicinity of locally listed buildings. Comments have been received from the Council's Conservation Officer who advises that the proposed development on balance there are no conservation objections.

Number 138 to 140 Wednesbury Road is a locally listed building, as defined in the NPPF. It is a two storey flat roof building with either a 1930's frontage or a 1950's replacement frontage and sits opposite the northern part of the application site.

Paragraph 203 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*

Paragraph 194 of the NPPF requires the LPA to 'require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

The Conservation Officer considers that the proposed three storey development has some harm to the significance of this locally listed building due to the scale, mass and design of the proposed development, however, that scale of harm would be measured as medium.

The scheme has been amended to include a pitched roof to the proposed development and pitched gable features to the street frontage, this is an improvement.

It is considered that the proposal would lead to "less than substantial harm" to the character and appearance of the the Locally Listed Heritage Assets closest to the application site. Weight has been given as advised by Paragraph 201 of the NPPF when weighing the harm against the public benefits of the proposal by bringing and securing this derelict site back into its optimum viable use. The proposal is therefore considered to comply with Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy, and policies DW3 Character, DW9 High Quality Public Realm, and "saved" Unitary Development Plan policy ENV27 Buildings of Historic or Architectural Interest, ENV28: The 'Local List' of Buildings of Historic or Architectural Interest, and the National Planning Policy Framework 2021.

Design, Layout and Character

The application has been amended from its original submission which was for a flat roofed building to a building with a hipped/pitched roof incorporating gables to the front elevation to provide living accommodation in the roof space. The proposed building is three storey and includes a pitched roof to the proposed development and pitched gable features to the street frontage, this is an improvement.

The scheme now includes a small squat window design in the linked section between the block of two and four, which is out of proportion with the remainder of the glazing to the Front North West elevation. There is some detailing at the side of the larger glazed windows have been included, the lower part of the development includes a darker brick facing material and between the ground and first floor development. With Buff coloured bricks at first and second floors. The central atrium stairwell proposes the use of mainly glazing and a dark coloured facing material above the entrance. The use of the proposed materials can be secured by a condition.

The front of the building proposes balconies which are not typical of the locality however, the development is a new building and the balconies will incorporate valuable amenity space for future residents. It is considered that they will not result in loss of amenities to nearby occupiers due to the distance involved from the frontage to the properties opposite the application site. To the rear South East Elevation which faces into the parking area at the rear of the proposed apartments. Similar materials are used but there are no balconies proposed and the fenestration is uniform in arrangement and has some brick detailing to the upper floors to give the impression of bricked up window detailing in order to create more interest in an otherwise blank elevation. Balconies are proposed on a lower section of the proposed building to the North East elevation which is two storey only and will face Milton Street and will not overlook existing residential properties. Again the dark brick and light brick theme with glazed links to the atrium areas are proposed to continue the pallet of materials.

The roofing materials are dark grey roof tiles of a type to be agreed and this can be secured by the materials condition.

In relation to the design it is informed partly from the Victorian properties opposite the site along Wednesbury Road. The site in itself is on a corner and will provide a contemporary frontage with the use of mainly traditional materials, brick and tile which are utilised in properties nearby. In particular slate is used on the older terraced housing in the site vicinity. The nearby mosque building sits on a higher level to the rear of the site with facades facing Milton Street and Wednesbury Road. This proposal will obscure some views of the mosque building but the site is set at a lower level to the mosque and the domed roof and the Minaret which are the key attributes to the mosque will still be seen with views from Wednesbury Road both are considerably higher than the proposed apartment building. In particular Policy DW3 Character of the SPD Designing Walsall seeks to ensure that new development fully appraises the positive and negative aspects within its context and finds opportunities to improve the character of the area where they are to be located.

On balance the application is considered to be acceptable in visual terms subject to the use of a planning condition to secure the details of the proposed materials which are indicated on the drawings but not in any detail.

The proposal is considered to accord with Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character, and DW5 Ease of movement of the Designing Walsall urban design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places. Together with the SPD Policies in Designing Walsall DW1 Sustainability, DW2 Safe and Welcoming Places, DW3 Character and DW10 Well Designed Sustainable Buildings.

Amenity of Neighbours and Amenity of Future Occupiers

The proposed development will be situated in the proximity of existing residential properties together with other commercial businesses nearby and the nearby nursery, school and mosque. Some residents have objected to the proposal in relation to the development on the grounds of loss of privacy, amenity, noise and disturbance including loss of light, littering and antisocial behaviour. These matters are 'material' planning considerations. Some third parties have objected on the loss of view to the

mosque building. The loss of view is not a 'material' planning consideration and it has been explained in the design section of this report that the main features of the mosque being the roof dome and minaret tower will still be visible from the street scene. It is not discounted that the proposal will generate a degree of noise and disturbance during construction but these matters can be controlled by a condition to secure a construction management plan and hours of operation to avoid unnecessary disturbance to nearby occupiers.

The proposed balconies are considered to be a key design feature which will not only provide valuable amenity space for the occupants of the apartment building but will also assist in the provision of natural surveillance which is a key attribute in the prevention of crime, fear of crime and antisocial behaviour. Natural surveillance is considered in the design policies in the Designing Walsall SPD Policy DW2 Safe and Welcoming places.

The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

The proposal is not considered to have the potential to result in harm to the amenities of the locality from crime and antisocial behaviour. The design of the development gives opportunities for pedestrian access through the site and includes balconies and fenestration details including the communal stair access areas which feature large full height windows which are intended as part of the design to increase the level of natural surveillance.

This application is considered to accord with Saved Unitary Development Plan Policy GP2 (Environmental Protection), Site Allocation Document Policy HC2 (Development of Other Land for Housing), the aims of Appendix D (Numerical Guidelines for Residential Development) of the Designing Walsall SPD and the National Planning Policy Framework 2021.

Highways

The Local Highways Authority supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, and a Construction Method Statement. Some comments have been received from third parties in relation to highway safety, congestion and whether or not the development will provide sufficient parking within the site. There are no objections in principle to the proposal on highway safety grounds subject to the suggested conditions in relation to parking and manoeuvring and cycle parking provision. Moreover the site is in a sustainable location with close access and links to public transport, and walking/cycling to services and facilities within Walsall. The proposed parking is for the private use of residents and there are no policy objections in principle to the level of parking provision provided for the proposed development which will reduce the need for any on street parking in accord with the development plan.

The application is considered to accord with "saved policies" T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development.

Ecology / Landscaping

An ecology report has not been submitted with this application. The application site is presently hard surfaced due to its use for tyre sales and a car wash business. It is unlikely that there would be any protected species within the site.

A condition to secure additional landscape measures to augment the proposed landscape scheme is considered necessary the landscaping is primarily hard surfaced and where possible planting should be incorporated into the development to assist in integrating into the surrounding locality and to enhance the potential for biodiversity on the site.

The proposal is considered to accord with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development).

Flood Risk / Drainage

The application site lies in Flood Zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning and at low risk of surface water flooding. The development is considered subject to suitable conditions to secure means of sustainable drainage not be likely to increase flood risk or surface water flood risk to adjacent sites.

Paragraph 154 of the National Planning Policy Framework requires that new development should be planned for in ways that avoid increased vulnerability from flood risk to the range of impacts arising from climate change, and care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. Whilst the majority of the built development is not proposed within the flood risk areas, flood risk is an issue that should be considered carefully as the development would result in a “more vulnerable” use of the site. Details of surface water, flood risk and drainage can be secured by appropriate conditions.

Severn Trent Water Authority has no objections but suggest conditions in relation to the disposal of foul and surface water, and that the approved details shall be implemented in accordance with the agreed details prior to the development being first brought into use.

The proposal subject to conditions in respect of the above is considered to accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Paragraph 14.

Ground Conditions and Environment

The application site is presently in commercial occupation and was a former Petrol Filling Station. It is unknown as to whether or not any underground tanks still existing as the application is not accompanied by a ground investigation report but is accompanied by a mining risk assessment. The report advises of the presence of a one seam of coal and one seam of ironstone are likely to be present and recommends that further investigation should be carried out to include the sinking or boreholes to be taken to a minimum of below ground surface of 50 m. The work will require a Coal Authority Permit. The results of the drilling should be used to define any zones of potential instability.

The Pollution Control Officer advises that a condition is required to investigate potential for ground contamination and ground gas, and remediate if necessary, implement a management plan to minimise environmental impact during the course of building works, and for the installation of an electric-vehicle charging point. The Public Health Officer and the Coal Authority have no objections to the proposal.

Subject to a condition to secure the above scheme of investigation for contamination potential the proposal is considered to accord with "Saved" Unitary Development Plan Policy ENV10: Pollution and The Black Country Core Strategy ENV8 Air Quality.

Planning Obligations

A Planning Obligation to secure the policy requirement for open space is required which can be secured by a Section 106 Planning Obligation. OS1: Qualifying Development, OS2: Planning Obligations and OS3: Scale of Contribution of the Walsall Council Supplementary Planning Document Urban Open Space April 2006 seeks to ensure the provision of open space contributions from residential development which places pressure on open space, sport and recreation facilities in the borough. Policies OS1-3 set out how development will be expected to contribute towards open space, sport and recreation provision in the borough of Walsall. This SPD focuses primarily on residential development but it does not preclude other types of development.

Open space provision for a development of this size would require the provision of open space in accordance with the Walsall Green Space Strategy 2018-2022 to be provided within the Borough. In this case the open space contribution requirement for 14 dwellings would be approximately £18,284. There is some open space within the site which surrounds the apartment block some to the site frontage, and wrapping around the building to the rear which will sit adjacent to the existing dwellings closest to the site at number 5 and 7 Earl Street. This open space within the site is for private use only and therefore contributions are necessary to be provided for offsite provision to be spent as set out in Policy OS5 Use of Contributions in the Urban Open Space SPD 2008.

The current application will incur a contribution of £18,284 towards off-site open space. Ward Members will be engaged in the potential areas of spend for this contribution. The applicant has agreed to the costs of entering into a Section 106 Agreement and to the Heads of Terms.

Any other issues

There have been some comments from third parties with regard to loss of view in relation to the proposed height of the apartment building and obscuring views of the mosque building behind the application site. Views of the important main parts of the building being the high domed tower and minaret tower which are a landmark in the local area will still be afforded from public vantage points as the application site sits at a slightly lower level than the mosque building. Loss of view is not a material planning consideration.

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 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to approximately £14000

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

Conclusions and Reasons for Decision

Officers have worked with the applicant and their agents positively and creatively to provide an opportunity to address the concerns raised by the Council and by consultees and interested parties. A satisfactory way forward has been negotiated and the amendments have been submitted which overcome previous concerns to the extent that the application can now be supported.

Taking into account the above factors it is considered that the application should be recommended for approval subject to conditions and a Section 106 to secure contributions towards Urban Open Space.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding visual impact and character and appearance of the proposed building, amended plans have been submitted which enable full support to be given to the scheme.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and allowing opportunities for the proposals to be amended.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and secure a Section 106 Agreement for an off-site public open space contribution and subject to:

- 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:

2451-01 Location Plan

2451-02 Rev B Block Plan

2451-03 Rev B GA Floor Plans

2451-04 Rev B GA Elevations

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 Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers 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 details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

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.

4 . Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.

c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

5 Prior to the development hereby permitted first coming into use, the parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the demarcation and retention of parking bays. These areas shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

6 Prior to the development hereby permitted first coming into use, full details of the cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and thereafter be retained and used for no other purpose for the lifetime of the development.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

7 Prior to commencement of the development hereby permitted full details of the number size layout identification and location of car parking spaces including parking spaces for people with disabilities shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development the parking spaces shall be provided in accordance with the approved details and shall thereafter be retained for the sole use of parking and for no other purpose for the lifetime of the development.

Reason: In the interests of highway safety in accordance with saved policies GP2 and T13 of Walsall's Unitary Development Plan.

8 Prior to commencement of the development hereby permitted full details of the number size layout identification and location of car parking spaces including parking spaces for people with disabilities shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development the parking spaces shall be provided in accordance with the approved details and shall thereafter be retained for the sole use of parking and for no other purpose for the lifetime of the development.

Reasons: In the interests of highway safety in accordance with saved policies GP2 and T13 of Walsall's Unitary Development Plan.

8 Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

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

9 Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

10 Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits 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 details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

11 Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.

c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

12 Prior to commencement of the development hereby permitted an air quality assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

b. Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

c. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

13 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.

14 Prior to first occupation of the development hereby permitted details of electric vehicle charging points shall be submitted in writing to and agreed in writing by the Local Planning Authority.

b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

15 Prior to the commencement of the development a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning for site operatives and construction deliveries will be located and including full details of wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

This provision shall be retained during construction in accordance with the approved details.

Reason In order to minimise on street parking during construction and the potential disruption to the free flow of traffic on the public highway in the interests of highway safety.

16 a) Prior to commencement of the development hereby permitted:

1. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority
2. The approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority
3. Details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

16 b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

16 c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

Notes for Applicant

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S38 and S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@Walsall.gov.uk
3. Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact should be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. You should therefore contact Severn Trent Water at the earliest

opportunity. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

4. Police: Alcoves should be avoided as they create hidden areas restricting natural surveillance. Consider bringing the one lobby entrance to the building line. This could include the provision of through the wall mail delivery for those apartments. Recommend fencing to the front building line facing Wednesbury Road. To assist security prevent rear access to the more hidden side of the building. For the same reason fencing to the building line of the protruding south east building. This linked to fencing bordering Earl Street. The front low railings bordering the footpath is a good feature. Providing demarcation with natural surveillance. Suitable lighting will provide some security.

Applicant to refer to crime prevention and home security advice contained within SBD New Homes. Please see:

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Use of gates can be considered to restrict access. (SBD Homes 2019 page 22 16.1 – 16.11)

If required cycle stores, approved products. (SBD Homes 2019 page 68, 56). These should be located in a clearly visible area.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2019 page 58 2b. 38)

SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2019 page 58 38.3).

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2019 page 59 38.4-5).

Lighting should be at the levels recommended by BS 5489-1:2013.

External LED lights with daylight sensors to the external walls, by entrances and lighting to parking area. To provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1).

Recommend 24 hour lighting (switched using a photoelectric cell) to internal communal areas. Providing security to residents as they make their way within the building. (SBD Homes 2019 page 63 49.2.).

Consider cctv multiplex cctv system for all the public areas in particular facial view on all entrances.

A height to 120% of the screen is required for identification. (SBD Homes 2019 page 47 29.1 – 30.7).

A capture of all persons and vehicles particularly entering and leaving.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

Card entry system or similar . With correct management and maintenance this should provide security. Access control to the building see SBD Homes 2019 page 41, 27. To allow residents entry, to their floor area and apartment. Dwelling flats entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments. Communal shared entrances doors and visitor door entry to standards LPS 1175 or STS 202.

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

Petition

Walsall Council

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Details Signatures

Title: Objection to planning application 20/1582 proposed development 115-119 Wednesbury RD

Status: Closed - Response Pending

Petition Overview:
We the residents of Milton Street, Earl Street and Wednesbury Rd object to the proposed development of apartments at 115-119 Wednesbury RD, on the following grounds:

- Loss of light-This application will mean loss of light, this will directly affect the worshipers and children who access the facilities at Masjid Al-Farouq and it will affect residents of 8-30 Milton Street, Walsall, WS1 4JS.
- Overlooking/Loss of privacy- The three-storey building will directly overlook into the houses of residents in Milton Street leading to loss of privacy, as well as overlooking the Abu Bakr Nursery across the road
- 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 generation- it will affect the flow of traffic in an area inundated with traffic issues.

Relevant Area(s): Not Specified

Opening Date: Monday, 1 February 2021

Closing Date: Friday, 5 March 2021

Petitioner Group: Residents of Milton ST, Wednesbury RD and Earl ST

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