



Planning Committee

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

Plans List Item Number: 9

Reason for bringing to committee

Council application

Application Details

Location: Pleck Park, Car Park, Montfort Road, Walsall, WS2 9DE

Proposal: ERECTION OF A WOODEN CLAD STORAGE CONTAINER TO STORE CYCLING EQUIPMENT

Application Number: 21/1258

Case Officer: Helen Smith

Applicant: Walsall Council

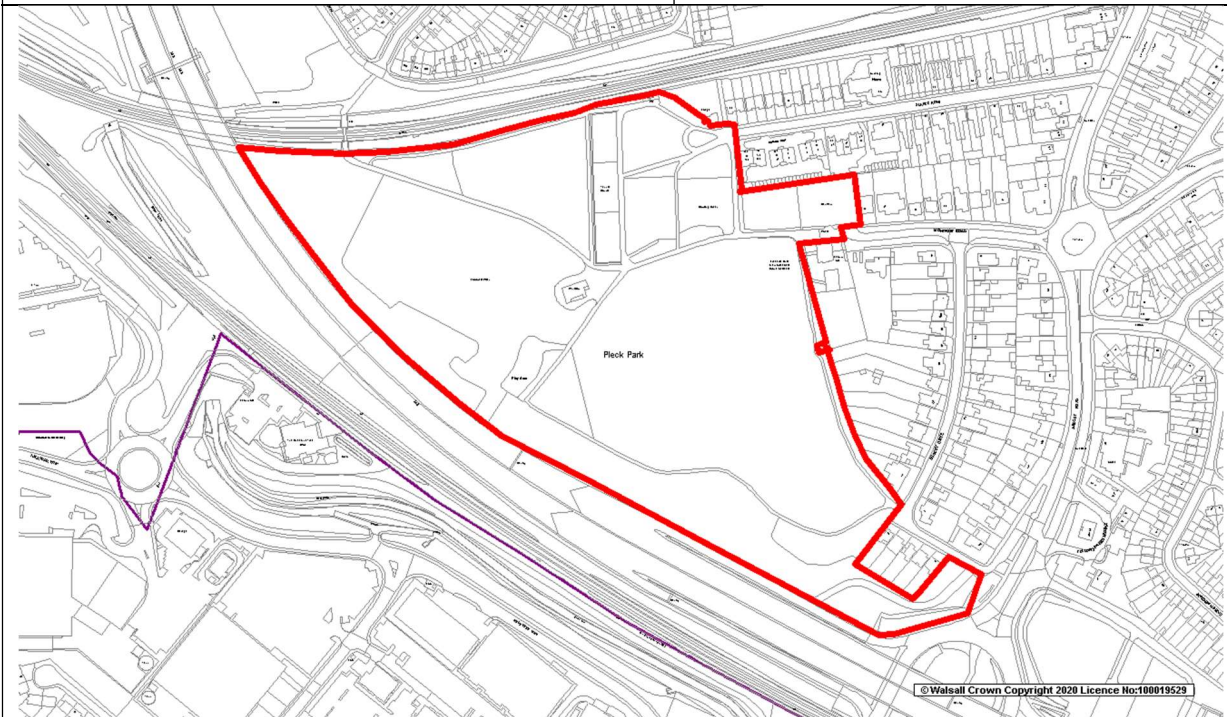
Ward: Pleck

Agent:

Expired Date: 13-Dec-2021

Application Type: Full Application: Minor Use Class Sui Generis

Time Extension Expiry:



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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 subject to:

- The amendment and finalising of conditions.

Proposal

The proposed cycle storage container would be located on a single car parking space on the southern corner of Pleck Park Car Park and away from residential properties.

The storage container is part of a wider project called Places 2 Ride. The Places 2 Ride programme aims to fund the development of new or the improvement of existing cycle facilities in communities across England.

The aim of the programme is to encourage people to ride a bike so that cycling will develop into a habit for life for as many people as possible and the proposal is grant funded by British Cycling.

The proposed container would be a metal storage container with potentially a green roof and a proposed exterior horizontal wooden cladding. The container would be windowless with locked double opening doors to one end. The applicant has advised that the proposed lock would be covered to make the container more difficult to break into. The proposed container dimensions would be as follows;

Height 2.46 metres

Width – 2.4 metres

Length – 6.05 metres

The proposed storage container has been repositioned to locate this further from the boundary of 20 Montfort Road which is residential property. The container has been located to a more central position close to the main entrance to the car park.

Site and Surroundings

Pleck Park is a public open space and is owned by the Council. The car park is located to the north of the park entrance and sits behind existing 1.8 metres high double security entrance gates and a vehicle restricted height barrier to the park itself. Whilst there is restricted vehicle access the park is open 24/7.

The surrounding area has a predominantly residential character to the north and east with the southern and western boundaries of the park site defined by the M6 motorway.

Residential properties sit close to the entrance to the park on Montfort Road and the car park is overlooked by three storey flats known as Saldavian Court on Slaney Road.

The car park has demarcated parking spaces and one space will be used to site the container. There are trees located along the southern boundary of the car park and there is no lighting on the car park however there is a street lamp adjacent to the park entrance.

The site is within a High Risk Area for coal mining.

Relevant Planning History

14/0028/FL - Replacement of existing fencing with 1.8 metre vehicle bar, and alterations to park entrances off Montfort Road and Slaney Road and internal alterations to footpaths, structures and park areas – GSC 17/02/14

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed 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. 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.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T9 – Cycling
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

T4: The Highway Network

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW7 Diversity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Coal Authority – No objections and require the inclusion of an informative note for the applicant

Community Safety Team – No objections

Fire Officer – No objections

Local Highway Authority – No objections

Police – No objections and have provided security recommendations in accordance with the principles of Secured by Design

Representations

Officers' comments in italics

Objections were received from 4 residents in respect of the initial plans on the following grounds;

- Crime and anti-social behaviour
- No cyclists in the area (*the aim of the project is to encourage more people to take up cycling*)
- Noise
- Different location should be found away from houses and trees (*the container has been re-positioned and amended plans received and re-notification has taken place*)
- Hinder the view of park users and dog walkers
- Fire risk (*the Fire Officer has no objections to the proposal*)

Following the proposed relocation of the storage container and re-notification of amended plans on 3/2/22 no further objections have been received.

Determining Issues

- Design and Character of the Area
- Amenity of Neighbours
- Security
- Access and Parking

Assessment of the Proposal

Design and Character of the Area

The proposed storage container would be sited on an existing public park. The storage container would include exterior timber cladding and a green roof which are considered would soften the appearance of the containers in their park surroundings. This proposal is not located near to any boundaries and would consequently not provide a climbing aid or pose a security risk to neighbouring properties.

The surrounding area consists of a park car park bounded on two sides by residential properties. The storage container would be sited within the park and located away from neighbours boundaries and is considered would integrate into its surroundings. Neighbours are concerned that the container would hinder the views across the park however whilst it is acknowledged that the container would provide a degree of visual hindrance it is considered that it's beneficial use and revised design and colour would provide mitigation when considering the planning balance.

The provision of cycles within the park area is considered would be a beneficial amenity for park visitors and the proposed revised location is considered acceptable.

Amenity of Neighbours

The proposed storage container would be located 32 metres from the boundary with 20 Montfort Road and 42 metres from Saldavian Court flats. It is considered that these separation distances would be sufficiently far enough from the adjacent residential properties to limit any impacts on neighbour's existing amenity, light and outlook.

Residents are concerned about additional noise arising from this proposal however this is a public park and there is no evidence to indicate that noise levels will increase significantly as a result of this development over and above that to already be expected at this public location.

Security

The proposed storage container will be located within an open area of car parking and passive surveillance would be available from rear windows in the three storey flats to the north which overlook the park.

The Council's Community Safety Team and the Police Designing out Crime Officer have raised no objections to the proposal. The Police recommend the principles of Secured by Design and an informative note can be included for the applicant.

Access and Parking

The storage container would be located in close proximity to the main park entrance off Montfort Road and on the existing car park.

Whilst this proposal would result in the loss of a single parking space it is considered that the benefits provided by this facility to encourage new and existing cyclists outweigh this loss. The Local Highway Authority has raised no objections to the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed cycle storage container would integrate into the park surroundings. The repositioned proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers.

The use of safeguarding conditions in respect of materials to maintain a satisfactory appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant that the submitted details are acceptable in principle and any further changes to materials used can be addressed by planning condition if the application is approved.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions 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: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Amended Location Plan, deposited 31/01/22
- Amended Block Plan, deposited 31/01/22
- Container Example, deposited 18/11/21
- Email dated 28/11/21 from Mr G Tarburton with dimensions included.

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: a. Notwithstanding the submitted details, prior to the commencement of the installation of the development hereby permitted full details of the external materials including their colour, finish and type shall be submitted in writing to and approved in writing by the Local Planning Authority.

3: b. The development shall not be carried out otherwise than in accordance with the approved details and 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.

Notes for Applicant

Police – Designing Out Crime Officer Informative

Suitable lighting provides some security. External LED lights with daylight sensors to external walls, particularly by entrances and lighting to parking areas. Other lighting should not be located close to fencing to provide a climbing aid. Low bollard style lighting is not a security feature providing poor visibility and identification. Any cycle storage should be located close to and visible from a building. For natural surveillance.

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

Recommend security using the principles of Secured by Design.
Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Below is a link to Secured by Design commercial, police approved crime reduction information guidance.

[https://www.securedbydesign.com/images/downloads/SBD Commercial 2015 V2.pdf](https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf)

Secured By Design security standards are explained.

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

The Coal Authority Informative

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

END OF OFFICERS REPORT