



Planning Committee

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

Plans List Item Number: 11

Reason for bringing to committee

Council application

Application Details

Location: PAVILLION, WILLENHALL MEMORIAL PARK, PINSON ROAD, WILLENHALL, WV13 2PW

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

Application Number: 21/1039

Case Officer: Helen Smith

Applicant: Walsall Council

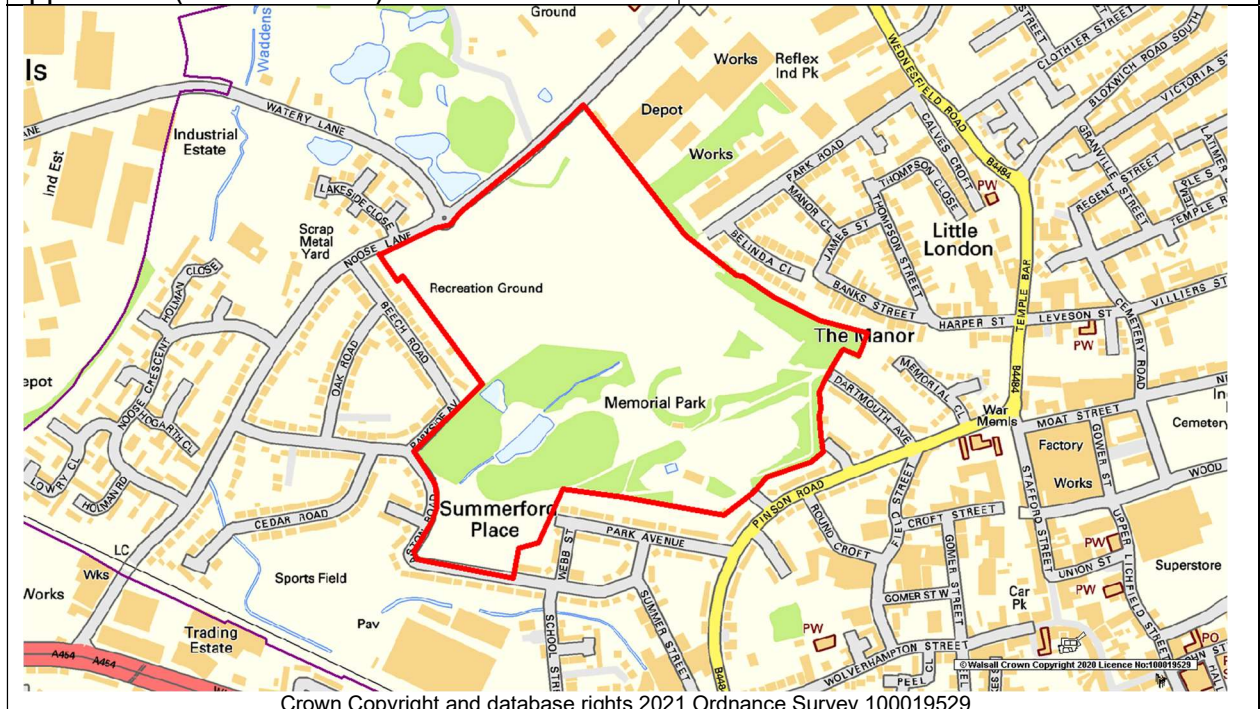
Ward: Willenhall South

Agent:

Expired Date: 13-Dec-2021

Application Type: Regulation 4: Minor Application (SI 1992/1492)

Time Extension Expiry:



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;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

This proposal is for the installation of a cycle storage container to replace an existing storage container of similar dimensions and in the same location. The applicant has advised that the existing shipping container would be removed and re-located elsewhere in the park although there are no details of this alternative siting.

The storage container is part of a wider project called Places 2 Ride. This is a legacy of the UCI World Championships 2019. 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 is grant funded by British Cycling.

The proposed container would be a metal storage container with 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

Site and Surroundings

Willenhall Memorial Park is a public open space access by vehicle from Pinson Road.

There are approximately 1.6 metres high gates at the entrance to the park which gives access to a car park area to the west of the entrance.

There are a number of existing single storey buildings with flat roofs including an existing shipping container along the southern boundary of the car park next to the rear private residential garden boundaries serving no's 30 to 32 Pinson Road.

There is an existing dark green steel shipping container adjacent to the maintenance sheds and next to a tree within the park. The surrounding area has a predominantly residential character. There are trees located along the southern boundary of the car park.

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

Relevant Planning History

03/0959/FL/W4 - Amendment to BC55062P for demolition of existing pavilion & erection of new pavilion – GSC 24/9/03

BC55062P - Demolition of existing pavilion building and erection of new pavilion building (education/training centre and sports changing facilities), with associated car parking and landscaping – GSC 24/12/99

BC50426P - Replacement perimeter fencing & gateways at Parkside Avenue, Aston Road, Park Avenue, Pinson Road boundaries & adjacent Football Pitch – GSC 5/1/98

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
- ENV18: Existing Woodlands, Trees and Hedgerows
- 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
- ENV1: Nature Conservation
- 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

Environmental Protection – 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

Tree Officer – To be updated in supplementary paper.

Representations

None

Determining Issues

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

Assessment of the Proposal

Design and Character of the Area

The replacement cycle storage container would include an exterior timber cladding finish along with a green roof both of which are considered would soften the appearance of the containers in their park surroundings.

The replacement storage container would sit alongside existing park storage buildings adjacent to the car park and would not be visible from the public highway. It is considered the proposal would have a limited additional impact on the character of the surrounding area.

Amenity of Neighbours

The proposal would replace an existing storage container of similar size and location and it is considered this proposal would have a limited impact on neighbours existing light and amenity on Pinson Road.

Trees

On the basis that the container would replace an existing container in a similar position it is not considered likely that any significant impacts would arise to existing trees.

Security

The Councils Community Safety Team has raised no objections to the proposal and the Police have recommended that the principles of Secured by Design are implemented. An informative note is included for the applicant.

Access and Parking

Access would be via the existing park entrance and car park. 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, it is considered the proposed replacement container 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 the materials to maintain its 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

The submitted details are acceptable and no further changes have been requested.

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;
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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 18/10/21
- Amended Block Plan, deposited 18/10/21
- 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

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