



Planning Committee

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

Plans List Item Number: 13

Reason for bringing to committee

Council application

Application Details

Location: REEDSWOOD SONS OF REST, TALBOT HOUSE, BENTLEY LANE, WALSALL, WS2 8SP

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

Application Number: 21/1040

Case Officer: Helen Smith

Applicant: Walsall Council

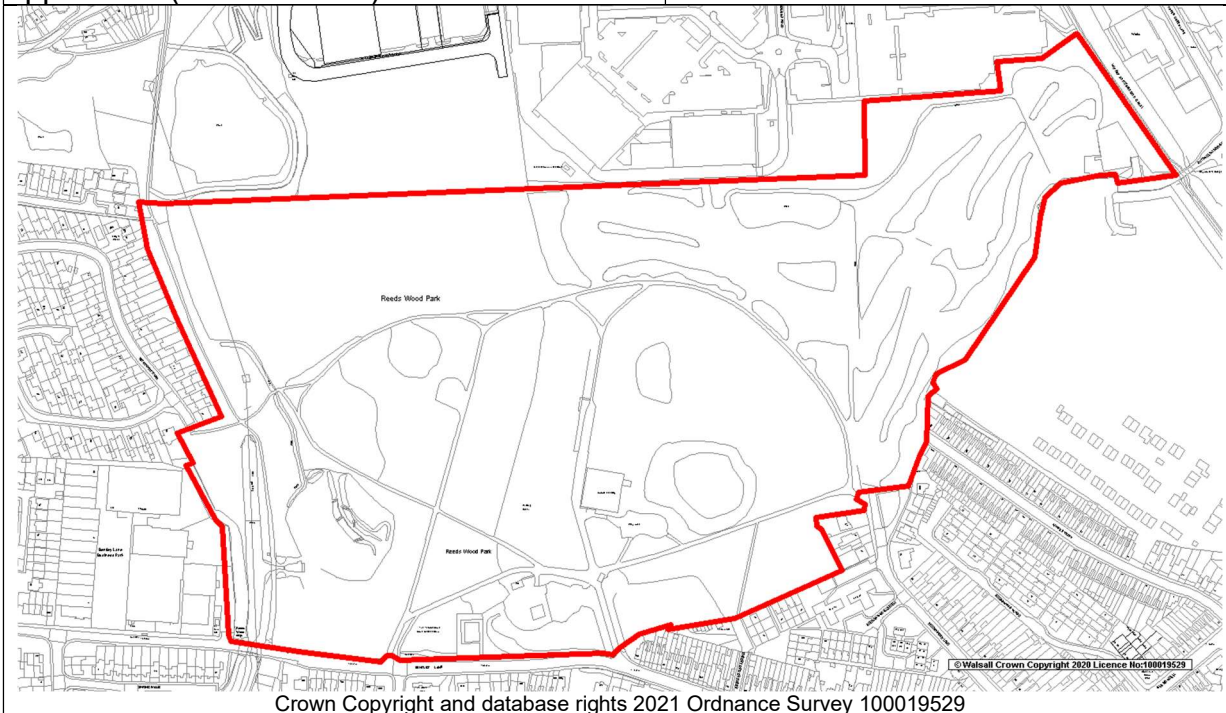
Ward: Birchills Leamore

Agent:

Expired Date: 24-Jan-2022

Application Type: Regulation 3: 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:

- No new material considerations being received within the consultation period; and
- The amendment and finalising of conditions.

Proposal

This proposal is for a cycle storage container to be located adjacent to The Talbot Home Sons of Rest building in Reedswood Park which is Council owned land.

There is an existing smaller shipping container with bicycle racks to the rear in the same position. The applicant has advised that this existing container is too small for cycles and the new container would replace this.

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

Site and Surroundings

Reedswood Park is a public open space. The Talbot Home Sons of Rest is located within the park and is a detached single storey building with its own separate access off Bentley Lane. The application site is separated from the public park by 1.8 metres high fencing. The entrance from Bentley Lane is via a locked wrought iron gate.

The existing smaller contained is located near to the existing building which has locked doors to the side facing the proposed container site.

The surrounding area has a residential character to the south with the park area located to the north, east and west of the proposed site. Bentley Lane is a Local Distributor.

Residential properties are opposite the entrance to the Talbot Home.

The site is within a High Risk Area for coal mining and the site is surrounded by trees.

Relevant Planning History

BC55058P - Erection of pavilion to contain changing rooms/multi-purpose room and public toilets – GSC 23/12/99

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
- 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 objection subject to note to applicant.

Community Safety Team – no objections subject to the sufficient gap between the proposed container and roof of the host building. An informative can be included for the applicant.

Environmental Protection – No objection

Fire Officer – No objection

Local Highway Authority – No objections

Police – To be updated in supplementary paper

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 existing container is visible from the Bentley Lane although existing tree screening mitigates its appearance to the side of The Talbot Home.

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 container in their park surroundings and when viewed from Bentley Lane.

The appearance of the proposed container is considered would integrate with its existing surroundings and would not harm the character of the area.

The provision of cycles within the park area is considered would be a beneficial amenity for park visitors.

Amenity of Neighbours

The proposed container would be sited on the opposite side of Bentley Lane to facing residential properties across a separation distance of approximately 37 metres.

It is considered that the design of the proposed container with wooden cladding on the exterior and existing screening trees and planting would have a limited additional impact on neighbours existing visual amenity.

Trees

Given the container is a free-standing unit which is to replace an existing container in a similar position it is not considered likely that this would result in significant impacts to existing trees.

Security

The Council's Community Safety Team have advised that a sufficient gap between the proposed container and the roof of the host building should be provided to avoid any unauthorised access to the building via the roof.

Access and Parking

Access would be the same as for Talbot House and 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:

- No new material considerations being received within the consultation period; and
- The amendment and finalising of conditions.

Conditions and Reasons

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

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

2: 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 from G Tarburton dated 28/11/21 detailing container measurements

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

Community Safety Team

Please note that sufficient gap between the proposed container and roof of the host building should be provided to avoid unauthorised access to the building.

Coal Authority

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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, excavations for 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.

If any 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/government/organisations/the-coal-authority

END OF OFFICERS REPORT