



### Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 8

#### Reason for bringing to committee

Significant Community Interest

#### Application Details

**Location:** FORMER WALSALL WOOD LIBRARY, COPPICE ROAD, WALSALL WOOD, WALSALL, WS9 9BL

**Proposal:** EXTENSION TO CREATE A 1ST AND 2ND FLOOR TO EXISTING BUILDING TO ALLOW FOR THE CONSTRUCTION OF 6 X 2 BEDROOM APARTMENTS AND ASSOCIATED PRIVATE AMENITY SPACE, CYCLE AND BIN STORE AND CAR PARKING. EXTENSION OF WINDOWS VERTICALLY AT GROUND FLOOR TO ALLOW FOR FRONT AND REAR ENTRANCES TO BUILDING.

**Application Number:** 21/0842

**Case Officer:** Ann Scott

**Applicant:** RH Development (Midlands) Limited

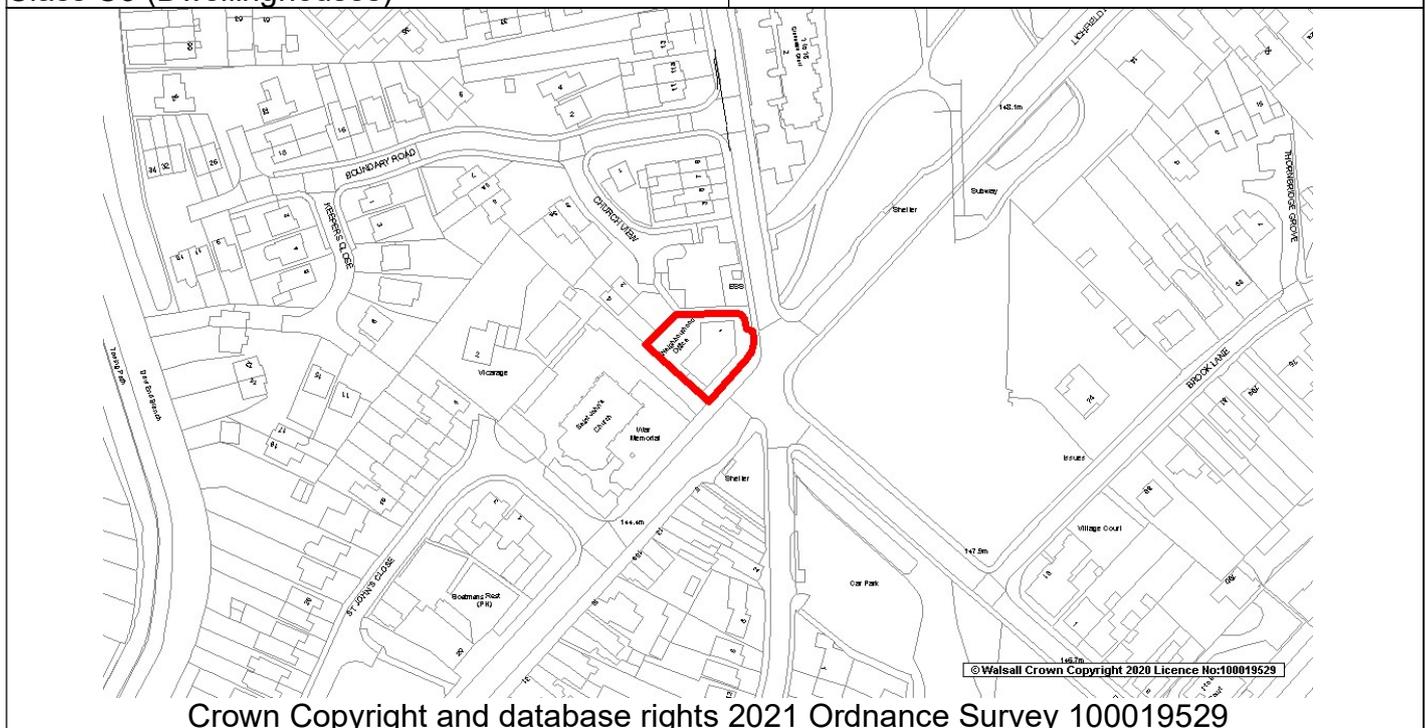
**Ward:** Aldridge North And Walsall Wood

**Agent:** Integrated Designs

**Expired Date:** 20-Aug-2021

**Application Type:** Full Application: Minor Use Class C3 (Dwellinghouses)

**Time Extension Expiry:**



#### Recommendation

Refuse Permission

## Proposal

Extension to create a 1st and 2nd floor to existing building to allow for the construction of 6 x 2 bedroom apartments and associated private amenity space, cycle and bin store and car parking. Extension of windows vertically at ground floor to allow for front and rear entrances to building. Former Walsall Wood Library, Coppice Road Walsall Wood.

## Site and Surroundings

The application site forms part of the former Walsall Wood Library and provides parking for the existing building. The site is situated on the corner of Coppice Road Walsall which is a primarily residential area in character. Behind the application site are existing dwellings. The site is a flat level area and the existing library car park which does not form part of the application site is proposed under a separate application for two pairs of semi-detached dwellings and associated parking. The library is now closed to the public. The existing car park is primarily hard surfaced with grassed areas surrounding the edge of the car park. The entrance to the car park is via Coppice Road. The Library building is in the same ownership as the car park land, but as the proposal would be to split the site the library would have no car parking or very limited as demonstrated on the submitted plans. The site falls within the Walsall Wood local centre.

## Relevant Planning History

19/0754 – Demolition of existing building and erection of three storey block to provide 15 x 2 bed apartments and 15 parking spaces – Finally Disposed of 06-07-2020.

21/0048 - Full application for 4 new semi-detached 2-bedroom dwellings with associated parking and landscaping on land forming part the car park at the former Walsall Wood Library Coppice Road, Walsall Wood, Walsall. – Current appeal against non-determination and covered in a separate report to Planning Committee.

## Relevant Policies

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](http://www.gov.uk/guidance/national-planning-policy-framework)

### **National Planning Policy Framework (NPPF)**

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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 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

### **National Planning Policy Guidance**

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

### **Reducing Inequalities**

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers

should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

## **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV5: Stabling and Riding of Horses and Ponies
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- 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
- LC8: Local Community Facilities

### **Black Country Core Strategy**

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- EMP1: Providing for Economic Growth
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN5: District and Local Centres
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

- WM1: Sustainable Waste and Resource Management

## **Walsall Site Allocation Document 2019**

- HC2: Development of Other Land for Housing
- SLC1 – Local Centres

## **Supplementary Planning Documents**

### **Conserving Walsall's Natural Environment**

### **Designing Walsall**

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

### **Open space, sport and recreation**

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

### **Air Quality SPD**

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 – Viability

## **Consultation Replies**

**Conservation Officer** – Site flagged on the Historic Environment Record. To the southwest of the site is St John's Church, a locally listed building. The church is the most prominent building on this side of Walsall Wood Road. The approach to the church from Walsall is one of open space with low-level development, low boundary walls and vegetation and from its approach from Brownhills is open grounds with vegetation and a single storey building.

The proposed first and second floor extensions together with the roof would harm the significance and setting of St John's church, as the development would be taller than the main church and would dominate the church in the street scene. The church is surrounded by low level development, in this case, single storey development of the former library and open space around with vegetation and low boundary details. The proposal would be contrary to para.203 of the NPPF. Objection as set out above.

**Highways Officer** - The Highway Authority considers the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

**Police Architectural Liaison Officer** – No objections.

**Severn Trent Water** – No objections.

**West Midlands Fire Officer** – comments in relation to fire safety.

**Clean and Green** – No comments received.

**Environmental Protection** - Requires the applicant to install acoustic glazing, acoustic ventilation, and electric vehicle charging points in the development. Conditions to prevent or minimise environmental impact during the course of building works are also provided.

**Strategic Planning Policy** - Although the current proposal is restricted to the footprint of the existing building, it raises similar concerns to those made for the previous application reference 19/0754. These were as follows:

The site lies within Walsall Wood Local Centre. The loss of the library would normally need to be justified in accordance with UDP Policy LC8. However, as this loss is the result of a decision already taken by the Council, this justification does not need to be provided by the applicant.

Residential use is appropriate in principle given the site's location at the edge of the centre. However, the location on a busy road means that the quality of environment for residents needs to be considered. The design also needs to consider the relationship with the adjacent church which is a locally listed building.

## Representations

4 letters of representations with objections in relation to the following;

- Highway safety
- Parking and congestion
- Overlooking
- Loss of privacy to home and garden
- Impact on the character of the neighbourhood
- Environmental damage/additional pollution
- Height of building too much

## Determining Issues

- Principle of development
- Housing need
- Design layout and character/ Visual impact
- Highway safety

- Residential amenity
- Flood Risk and drainage
- Crime and antisocial behaviour
- Impact on heritage assets
- Other issues
- Local finance considerations

## Assessment of the Proposal

### Principle of development

The application site is on a parcel of land used as the Walsall Wood Library Building which is now disused. The site lies close to the junction with Coppice Road and Litchfield Road in a predominantly residential area. To the South West of the application site is St Johns Church. The site lies in Walsall Wood the Local Centre. Policy SLC1: Local Centres is relevant and seeks to ensure the allocated centres provide for day to day shopping and service needs. Within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged.

A separate application for the car park is being considered in respect of the erection of 4 dwellings on the existing library car park also to be presented to Members of this Planning Committee given both applications are made by the same applicant and are intrinsically linked.

The site is presently under the same ownership as the adjacent former Library car park which is the subject of a separate application for four 2 bed dwellings.

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on commercial land in a sustainable location. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposal is in a sustainable location being within the built-up area of Walsall Wood. However, the development is not a sustainable form of development if it fails to consider the environmental role - protecting and enhancing our natural, built, and historic environment. The report considers this further.

### 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 because 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

The site is part of a commercial area and forms part advertising site/part car park to the adjacent clinic. The site lies within the built-up area of Walsall Wood. The 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 latest available figures show that there was a 5-year housing land supply as at April 2021, however the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the size of the required supply buffer has increased resulting in the supply at the time of preparing this report being slightly less than 5 years, and the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

### **Design and character/ Visual impact**

The proposed conversion and alterations of the library building are to create an additional two storeys to provide six two bedroomed apartments. Whilst the use of the site for residential purposes is acceptable in principle. The Strategic Planning Policy support the proposal in principle. The application fails to put forward sufficient justification in relation to how the design is informed by the wider locality in relation to design and impact on nearby heritage assets. St Johns Church a non-designated heritage asset and the Grade II Listed War Memorial a designated heritage asset in the grounds of St Johns Church. The proposed materials are brick and tile of a type not specified and this could be secured by an appropriate materials condition.

The proposed upward extensions would result in the building being taller and as a result would dominate church views from key viewpoints from Walsall Wood Road and Coppice Road. The proposed extensions would be visually detrimental in the street scene, especially given this would be the only three storey building in this location along Walsall Wood Road, when the area is characterised by low level development and open space. The extensions would screen views of the church when approaching from Brownhills (north of the site).

The proposed first and second floor extensions together with the shallow roof would harm the significance and setting of St John's church, as the development would be taller than the main church and would dominate the church in the street scene. The church is surrounded by low level development, in this case, single storey development of the former library and open space around with vegetation and low boundary details. The proposal would be contrary to para.203 of the NPPF.

The proposed extensions fail to reflect the low level, two-storey development along Walsall Wood Road and Coppice Road and the detailing and proportions of the fenestration and shallow roof pitch fails to reflect local distinctiveness and the character of the area.

Contrary to 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, DW3 Character, of the Designing Walsall urban design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places and Chapter 16 Conserving and enhancing the historic environment, together with the SPD Policies in Designing Walsall DW1 Sustainability and DW3 Character and DW10 Well Designed Sustainable Buildings.

### **Highway safety**

Concerns have been raised by third parties in the locality regarding the likely adverse impact of more dwellings in this location in relation to congestion, parking and access and highway safety.

The proposed development is accessed via a new access from Litchfield Road. The Highways

Authority comments that the existing library site and car park which is the subject of a separate application for four dwellings, as both sites are the same ownership and considers the development in its present form will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

There are only three car parking spaces and cycle parking for 6 flats. The adjacent application on the car park site for 4 dwellings which would be separate from the flats provides 8 parking spaces. These would not be available for the flats proposed. The site is in a sustainable location however, this does not overcome the policy concerns in relation to highway safety and the impact of the development on the wider highway network.

Para 110 of the National Planning Policy Framework 2021 seeks to ensure that specific plans for development should provide 'safe and suitable access to the site that can be achieved for all users' and that, under para 112, applications for development should 'give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create places that are safe and secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicle movements, allow for the efficient delivery of goods and access by service and emergency vehicles'.

Concerns have been raised by third parties in the locality regarding the likely adverse impact of more dwellings in this location in relation to congestion, parking and access and highway safety.

The application is not considered to accord with the BCCS Policy TRAN2 Managing transport impacts of new development, and "saved" policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021.

## **Residential Amenity**

The Environmental Protection Team has raised concerns about the potential impact of noise from both the road and the substation in the vicinity of the proposed dwellings. They advised that the applicant needs to install acoustic glazing, acoustic ventilation, and electric vehicle charging points in the development. Conditions to prevent or minimise environmental impact during the course of building works are also provided.

Comments have been received from nearby occupiers with regard to the impact on residential amenity from overlooking and proximity to neighbouring dwellings, together with concerns regarding access and parking, congestion and increase in the height of the building which would give rise to a loss of amenity to nearby homes and gardens and would impact on the character of the residential area.

It is considered that the proposal would give rise to the potential for the creation of a dominating impact from the increase in the height of the building, together with the potential for overlooking to the rear gardens of numbers 2 and 4 Church View from habitable windows being able to overlook the rear gardens of those properties at second floor to the detriment of the existing residential amenities currently enjoyed by those occupiers. Annex D of the Designing Walsall SPD requires separation from distances of 24 metres from habitable windows at two storeys and above the proposed separation distances are 20 metres from the habitable windows to the rear of 2 and 4 Church Road to the rear of the proposed apartments. The standards are applied more robustly at the rear than across roads at the front of new development.

The proposal is considered to be contrary to the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD

in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

## **Crime and antisocial behaviour**

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 due to the use of the ground floor as a public house. There will be natural surveillance throughout most of the day from users of the ground floor public house and the accommodation above from the habitable windows.

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.

## **Flood Risk and Drainage**

The application site is situated in Flood Zone 1 an area at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning. There are no objections to the proposal from Severn Trent Water Authority. In accord with the Black Country Core Strategy Policy ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

Drainage could be dealt with by a planning condition to secure details for the disposal of foul and surface water.

## **Impact on heritage assets**

The application site lies in close proximity to the Church of St John Walsall Wood which is a non-designated heritage asset and within the church yard is a Grade II Listed War memorial. No information has been put forward in the submission in respect of the impact the proposed development to describe the significance of the heritage assets, including any contribution made by the setting of the Grade II Listed War Memorial. Paragraph 194 of the National Planning Policy Framework requires that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, at a level sufficient to understand the potential impact of the proposal on their significance. Paragraph 203 of the National Planning Policy Framework requires that the effect of an application on 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 to the significance of the heritage asset.

The Councils Conservation Officer objects to the proposal for the conversion of the building in the present submission and considers that the proposal will have less than substantial harm to the existing designated heritage assets in relation to the War Memorial in the St Johns Church yard. The church is the most prominent building on this side of Walsall Wood Road. The approach to the church from Walsall is one of open space with low-level development, low boundary walls and vegetation and from its approach from Brownhills is open grounds with vegetation and a single storey building. The

The proposed first and second floor extensions together with the roof would harm the significance and setting of St John's Church a non-designated heritage asset, as the development would be taller than the main church and would dominate the church in the street scene, and fails to preserve and enhance the local historic character of the area, The church is surrounded by low

level development, in this case, single storey development of the former library and open space around with vegetation and low boundary details. The submission does not put forward any justification or assessment of the significance of St Johns Church and therefore there is insufficient information put forward in the submission to demonstrate how the development will affect the non-designated heritage asset St Johns Church. The proposal would be contrary to paragraph 203 of the National Planning Policy Framework.

There is insufficient information put forward in the submission to demonstrate the significance of the heritage asset a Grade II Listed War Memorial at the St Johns Church Walsall Wood, and how the proposal would impact upon the heritage asset contrary to paragraph 194 of the National Planning Policy Framework. Contrary to the Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and the National Planning Policy Framework Conserving and Enhancing the Historic Environment. Paragraphs 203,194 and 195.

## **Other issues**

Regarding the adjacent library car park which is now unused. A previous application for the development of the library building site via demolition and new build apartments has been withdrawn. The current applications being considered in tandem include 21/0048 and would result in the loss of parking for the library site and the site is presently demonstrated in the same ownership but the library car park is not part of this application. The development in its present form looks to build on the car park to the former library in addition to this development 21/0842 which has very limited parking provision only 3 no spaces. Which will effectively leave the former library limited either limited or any on-site parking provision. Whilst in this submission some parking is proposed via the creation of a new access point there are objections to this from the Highway Authority on the grounds of an unacceptable impact on road safety and a negative impact on the operation of the strategic road network. The current submission in its present form for the library building proposes a new access which is not supported by the Highway Authority in relation to the impact on the highway network and highway safety. The Highway Authority considers the development will have an unacceptable impact on road safety and have a negative impact on the operation of the strategic road network contrary to the NPPF 2021 paragraph 111.

Parking will be an important factor in any future use or redevelopment of the whole library site due to its position on a busy road junction and therefore it is considered that the use of the site for residential development in this proposal would prejudice the future development of the wider site which would be contrary to the aims and objectives of the National Planning Policy Framework in relation to sustainable development.

Concerns have been raised by third parties of neighbouring properties with regard to an alleged encroachment onto their land from the resulting development. This is a private matter and is not a material planning consideration. It is understood that the correct certificates of ownership have been provided with the application.

## **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 6 new homes.

The Government has indicated that, for 2020-21, 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.

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**

The presumption in favour of sustainable development in relation to Chapter 2 Achieving Sustainable Development of the National Planning Policy Framework is relevant in the determination of this application. Paragraph 10 requires that sustainable development is pursued in a positive way. Paragraph 11 seeks to ensure that for decision taking this means approving development proposals that accord with an up to date development plan or the application of policies in the Development Plan and Framework protect areas or assets of particular importance and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Taking into account the above factors and that no satisfactory way forward has been negotiated it is considered that the application should be recommended for refusal.

## **Positive and Proactive Working with the Applicant**

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 not been negotiated and the amendments have been submitted have failed to overcome previous concerns. Taking into account the above factors it is considered that the application should be recommended for refusal.

## **Recommendation**

Refuse

## **Reasons**

- 1) There is insufficient information put forward in the submission to demonstrate the significance of the heritage asset, a Grade II Listed War Memorial at the St Johns Church which itself is a non-designated heritage asset, or how the design has been informed by the wider locality in relation to design thus fails to demonstrate how the proposal would impact upon the heritage asset. Furthermore, no information has been put forward in the submission to demonstrate that the proposal would result in a public benefit or the creation of additional dwellings that would count towards the provision of additional housing within the Borough and whether that would outweigh any harm arising. The proposal is therefore contrary to the Black Country Core Strategy ENV2: Historic Character and Local Distinctiveness and the National Planning Policy Framework Conserving and Enhancing the Historic Environment. Paragraphs 203, 194 and 195.
- 2) The development would have an unacceptable impact on road safety and would have a negative impact on the operation of the strategic road network. Insufficient evidence has been put forward in the submission to demonstrate that the proposal is required to secure the optimum viable use of the wider site and fails to provide comprehensive parking and vehicle access arrangements. The proposal is therefore contrary to the Black Country Core Strategy Policy, TRAN2 Managing transport impacts of new development, and "saved" policies T7 Car Parking, T13 Parking provision for cars of the Walsall UDP and paragraph 110 (d) and 111 of the National Planning Policy Framework 2021.
- 3) The proposed development fails to provide a satisfactory standard of amenity for the existing and future occupiers in relation to the separation distances between existing occupiers of 2 and 4

Church View and the proposal itself resulting in unacceptable overlooking and loss of privacy. The proposal is therefore contrary to the Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Framework Achieving well-designed places.

4) The proposed extensions fail to reflect the low level, two-storey development along Walsall Wood Road and Coppice Road and the detailing and proportions of the fenestration and shallow roof pitch fails to reflect local distinctiveness and the character of the area resulting in harm to the character and appearance of the area contrary to Saved UDP 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), DW3 Character of the Designing Walsall SPD and Chapter 12 of the NPPF Achieving well-designed places.

**END OF OFFICERS REPORT**