



## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 07 September 2023

Plans List Item Number: 4

#### Reason for bringing to committee

Called in by Councillor Andrew

#### Application Details

**Location:** BOATMANS REST, 20, HIGH STREET, WALSALL WOOD, WALSALL, WS9 9LP

**Proposal:** DEMOLITION OF EXISTING PUBLIC HOUSE AND REPLACEMENT WITH 9 ONE BEDROOM AND 7 TWO BEDROOM APARTMENTS WITH ANCILLARY PARKING AND AMENITY.

**Application Number:** 20/0616

**Case Officer:** Ann Scott

**Applicant:** Sanghera

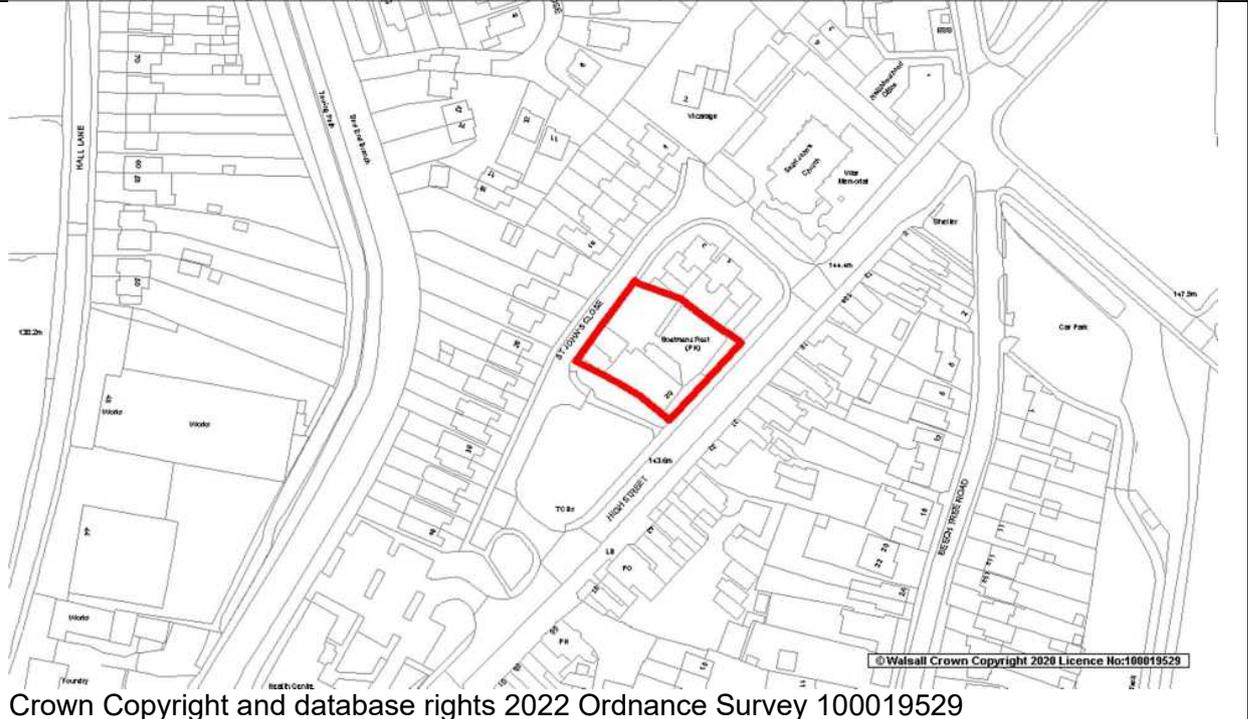
**Ward:** Aldridge North And Walsall Wood

**Agent:** Lapworth Architects Limited

**Expired Date:** 19-Feb-2021

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

**Time Extension Expiry:** 29-Jul-2021



#### Recommendation

Refuse

## Proposal

This application proposes the demolition of the existing public house and replacement with 9 one bedroom and 7 two-bedroom apartments with ancillary parking and amenity. Amended plans have been received to provide changes to the scheme to include revised access, boundary treatment and amenity space of 162m<sup>2</sup> and cycle and bin storage within the building. Pedestrian access is from High Street and vehicular access is from St Johns Close. The design includes landscaping and some amenity space.

## Site and Surroundings

The application site is an existing public house with associated land and car park on the South Side of High Street Walsall Wood. The public house is a modest two storey building known as The Boatman's Rest, 20 High Street and is identifiable on historic mapping dating from 1902, if not earlier. The building is classed as a non-designated heritage asset, as defined in the NPPF. The building has been altered and modified over the years; however, its steep pitched roof and plan form are still evident of the original public house.

The application site is situated within the 15 km zone of influence for the Cannock Chase SAC and is within Flood Zone 1 as defined on the Environment Agency Flood Map for Planning.

Vehicular access is proposed amended and proposed from High Street.

## Relevant Planning History

BC49437P- New toilets and kitchen extension- approved 20/5/1997  
BC56717P-Extension to public house – approved 22/12/1998  
07/2033FL- Smoking shelter – refused 12/04/2007  
02/1236- Replacement garage/store – approved 30/01/2003  
03/0637- Conservatory and external seating – Refused 08/10/2004  
04/1786- Conservatory and covered area – approved 27/10/2004

## Relevant Policies

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

[www.gov.uk/guidance/national-planning-policy-framework](http://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](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  
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  
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  
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  
LC8 Community facilities  
EQ2 - Cannock Chase Special Area of Conservation

### **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

**Conservation Officer** – objection on the grounds of the loss of the non-designated heritage asset and design.

**Environmental Protection** – Concerns raised regarding noise from the heavily traffic road High Street to future occupiers. Acoustic Survey requested.

**LLFA** – Standing advice advised No objections.

**Ecology** – No objection No ecological objections.

In respect to the Preliminary Bat Roost Assessment and Bird Survey report undertaken by Christopher Smith dated 20th May 2021 provided in support of this application. I am satisfied that the survey report has provided sufficient information in line with best practice guidelines to indicate that it is unlikely for bats to be roosting and birds nesting within the building.

Precautionary working practices and lighting recommendations have been put forward within the report to ensure any potential for disturbing and or harming bats has been minimised and avoided.

**Police Architectural Liaison Officer** – raises concerns about crime in relation to the position of the parking to the rear of the flats. Recessed entry doors which should be located at the building line. The proposed 1.8 metre fencing would reduce the ability of natural surveillance. Lighting is recommended. The development should be carried out in accordance with secured by design principles.

**Highways** – Raise concerns regarding The Highway Authority will require an extension to the 1.8m wide public footway in St Johns Close across the entire site frontage linking to the existing footway either side of the site. The footway shall be offered for adoption as a publicly maintainable highway via an agreement under S38/278 of the Highways Act 1980. This will provide a fully accessible pedestrian link to the site from St Johns Close to the benefit of the public at large as well as provide protection of the access visibility splay from potential obstructions.

The proposed boundary treatment either side of the proposed access on St Johns Close shall provide a pedestrian visibility splay measuring 2.4m x 3.4m within which no solid structure exceeding 600mm in height above footway level. A suitable physical boundary treatment will be required along the back of footway across the High Street frontage to prevent potential unauthorised vehicular access and parking along this frontage.

**Housing Standards** – concerns raised with regard to the lack of information on room sizes.

**Natural England** – No objections

**Strategic Planning Policy** – No objections

**Severn Trent Water** – No objections

**West Midlands Fire Officer** – Fire safety measures should be incorporated into the development in accordance with B5 of the building regulations.

**Highways England** – No objections

**Community Safety** - Historically, areas within close proximity have been subject to considerable ASB and criminal activity. It would benefit developers and residents to ensure the highest standards of security are applied.

**Public Lighting** – No objections

**Clean and Green** – No objections

**Historic England** – No comments to make

## **Representations**

15 Third party letters of comment regarding the following.

Highway safety/Increased congestion

Insufficient parking within the site leading to on street parking.

Residential amenity

Overlooking/loss of privacy/light

Impact on/loss of Trees within/adjacent the site

Out of keeping with the existing buildings and character of the area

Revised plans do not improve the building or overcome the concerns.

High Street is traditionally two storey brick buildings.

Inadequate vehicular access

Overdevelopment of the site.

Proximity to existing houses is unacceptable.

Building unsympathetic to the church and village green area of High Street.

Access is close to a junction.

Residents got the grass and planting in the open space on High Street.

Noise levels will rise.

Drainage issues in the locality

The Victorian Public House should not be demolished, and the historic building should be preserved.

## **Determining Issues**

Cannock Chase SAC

Principle of development

Design Layout and character

Heritage Assets

Highway Safety

Amenity of existing and future occupiers

Ground Conditions and Environment

Flood Risk and Drainage

Ecology

Crime and Antisocial Behaviour

Local Finance Considerations

## **Assessment of the Proposal**

### **Cannock Chase Special Area of Conservation (SAC)**

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £329.83 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st, 2022, by the SAC Partnership authorities found likely significant effects on the SAC arising because of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC's conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application is situated with the 15km from Cannock Chase SAC and proposes a net increase of 16 dwellings. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £329.83 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant has not agreed to provide the SAC mitigation payment via Unilateral Undertaking which will need to be completed prior to planning approval being granted. Members will be aware, that should they wish to support the current proposal, they cannot set aside the Cannock Chase SAC requirements and the applicant would need to complete the appropriate documentation, plus agree to the payment of mitigation monies via a legal agreement (S106 in this instance given the need to secure affordable homes and Urban Open Space contributions) before a planning approval could be issued.

## **Principle of Development**

The application site is on a parcel of land of 780m<sup>2</sup> within the limits of development for Walsall Wood. The site has no allocation and has been in use as a public house and associated land.

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 1 dwelling in this location within the development limits and related to the Pelsall 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 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. Walsall Wood 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 Wood urban area. In principle residential development is 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 2021-2022. Where applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites. The presumption is in favour of granting permission as indicated in Paragraph 11d. Whilst the council does recognise there is a short fall in housing currently, in this instance the delivery of 16 additional dwellings does not outweigh the harm the development currently has.

## **Highway safety**

The site is in a sustainable location with close access and links to public transport, and walking/cycling to services and facilities within Walsall.

In respect of the proposed revised layout plans the highway authority has concerns regarding the proposed access and boundary treatment and would require an extension to the public footway and changes to the boundary treatment. The revised layout does not appear to have taken on board the revised changes required by the Highway Authority. Whilst conditions are advised for further revisions to the proposed layout, including a Grampian condition for the footway the application fails to comply 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.

## **Amenity of existing and future occupiers**

Objections have been received from third parties in the locality regarding loss of privacy, overlooking, and impact on the amenities of the locality.

The flats do not appear to meet the Nationally Described Space Standards for dwellings, although these are advisory in nature, they are a reasonable measure of future occupiers amenity, plus it is noted, the planning inspectorate do refer to them in decisions. For a one bedroom one person flat the space standard is 39m<sup>2</sup> including 1m<sup>2</sup> of storage and for a one bedroom 2 person flat the space standard is 50m<sup>2</sup> with 1.5m<sup>2</sup> of storage.

There is no information provided regarding the tenure of the flats and whether they are for sale or for rent on the open market. The proposed size of some of the flats are considered to not provide a satisfactory standard of amenity for existing and future occupiers. It is also unclear from the submitted application if the flats are proposed as one or two person flats.

The proposed development sits on High Street Walsall Wood. The main road is heavily trafficked, and the Environmental Protection Officer asked for an acoustic survey. Revised plans have been submitted to amend the layout to demonstrate amenity space within the site, so it is not immediately adjacent to the ground floor apartments rather than the previous communal amenity space proposed in the first layout drawing provided.

An amenity statement has been provided to demonstrate the proposal includes 162m<sup>2</sup> of amenity space including space on the roof and refers to nearby parks and open spaces. The proposed amenity space is not particularly useable space and includes paved areas within the site and around the car park area. It is unclear if the applicants would support contributions to the improvement of the adjacent public amenity space next to the application site. This will not negate the need for open space contributions. As the level of amenity space required per apartment is normally a minimum of 20m<sup>2</sup> of private amenity space per flat in accordance with the Designing Walsall SPD standards.

Appendix E of the Designing Walsall SPD Numerical Guidelines for residential development sets the minimum separation distance between habitable windows in two storey and above developments as 24 metres. And is applicable more robustly at the rear of properties. Separation distances from the rear of the apartment block to the nearest dwellings on St Johns Close is approximately 20 metres which is not an acceptable level of separation distance for a two to three storey building. The minimum standard for two storeys and above is 24 metres rear separation distance.

No further information on noise or acoustic survey has been provided and presently there is no assessment of existing noise levels from road traffic noise. The Environmental Protection Officer maintains their request for an acoustic assessment of the existing situation so that they can advise on potential mitigation measures. Presently there is insufficient information submitted to provide an informed decision as to whether the proposed development would be acceptable in amenity terms, in relation to noise, the size of the dwellings and whether the space standards are met. Normally if the space standards are not met it is considered that sufficient justification should be provided to demonstrate why the space standards cannot be met on the proposed development. As it is a new build proposal and not a conversion it is considered that space standards could and should be achieved. It is also a reasonable request to seek a noise assessment during the application stage to ensure the site is suitable for residential use, or to guide what amendments to the scheme may be required to make the proposal acceptable for residential use.

The proposed development is 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.

### **Design layout and character**

The application site is the public house and land associated at the Boatman's Rest High Street Walsall. The proposal involves the demolition of the existing public house and the erection of a flat roofed utilitarian three storey apartment building. Materials are facing brickwork, zinc cladding and stone window surrounds, with colour coated aluminium windows and timber doors.

The site primarily faces High Street Walsall Wood. Landscaping is proposed within the site to try to integrate the proposal into the surrounding locality. Some amenity space is proposed within the site; however, this is very low some 162m<sup>2</sup> which is insufficient for the size of the building and is not useable or private amenity space as it surrounds mainly the perimeter of the building and car park area. Consequently, the small amount of green space can only be considered as part of the street scene landscaping at best. Fenestration is proposed to the front and rear elevations to try to prevent overlooking to nearby properties. An open space contribution would be required as set out in the "open" space section of the report.

The proposed development is unacceptable in design terms. The replacement building is a three-storey development and is significantly higher and larger than the existing building. It is of a flat roofed design which does not reflect the existing character of the locality in terms of siting, scale, design and appearance. Its siting it in close proximity to the High Street green area and St Johns Church, it fails to contribute positively to the existing character and appearance of the locality, and is considered to discord with the adopted 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

### **Impact on Non-Designated Heritage Assets**

Some justification provided to address the loss of the public house which is a community asset, and the case sets out the location of other public houses nearby within the vicinity of the application site ranging from 0.05 miles to 1.4 miles from the application site. The public house is no longer in use and the site remains vacant.

A heritage statement is provided to describe the significance of the Non-Designated Heritage Asset.

Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be considered 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'.

The proposal seeks the demolition of the Boatman's Rest, total loss of the non-designated heritage asset, as such the proposal is contrary to para 203 of the NPPF.

The proposed three storey flat roof development by virtue of its design, scale, appearance, and form does not reflect the existing design character of the area. The proposal would be contrary to the design policies referenced above.

## **Affordable Housing**

An affordable housing contribution of £152,000.00 towards offsite provision would be required or 4 units on site. In accordance with the adopted Walsall Affordable Housing SPD. A Section 106 would be required to secure this contribution.

The proposed development would trigger the need for affordable housing contributions the applicant has failed to provide any information in relation to affordable housing contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD and the National Planning Policy Framework 2021.

## **Open Space**

An open space contribution of £36,0034.00 would be required in accordance with the Walsall SPD open space. A Section 106 would be required to secure this contribution.

The proposed development would trigger the need for open space contributions the applicant has failed to provide any information in relation to open space contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policies OS1 Qualifying Development and OS2 Planning Obligations Supplementary Planning Document Urban Open Space to the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021

## **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. Suitable conditions to secure means of sustainable drainage would be necessary to ensure that the development does not result in an increase of flood risk or surface water flood risk to adjacent sites. In accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Paragraph 14.

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 most 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.

## **Ecology/Tree protection**

An ecology report has been submitted with this application. Which indicates that there are no protected species or nesting birds affected by the proposed demolition. The application site is presently domestic garden area, and it is unlikely that there would be any protected species within the site. The ecology report advises that any demolition would take place outside the nesting season for birds or when any fledglings have fledged. Bat roosting and bird nesting opportunities can be incorporated into the new building. Mitigation measure should be put in place to ensure in the event of any protected species being found that they are not harmed or injured.

If the LPA were minded to approve the application a condition to secure additional landscape measures to augment the proposed landscape scheme is considered necessary, 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 proposed application is accompanied by an Arboricultural survey. Trees are identified within the site some of which have an amenity value. Pruning and tree removal works are proposed to facilitate the development. Objections have been received from third parties with regard to the potential loss or impact on trees from the resulting development further information would be required to ensure that any adverse impact on trees would be mitigated and tree protection measures provided which could be controlled by a condition if the LPA were minded to support this proposal. In 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).

### **Ground Conditions and Environment.**

The application site is situated in an area at low risk of legacy coal mining with no further investigation required. The NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan apply in relation to legacy coal mining.

### **Crime and Antisocial Behaviour**

The proposal is considered to result in some harm to the amenities of the locality and for future occupiers from crime and antisocial behaviour. Measures to include PIR lighting within the site and monitored CCTV are proposed to assist with the security of the site. The set-in pedestrian access points also need amendment, so they flush with building elevations and prevent hiding places. Access points to stores or into the building under the undercroft should also be amended as they have limited natural surveillance, which can put the access and the users of the accesses at risk from criminality and anti-social behaviour. These elements cannot be conditioned to be amended. The Police Architectural Liaison Officer advises that Secured by Design measures are built into the proposed development. These can be secured via a condition. In accordance with 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.

### **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 because of the construction of new housing.

This application proposes 16 new homes.

The Government has indicated that, for 2021-22, 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**

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

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

Officers have spoken with the applicant's agent and advised of concerns in relation to the proposal as set out in the reasons below. In this instance officers are unable to support the proposal due to the loss of a non-designated heritage asset, adverse impact on the character

and appearance of the area and the concerns regarding highway safety and the Cannock Chase SAC.

## **Recommendation - REFUSE**

This application falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 16 dwellings and has failed to provide any potential necessary mitigation measures. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the NPPF.

The proposed development would result in the loss of a non-designated heritage asset. Insufficient justification has been provided to demonstrate that the proposed development would overcome the policy concerns against the development Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be considered 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'. The proposal seeks the demolition of the Boatman's Rest, total loss of the non-designated heritage asset, as such the proposal is contrary to para 203 of the NPPF.

The design of the proposed development by reason of its design, constitutes an over development of the site, and a lack of sufficient of private amenity space has been provided, and insufficient safety and security measures incorporated within the proposed development which would harm the amenities of future occupiers, in addition adequate separation distance is not achieved from the proposed building to the properties at the rear of the site Contrary to the Designing Walsall SPD Annexe E. On balance the proposal fails to contribute positively the character and appearance of the locality in terms of siting, scale and design, 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), 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.

The proposed development would trigger the need for open space contributions the applicant has failed to provide any information in relation to open space contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policies OS1 Qualifying Development and OS2 Planning Obligations Supplementary Planning Document Urban Open Space to the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021.

The proposed development would trigger the need for affordable housing contributions the applicant has failed to provide any information in relation to affordable housing contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD and the National Planning Policy Framework 2021.

Insufficient information has been put forward to demonstrate the likely impact of the proposed development on the safe and free flow of traffic on the highway network. Relevant policies regarding highway safety are "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.

**END OF OFFICERS REPORT**