



Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 3

Reason for bringing to committee

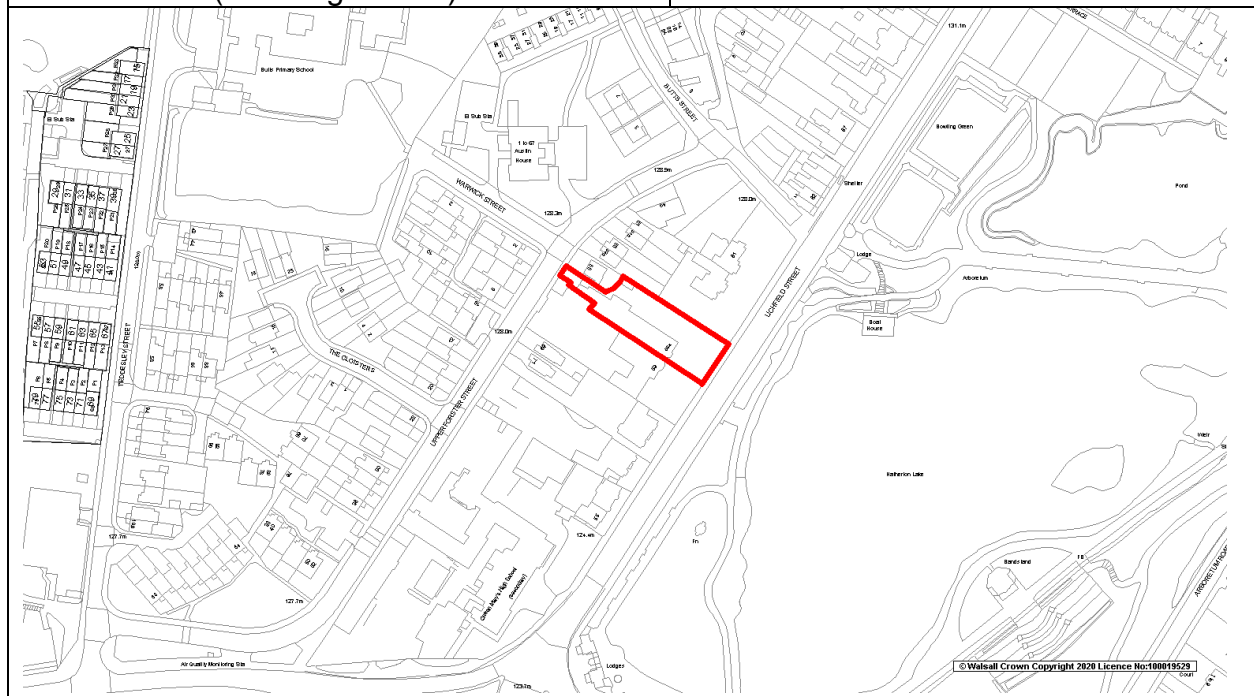
Major Application

Application Details

Location: WALSALL DEAF PEOPLES CENTRE, 59A, LICHFIELD STREET, WALSALL, WS4 2BX

Proposal: CONVERSION OF THE EXISTING SEMI DETACHED BUILDING TO INCLUDE 2 NO. 2 BEDROOM APARTMENTS AND A NEW 3 STOREY BUILDING TO THE REAR WITH 3 NO. 2 BEDROOM APARTMENTS AND 9 NO. 1 BEDROOM APARTMENTS ALONG WITH THE PROVISION OF 14 OFF-STREET PARKING SPACES.

Application Number: 20/1515	Case Officer: Ann Scott
Applicant: Mr M Latif	Ward: St Matthews
Agent: PAUL CLIFTON	Expired Date: 23-Mar-2021
Application Type: Full Application: Major Use Class C3 (Dwellinghouses)	Time Extension Expiry: 16-Sep-2022



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Recommendation:

1. Refuse

Proposal

Conversion of the existing semi-detached building to include 2 no. 2 bedroom apartments and a new 3 storey building to the rear with 3 no. 2 bedroom apartments and 9 no. 1 bedroom apartments along with the provision of 14 off-street parking spaces

Site and Surroundings

The application site is 59a Litchfield Street Walsall and forms a pair of semi-detached buildings which are presently used as B1a Offices and D2 Assembly and Leisure. The proposed development is situated on the North West side of Litchfield Road opposite the Walsall Arboretum. The property to be converted and extended is of traditional construction with rendered white finish and a slate roof of approximate Victorian Era Circa 1880's onwards. The site is the former offices and assembly facility for the Walsall Deaf Centre.

Relevant Planning History

None relevant

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 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 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 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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: 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
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

Black Country Core Strategy

- CSP4: Place Making
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Site Allocation Document:

- EN5: Development in Conservation Areas

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

Urban Open Space

- Policy OS1 Qualifying Development
- Policy OS1 Planning Obligations
- Policy OS3 Scale of Contribution
- Policy OS4 Local Standards for new homes
- Policy OS5 Use of Contributions

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 Good Practice Advice Note 1: Conservation Area Designation, Appraisal and Designation.
- Historic England Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment.
 - Historic England Good Practice Advice Note 3: The Setting of Heritage Assets.
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009)
- Arboretum Conservation Area and Management Plan

Consultation Replies

Conservation Officer – Objection there are gaps in the information provided and insufficient information to form an informed view on how the development will impact on the key views of the site. Consider the proposal would have less than substantial harm to the significance of the locally listed building 58 Litchfield Street. Number 59 Litchfield Street is a non-designated heritage asset. The extension at 59a when viewed from 59 would have less than substantial harm to the significance of the non-designated heritage asset.

Highways Officer – Supports the proposal and recommends condition in regard to parking, turning, and provision of cycle parking facilities.

Environmental Protection /Pollution Control – No objections.

Police Architectural Liaison Officer – No objections.

Natural England – No objections.

Ecology - it is the determination of the screening assessment that the application is likely to result 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.

Where the conclusion of an Appropriate Assessment finds that insufficient mitigation measures have been provided, and / or where Natural England object as statutory consultee, the Local Planning Authority will have no option but to refuse this application in line with the Habitats Regulations.

Historic England - Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189, 192, 197, 202 and 206 of the NPPF.

We are not, however, persuaded that the 1960s extension and loss of the property's garden setting have a neutral impact on either the building or the conservation area. We consider that these are negative aspects of the property that detract from the area's overall quality and historic interest. We therefore remain concerned that the scale, shape, mass, density and design of the proposed extension will serve to magnify the negative impact of an already harmful aspect of the site.

Housing Standards – no comments to make.

Coal Authority – the site does not fall within the defined development high risk area there is no requirement for a coal mining assessment.

Highways England – No objections.

Environmental Health – No comments.

Sport England - No comments

Representations

1 Third party response with regard to the following:

- Traffic generation
- Parking/congestion
- Noise/disturbance
- Loss of amenity

Determining Issues

- Cannock Chase SAC and HRA
- Principle of Development
- Housing need
- Impact on Heritage Assets/Conservation Area
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Other key issues

Assessment of the Proposal

Cannock Chase SAC and HRA

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 is not part of the SAC Partnership. However, due to the reference to a 15km zone of influence, Walsall Council is currently considering its position in relation to impacts on the Cannock Chase SAC and mitigation. It must ensure that planning decisions do not have any negative impact on the SAC and, if they do, it must either refuse permission or secure appropriate mitigation measures.

On 1st July 2022 the Head of Planning and Building Control wrote to all applicants and agents whose applications fall within 15km of the Cannock Chase SAC to indicate that whilst Walsall Council was considering its position, they may consider it appropriate to submit a Habitats Regulation Assessment for their proposed development in Walsall Borough as part of their proposed mitigation.

The applicant/agent submitted 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 as a result 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 applicant's/agents submitted HRA information stated that the proposal will not impact on the Cannock Chase SAC.

As a likely significant effect on the SAC was identified, officers carried out an Appropriate Assessment to consider the likely significant effects on the integrity of the SAC and its conservation objectives and to identify ways to avoid or minimise those adverse effects.

Applying a precautionary approach, the Appropriate Assessment concluded that the proposal fails the integrity test and an adverse effect on site integrity cannot be ruled out. As such, the proposal in its current form must be rejected and planning permission cannot be granted. The integrity test, officers have considered whether derogations apply which would enable the proposal to be allowed. To qualify for derogation, all three of the following legal tests must be met:

- (i) there are no feasible alternative solutions that would be less damaging or avoid damage to the SAC;
- (ii) the proposal needs to be carried out for imperative reasons of overriding public interest; and
- (iii) the necessary compensatory measures can be secured (to fully offset the damage which will or could be caused).

Officers concluded that the derogations did not apply to this proposal and

planning permission cannot be granted.

Principle of Development

The proposal involves conversion of the existing building and extension to provide 14 flats and 14 parking spaces. The flats will be a mix of 1, 2 and 3 bedrooms. The application site is an existing building at 59a Litchfield Road.

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 14 apartments in this location within the development limits and well related to the Walsall Town 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 as a result 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 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 Town Centre.

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 2018-2021. Where applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites, with the buffer set out in paragraph 74, or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years the presumption is in favour of granting

permission as indicated in Paragraph 11d.

Impact on Heritage Assets/Conservation Area

The proposed development lies in the vicinity of national and locally listed buildings and a nearby conservation area. These are The Walsall Arboretum and Registered Park and Garden Grade II. Queen Mary's Grammar School Buildings, Grade II, 1,2,3,4,5,6,7 and 8 Victoria Terrace, Grade II and The Boat House Grade II. In particular the site lies adjacent to the Highgate Conservation Area and the Walsall Arboretum. Nearby Locally Listed buildings include 55-56 and 58 Litchfield Street and the Arboretum Corner Lodge and Clock Tower and the non-designated heritage asset at 59a Litchfield Street. Comments have been received from the Council's Conservation Officer who advises that the proposed development is unacceptable on the grounds of scale, massing, layout, design and materials. Which would lead to less than substantial harm to existing heritage assets in particular to the

Paragraph 202 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use. The proposal fails to meet the criteria in paragraph 202 because the public benefit of the redevelopment of the site would not outweigh the harm arising in particular due to the size, height and scale of the development and its impact on the existing heritage assets. Furthermore the application fails to demonstrate that the proposal would comprise the most optimum viable use which would cause the least harm to the significance of the existing heritage assets.

Paragraph 203 of the NPPF seeks to ensure that the effect of an application on the significance of 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 or loss and the significance of the heritage asset.

The submitted heritage assessment fails to put forward sufficient justification that would overcome the policy concerns associated with the development. In considering applications which affect heritage assets in particular listed buildings the Local Planning Authority under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 78916(2) In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Historic England demonstrate concerns and advise paragraphs 189, 192, 197, 202 and 206 of the NPPF are relevant and are not, persuaded that the 1960s extension and loss of the property's garden setting have a neutral impact on either the building or the conservation area. It is considered that these are negative aspects of the property that detract from the area's overall quality and historic interest and remain concerned that the scale, shape, mass, density and design of the proposed extension will serve to magnify the negative impact of an already harmful aspect of the site

The proposed development is not considered sympathetic to the character and appearance of the locality and fails to preserve or enhance the character and appearance of the Highgate Conservation Area. Contrary to Saved Policy GP2 Environmental Protection and policies DW3 Character, DW9 High Quality Public Realm, and "saved" Unitary Development Plan policy ENV27 Buildings of Historic or Architectural Interest, ENV28: The 'Local List' of Buildings of Historic or Architectural Interest, Policy ENV2: Historic Character and Local Distinctiveness and ENV3 Design Quality of the Black Country Core Strategy, and the National Planning Policy Framework 2021.

Design, Layout and Character

The proposed development will be situated in the proximity of existing residential properties together with other commercial businesses nearby. Objections to the proposal in relation to scale, shape, mass, density and design of the proposed extension will serve to magnify the negative impact of an already harmful aspect of the site are highlighted by Historic England and the Councils Conservation Officer shares those concerns. Amendments to provide further information have failed to overcome the policy concerns in particular the stone coping details are considered inappropriate for the style of the building and design detailing, but they may be intending to replicate similar details on the host building. The proposed building is 3 storeys high and the separation distances are insufficient from nearby buildings in particular to the nearby office building at 55 Upper Forster Street. The guidelines for residential development set out in appendix D require 24 metre separation distances at 2 storeys and 13 metres between habitable windows and blank walls exceeding 3 metres.

In addition there is also a lack of amenity space for each flat and normally approximately 20 m² is required but due to the location to nearby open space this level of amenity space could be reduced. The development is considered contrary to "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, DW4

Continuity , DW9 High Quality Public Realm and DW10 Well Designed Sustainable Buildings.

Amenity of Neighbours and Amenity of Future Occupiers

the proposed development is considered to overlook nearby properties in particular numbers 49 to 53A Upper Forster Street and is considered to unduly harm the existing and future amenities of neighbouring or future occupiers in respect of loss of light, privacy or overlooking. Some third party comments relating to parking and congestion have been received. Some of the flats fall below the Nationally Described Space Standards which is advisory and not mandatory. The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

Highways

The Local Highways Authority supports the application subject to conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, and a Construction Method Statement. Some comments have been received from third parties in relation to highway safety, congestion and whether or not the development will provide sufficient parking within the site. Some third party comments relating to parking and congestion have been received. It appears that the parallel parking spaces may be less than 6 metres in length.

There are no objections in principle to the proposal on highway safety grounds subject to the suggested conditions in relation to parking and manoeuvring and cycle parking provision. Moreover the site is in a sustainable location with close access and links to public transport, and walking/cycling to services and facilities within Walsall.

The application is considered to accord 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.

Flood Risk and 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. The development is considered subject to suitable conditions to secure means of sustainable drainage not be likely to increase flood risk or surface water flood risk to adjacent sites.

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 the majority 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.

The proposal subject to conditions in respect of the above is considered to accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Paragraph 14.

Trees / Protected Trees

The proposed development does not adversely affect existing trees in the locality. The Walsall Arboretum lies across the road from the site but the trees are not affected by this development.

Ground Conditions and Environment

The site is in an area at low risk from previous mining activity. There are no objections from the Coal Authority to the development. No further action is required in relation to the submission of any coal mining investigations.

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 and includes balconies and fenestration details including the communal stair access areas which feature large full height windows which are intended as part of the design to increase the level of natural surveillance. Should everything else be acceptable, safeguarding conditions should be imposed regarding building access, potential for a secure internal lobby, post box positions, doors, windows, boundary treatments, alarms and bins.

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.

Planning Obligations

An Urban Open Space contribution of £13,319.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP for improvements to Urban Open Space in the locality of the proposed development. This is usually within 400metres of the development site, as this is a reasonable walking distance for future occupiers of the development when taking into account Equality Act. The applicant has not agreed this figure as the application is being recommended for refusal. The lack of a Planning Obligation under a S106 legal agreement forms a reason for refusal, should an appeal come forward it allows the Council to be able to secure the contributions.

Should the applicant be able to resolve the Cannock Chase SAC objection, it is likely there will be contributions as part of the mitigation, which would also have to be secured via a S106 legal agreement.

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 14 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

Given that no amendments have been received to overcome the concerns raised and there are no material planning considerations in support of the proposals in relation to the impact on heritage assets and visual impact. On balance weighing up the merits of the scheme in relation to the provision of a community facility the proposal cannot be supported on heritage, amenity and visual impact grounds 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 to highlight the concerns. There have been no amendments submitted to overcome the policy concerns in relation to heritage matters and visual impact and in this instance are unable to support the proposal.

Recommendation - REFUSE

1. The proposed development is not considered sympathetic to the character and appearance of the locality and fails to preserve or enhance the character and appearance of the area. This proposal results in less than substantial harm to designated and non-designated heritage assets in particular 59a Litchfield Street; the public benefit of the redevelopment of the site for the provision of housing would not outweigh the harm arising in particular due to the size, height and scale of the development and its impact on the existing designated and non-designated heritage assets. Furthermore the application fails to demonstrate that the proposal would comprise the most optimum viable use which would cause the least harm to the

significance of the heritage assets contrary to Saved Policies GP2 (Environmental Protection) & ENV27 (Buildings of Historic or Architectural Interest) of Walsall's "saved" Unitary Development Plan, Policies ENV2 (Historic Character and Local Distinctiveness) & ENV3 (Design Quality) of the Black Country Core Strategy, DW3 (Character) & DW9 (High Quality Public Realm) of the Designing Walsall SPD and paragraphs 195 and 202 of the National Planning Policy Framework 2021.

2. The proposed development would be detrimental to the character and appearance of the locality when weighing up the merits of the scheme in relation to the provision of housing the proposal cannot be supported on visual impact grounds as the proposal fails to provide sufficient benefit that would overcome the impact on the character and appearance of the area and is therefore contrary to 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), DW1 (Sustainability), DW2 (Safe and welcoming places) & DW3 (Character) of the Designing Walsall SPD and Chapter 12 paragraph 130 of the National Planning Policy Framework 2021.

3. This proposed development 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 2 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. 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 National Planning Policy Framework 2021.

4. 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.

5 The proposed development would be detrimental to the existing amenities of the locality by reason of its size and siting in proximity to nearby properties in particular those at 49 to 53A Upper Forster Street contrary to Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

END OF OFFICERS REPORT