



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 27 April 2023

Plans List Item Number: 4

Reason for bringing to committee

The application has been called in by a Councillor Wilson, on the grounds that the redevelopment offers an improvement to the character/amenities of the surrounding area to outweigh any potential harm, and the site is currently an eyesore and attracts anti-social behaviour.

Application Details

Location: 11, KNIGHTS HILL, ALDRIDGE, WALSALL, WS9 0TG

Proposal: FULL APPLICATION FOR DEMOLITION OF EXISTING HOUSE AND REPLACEMENT WITH ONE BEDROOM FIVE HOUSE AND ONE TWO BEDROOM BUNGALOW.

Application Number: 21/0168

Case Officer: Thomas Morris

Applicant: Emma Turrell

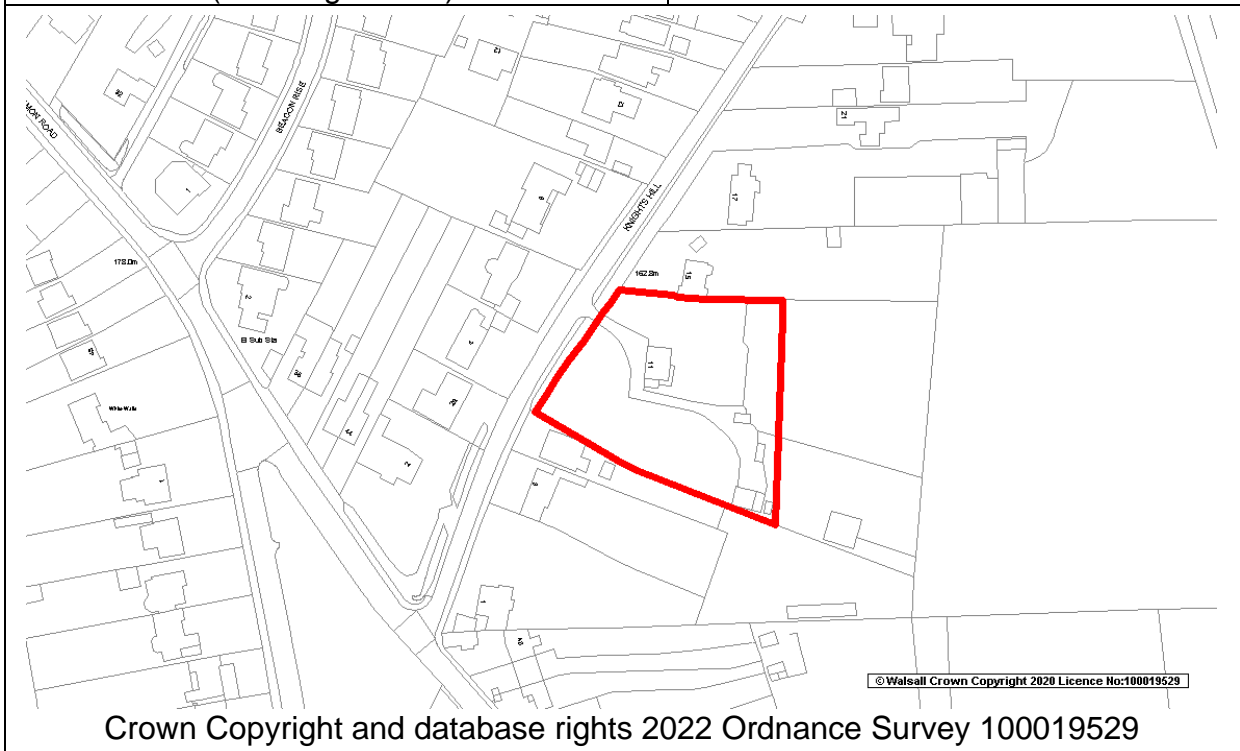
Ward: Aldridge Central And South

Agent:

Expired Date: 05-Apr-2021

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

Time Extension Expiry:



Recommendation

Refuse Permission

Proposal

This application seeks full planning permission for the demolition of an existing three-bedroom dwellinghouse at the site to allow for the erection of a five-bedroom two-storey dwellinghouse and a two-bedroom bungalow at 11 Knights Hill, Aldridge, WS9 0TG.

The proposal will provide two new dwellinghouses at the site (net gain of one dwelling), as follows:

Plot 11A

The proposed Plot 11A dwelling will be detached, two-storey, with five-bedrooms and is designed with a gable roof with forward gable section, ground floor bay window, red bricks, grey roof tiles, UPVC windows/doors and plastic guttering. The gross internal floor area of the proposed dwelling is approximately 180sqm, the rear garden area is approximately 1020sqm and the dwelling will provide three car parking spaces.

Plot 11B

The proposed Plot 11B dwelling will be detached, single-storey, with two-bedrooms and is designed with a gable roof with forward gable section, ground floor bay window, red bricks, grey roof tiles, UPVC windows/doors and plastic guttering. The gross internal floor area of the proposed dwelling is approximately 85sqm, the rear garden size is approximately 930sqm and the dwelling will provide two car parking spaces.

Associated Works

No alterations are proposed to the site's existing access off Knights Hill. A gravel driveway will be provided from the access to the proposed dwellings and proposed parking spaces will be block paved. The proposed boundary treatments include timber post/rail fencing and hedging 1.2m in height. An area of hardstanding of approximately 283sqm which currently provides access to several outbuildings to the rear of the site will be removed and the outbuildings themselves will also be removed.

The application is supported by the following documents:

- Arboricultural Impact Assessment
- Bat Survey
- Design and Access Statement
- Planning Statement
- Tree Constraints Plan
- Tree Protection Plan
- Tree Schedule

Site and Surroundings

The existing dwellinghouse at the site to be demolished is detached, two-storey, with three-bedrooms and designed with brick/render elevations, roof tiles and timber windows/doors and a glass conservatory. The dwellinghouse measures approximately 12.5m (length) x 8.3m (width) x 8.2m (height) and comprises a gross internal floor area of approximately 140sqm. The existing dwelling is sited toward the centre of the site and is slightly forward of 15 Knights Hill to the north and is setback from 5 Knights Hill to the south.

The application site is located on the eastern side of Knights Hill, within the Aldridge Central and South Ward. The site covers an area of approximately 3519sqm and features green and open characteristics. There are a number of trees to the front and rear of the site and the site is subject of a Tree Preservation Order. The eastern side of Knights Hill, including the application site itself, falls within the West Midlands Green Belt. Knights Hill slopes upwards from Erdington Road to the north to Barr Common Road to the south. The existing houses on Knights Hill are set back from the street and are set within a staggered building line.

The surrounding area is residential in nature primarily to the north and the west and comprises existing dwellings of varying age and character within an urban setting. Most of the surrounding area particularly to the east and south falls within the West Midlands Green Belt and is of an open and green countryside character. The site is outside of a designed centre, is outside of the Coal Development High Risk Area and is outside of the Cannock Chase Special Area of Conservation (SAC) 15km Zone of Influence.

Relevant Planning History

20/0077 - Demolition of existing dwelling and replace with 2 x 5 bedroom detached houses – Refused 01/05/2020.

19/0980 - T5 - Sycamore - to remove low branch southwards. T6 - Sycamore - fell to ground level. T9 - Holly - fell to ground level. T11 - Sycamore - to crown reduce by 2.5m. T13 - Holly - to crown lift over the highway to give 2.5m clearance above ground level - Tree: Part Approve Part Refuse 19/09/2019.

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 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 13 – Protecting Green Belt land**
- **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
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV7: Countryside Character
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T1: Helping People to Get Around
- T7: Car Parking
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- 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
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- EN2: Ancient Woodland
- EN3: Flood Risk
- EN4: Canals
- T4: The Highway Network

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
- DW9 - High Quality Public Realm
- DW9(a) - Planning Obligations and Qualifying development
- DW10 - Well Designed Sustainable Buildings

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

Ecology – Object to the proposals as the submitted bat survey dates from August

2019 and the results are therefore out of date. Advise that a new Bat Survey Report is required.

Environmental Protection – No objections, subject to the following conditions:

- Submission of a Construction Management Plan.
- Installation of Electric Vehicle Charging Points.
- Installation of low NOx boilers.

Local Highway Authority – No objections, subject to the following conditions:

- Parking and manoeuvring spaces to be fully implemented prior to occupation and to be retained thereafter.

Natural England – No comments.

Severn Trent Water – No objections.

Strategic Planning Policy – Advise that the proposal is in conflict with local and national policy in relation to the Green Belt.

Tree Preservation Officer – Objection, recommend refusal due to the proposed site layout which will likely result in the removal of protected trees.

West Midlands Fire Service – No objections and advise that the proposal should be implemented in accordance with Approved Document B, Volume 1, Dwellings, 2019.

Representations

Two letters of objection were received, based on the following grounds:

- The site is overgrown and has fallen into a state of disrepair and has become an eyesore.
- Fences are being destroyed due to ivy at the site.
- Concerns regarding the removal of trees at the site and replacement trees have not been planted.
- The proposed houses do not contain garages and the area has been subject to car theft in recent years.

Determining Issues

- Principle of Development
- Green Belt Assessment
- Amenity of Future Occupiers
- Amenity of Neighbours
- Access and Parking
- Ecological Impacts
- Trees and Protected Trees
- Flood Risk and Drainage
- Ground Conditions and Contamination
- Local Finance Considerations
- Five-year Housing Land Supply

Assessment of the Proposal

Principle of Development

The application site features a two-storey dwellinghouse set within an open and spacious plot, albeit the existing dwelling will be demolished to make way for the proposed development of two dwellings at the site: a replacement two-storey, five-bedroom dwelling (Plot 11A) and a new single-storey, two-bedroom dwelling (Plot 11B), a net gain of one dwelling. Given that the existing use of the site is residential, and the proposal will continue the residential use, the principle of the continued residential use is acceptable. However, the site is located within the West Midlands Green Belt and a key consideration for this application is the application's compliance with local and national Green Belt policy, which is discussed in the next section of the report.

Green Belt Assessment

The site is located in the West Midlands Green Belt. The proposal seeks to demolish the existing dwellinghouse to allow for the erection of two dwellings: a replacement two-storey dwelling (Plot 11A) and a new single-storey dwelling (Plot 11B). The existing house occupies a very small portion of the site (approximately 2.5%) which is mostly open with long views across the site available from Knights Hill towards the open countryside to the rear. In its current form, the site therefore contributes to the openness of the Green Belt, which alongside its permanence is one of the essential characteristics of the Green Belt.

The NPPF states that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. When considering proposals affecting the Green Belt, local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt.

The NPPF sets out some exceptions to new buildings being considered inappropriate development in the Green Belt, including:

- *Paragraph 149, D – The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*
- *Paragraph 149, E – Limited infilling in villages.*

The applicant's Planning Statement raises the above exceptions to justify this proposal in the Green Belt. The Statement asserts that the Plot 11A dwelling meets the exception as set out in *Paragraph 149, D* (replacement dwelling) and the new Plot 11B meets the exception as set out in *Paragraph 149, E* (infill development).

Replacement Dwelling (Plot 11A)

There is no definition or guidance within the NPPF or the PPG which defines what is considered as materially larger and this is a question of planning judgement. However, the key principles in assessing whether a replacement dwelling is materially larger

includes the size of the replacement building, including its footprint, floorspace and volume, and the general intention is that the replacement building should be of a similar scale when compared to the existing building and within the same use class.

The applicant suggests that the replacement dwelling (Plot 11A) is not materially larger than the existing dwelling, as there is only a minor increase in the floorspace compared to the existing dwelling (150sqm to 182sqm, a 21% increase), and that in their view an increase of 30% to 40% is generally considered to be materially larger. However, the 21% increase in floorspace fails to reflect that full extent of the increased size of the replacement dwelling, which is also 20% larger in footprint, 14% wider (main two-storey sections), 46% deeper (main two-storey sections) and 33% larger in volume. For these reasons, it is therefore considered that the replacement dwelling (Plot 11A) is materially larger than the existing dwellinghouse and therefore fails to meet the exception as set out in Paragraph 149, D of the NPPF. The replacement dwelling is therefore considered to be inappropriate development in the Green Belt.

Limited Infilling in Villages (Plot 11B)

There is no specific definition of 'village' or 'limited infilling' in the NPPF or PPG and this is a question of planning judgement. The generally accepted definition of infilling is the infilling of a small gap in an otherwise built up frontage. However, in this case, site of Plot 11A bungalow forms part of the garden of the existing dwellinghouse and is not therefore considered to be a small gap in an otherwise developed frontage, it is garden land. For this reason, it is therefore considered that the new dwelling (Plot 11B) therefore fails to meet the exception as set out in Paragraph 149, E of the NPPF. The new dwelling is therefore considered to be inappropriate development in the Green Belt.

Impact on Openness

The proposal therefore represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should only be approved in very special circumstances. In terms of the totality of harm of the proposal to the Green Belt, this includes a loss of the openness (spatial and visual) and the permanence of the Green Belt, which are its essential characteristics. This is as a consequence of the overall increase in the scale, footprint, floorspace and volume of the proposed dwellings when viewed together compared to the existing situation – the development represents a 136% in total footprint (87sqm to 206sqm), a 78% increase in total floorspace (150sqm to 267sqm) and a 107% increase in approximate total volume (650m³ to 1350m³).

Given that the proposal is for two dwellings, the development is permanent with no prospect of the land returning to its current state of openness. The proposal is also likely to result in an increased degree of activity in terms of vehicle generation to the site which will result in a further reduction in the openness of the Green Belt. It is also acknowledged that the outbuildings and areas of hardstanding will be removed from the rear area of the site, however, the outbuildings are ancillary buildings not used as dwellings and cannot be used as justification for the proposal, and whilst an area of hardstanding will be removed, this will essentially be replaced by the new hard surfacing to the front of the proposed dwellings as part of the access and parking spaces.

In summary, the proposed buildings are considered to be inappropriate development in the Green Belt and are therefore harmful to the Green Belt. The proposal will result in a loss of spatial and visual openness and a loss of permanence of the Green Belt which are its essential characteristics. Inappropriate development should only be approved where there are very special circumstances. Very special circumstances will not exist

unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (see Conclusion section of the report).

Amenity of Future Occupiers

The internal layout of the proposed Plot 11A two-storey dwelling will comprise a living room, kitchen, family/dining room, study, utility and WC at the ground floor and five bedrooms and a bathroom at the first floor. The overall gross internal floor area of the proposed dwelling is approximately 180sqm and the bedrooms sizes are 17sqm, 16sqm, 14sqm, 9.6sqm and 7sqm (four double bedrooms and one single bedroom). The internal floor area of approximately 180sqm exceeds the minimum requirement of 128sqm for a five-bedroom, eight-person dwelling on two floors, as set out within the Technical Housing Standards – Nationally Described Space Standards (whilst these standards are not formally adopted as policy by the Local Planning Authority, they provide useful guidance to assess the quality of residential accommodation). All habitable windows provide windows and will provide provision of outlook and light.

The Plot 11A dwelling will provide a rear garden of approximately 1020sqm which is well in excess of the minimum garden size standard of 68sqm as set out within the Designing Walsall SPD.

The internal layout of the proposed Plot 11B single-storey dwelling will comprise a living room, kitchen, family/dining room, two bedrooms and a bathroom. The overall gross internal floor area of the proposed dwelling is approximately 85sqm and the bedroom sizes are 12.5sqm and 11.5sqm (two double bedrooms). The internal floor area of 85sqm exceeds the minimum requirement of 70sqm for a two-bedroom, four-person dwelling on one floor. All habitable windows provide windows and will provide provision of outlook and light.

The Plot 11B dwelling will provide a rear garden of approximately 930sqm which is well in excess of the minimum garden size standard of 68sqm as set out within the Designing Walsall SPD.

In summary, the internal and external layout of the site is considered to be acceptable and will provide a good standard of amenity for future occupiers.

Amenity of Neighbours

Considering the impact of the proposal on the amenities of the neighbouring property at 15 Knights Hill to the north of the site, the side elevation of the proposed Plot 11A dwelling has a first floor bedroom window which faces toward the property to the north of the site. However, the distance between the bedroom window in the side elevation to the boundary with 15 Knights Hill is 12.5m which will therefore reduce the impact in terms of the overlooking of private amenity space. Furthermore, the proposed side facing bedroom window opposes the side elevation of 15 Knights Hill rather than their private garden. For these reasons, no significant overlooking of the private amenity space at 15 Knights Hill is likely to occur as a result of the proposal.

Considering the impact of the proposal on neighbour amenity at 5 Knights Hill to the south of the site, the side elevation of the proposed Plot 11B dwelling contains a kitchen/dining room window which will face towards to rear garden of No. 5. However, the kitchen/dining room window will be approximately 10m from the boundary with the neighbouring property and is at the ground floor. These circumstances are such that

the side facing window is not considered to result in a loss of privacy at the private amenity space of 5 Knights Hill. It also accepted that the proposed Plot 11B dwelling will technically breach the 45 Degree Code to the rear elevation of 5 Knights Hill. However, the impact of this breach will be reduced as the application site is located lower than 5 Knights Hill, the proposed building is single storey, the distance between the rear elevation of 5 Knights Hill and the proposed dwelling (when measures from the 45 Degree Line) is approximately 15m, and 5 Knights Hill is located to the south of the application site. Collectively, these circumstances are such that it is considered that no significant loss of light or outlook to 5 Knights Hill would occur as a result of the proposal.

In summary, the application is considered to be acceptable with regards to the impact on neighbour amenity.

Access and Parking

No alterations are proposed to the site's access from the public highway – the existing access in front of the larger dwelling will be retained. The existing three parking spaces will be retained at the larger dwelling and two additional parking spaces are proposed at the smaller bungalow (5 spaces in total). An area of hardstanding leading to the outbuildings to the rear of the site will be removed.

The Local Highway Authority have raised no objections to the proposal, subject to conditions which are listed above. The level of parking provision meets with requirements of Saved Policy T13 of the UDP. The proposal will have no unacceptable impact on road safety and will not have any cumulative impacts on the operation of the road network.

In summary, the application is considered to be acceptable with regards to the impact on access and parking.

Ecological Impacts

The Council's Ecologist has objected to the proposal. As the proposal requires the demolition of the existing building at the site and the site is also within an area which is identified as a bat zone where bats are present, a Bat Survey Report is required. However, the submitted Bat Survey Report was completed in August 2019. As three and half years have now passed since the report was completed, the results are now deemed to be out of date and an update survey would be required in support the application.

Please note that whilst it is accepted that this application was submitted in February 2021 and the determination of the application has been significantly delayed, even if the application was determined by the original decision due date of 05 April 2021, the Bat Survey Report would likely still have been out of date. Surveys should ideally be undertaken within the same year's survey window but potential surveys from the year before could also be accepted. This would have meant when the application was submitted in February 2021, a 2020 survey would have been accepted, rather than a 2019 survey. For this reason, whilst it is unfortunate the survey is out of date, it would have out of date when the application was submitted so an updated Bat Survey Report would have still been required.

In summary, the application is considered to be unacceptable with regards to ecological impacts, due to the absence of an up to date bat survey.

Trees and Protected Trees

The Council's Tree Officer has recommended refusal of the application due to the impact it will have on trees and protected trees at the site. The site is protected by a Tree Preservation Order and the trees at the site make a useful contribution to the visual amenity and landscape value of the area.

Whilst there are no trees indicated for removal as a direct result of the proposal, the juxtaposition between the proposed bungalow and existing trees is such that the Council will be placed under severe pressure to allow significant pruning or felling of nearby trees to allow any future occupier reasonable enjoyment of their property. For example, the proposed bungalow has been sited with its rear elevation between two groups of significant trees – T20, T21 and T22 to the northeast and T23 and T24 to the southeast. This creates a narrow field of view from the family and dining area of the bungalow and is likely to be unacceptable to the future occupants. In addition, there is no hard standing (patio) to the rear of the bungalow, only a 1m access path leading from the parking area to the French Doors of the family and dining area. Given the potential level changes in this area, this will have a further impact on the nearby existing trees.

In addition, the proposed turning head on the north side of the access will necessitate the removal of Tree T27, which is a good quality tree that forms part of a small group of 3 Cypress trees (with T27 and T28) and are of good amenity value. The retention of this tree is essential to the existing landscape design and amenity value of the locality. There are also no details of proposed services (electricity, gas, water, foul and surface water disposal etc) and given the proximity of existing trees to the proposed houses, this information is essential.

Due to these reasons, the proposed site layout is unacceptable as it will likely require the removal of protected trees at the site which contribute to the character and appearance of the area. The application is therefore considered to be unacceptable with regards to the impact on trees and protected trees.

Flood-risk and Drainage

The site is located in flood zone 1 and within an established residential area generally at a low risk of flooding. The proposal will continue the existing residential use of the site and is not likely to result in an increase in flood-risk or additional pressures on the drainage system in the area. Severn Trent Water have raised no objections to the proposal and do not require any drainage conditions to be attached to the approval. The application is therefore considered to be acceptable with regards to flood-risk and drainage matters.

Land Stability and Contamination

The existing use of the site is residential and there is no planning history to indicate any alternative uses of the site which may have resulted in land contamination being present. The proposal is located in the coal development low risk area and there is no evidence that the site is at risk of any land stability issues. The application is therefore considered to be acceptable with regards to ground conditions and contamination matters.

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 a net gain of one new home. 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.

Five-Year Housing Land Supply

It is acknowledged that the proposal will provide a net gain of one dwellinghouse at the site and will therefore contribute to Walsall's housing supply, in a situation where the Council is no longer able to demonstrate a five year housing land supply and has failed the housing delivery test published in January 2022, based on low levels of housing delivery over the last 3 years. For these reasons the presumption in favour of sustainable development as described in Paragraph 11d of the NPPF is in effect, meaning that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal. In this case, the overall harm of the proposal is considered to outweigh the benefits, as is discussed in the following Conclusion section of the report.

Conclusions and Reasons for Decision

The proposal seeks to demolish the existing dwellinghouse house at the site to allow for the erection of a replacement two-storey dwelling, as well as a new single-storey dwelling. The proposal involving the erection of buildings represents inappropriate development in the Green Belt, by virtue of the replacement two-storey dwelling being materially larger than the existing dwelling and the new single-storey dwelling failing to represent an infill development within a village. This development in the Green Belt is therefore harmful and will result in a loss of spatial and visual openness and a loss of permanence which are the essential characteristics of the Green Belt.

Whether Very Special Circumstances Exist

Local planning authorities are required to ensure that substantial weight is given to any harm to the Green Belt. Inappropriate development which is harmful to the Green Belt should only be approved in very special circumstances and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, as well as any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, the totality of the harm of the proposed development is considered to be substantial, arising from the erection of two new buildings which are inappropriate development and by definition harmful, resulting in a loss of spatial/visual openness and a loss of permanence at the site, alongside the additional harm of the proposal in terms of the potential impact of ecological habitats, wildlife and protected species. The benefits of the proposal in as a result of a gain of a slightly larger dwellinghouse

(addition of two bedrooms compared to the existing house), as well as a net gain of one small dwelling with only two-bedrooms (giving a total overall increase in bedrooms of four at the site) are considered to be relatively minor and does not outweigh the overall harm of the scheme, noting that the harm to the Green Belt affords significant weight. For these reasons, very special circumstances which would justify the proposal do not exist.

In summary, 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 in this instance are unable to support the proposal.

Recommendation

Refuse permission.

Reasons for Refusal

1. The proposed erection of two dwellings represents inappropriate development in the Green Belt, which is definition, harmful to the Green Belt and should only be approved where there very special circumstances. In this case, the overall harm resulting from the proposal is not outweighed by any other considerations, therefore, very special circumstances do not exist. The application is therefore contrary to Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt) of the Walsall Site Allocation Document, Policies CSP2 (Development Outside the Growth Network) and ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Saved Policy GP2 (Environmental Protection) of the Walsall Unitary Development Plan and the National Planning Policy Framework.
2. The proposed erection of two dwellings would result in a loss of spatial and visual openness and fails to preserve the permanence of the Green Belt, contrary to the essential characteristics of the Green Belt. The application is therefore contrary to Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt) of the Walsall Site Allocation Document, Policies CSP2 (Development Outside the Growth Network) and ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Saved Policy GP2 (Environmental Protection) of the Walsall Unitary Development Plan and the National Planning Policy Framework.
3. The Bat Survey Report was completed in August 2019, the results are now considered to be out of date and an updated survey is required. Consequently, there is insufficient information to assess the impact of the proposal on ecological features, habitats, wildlife and protected species at the site. The application is therefore contrary to Policy ENV1 (Nature Conservation) of the Black Country Core Strategy, Policy EN1 (Natural Environment Protection, Management and Enhancement) of the Walsall Site Allocation Document, the Nature Conservation in Walsall SPD and the National Planning Policy Framework.

4. The proposed erection of two dwellings would result in the loss of trees at the site which are protected by a tree preservation order, due to proximity of the proposed dwellings to the trees. The trees make a positive contribution to the visual amenity and landscape character of the area. There is insufficient information submitted regarding the installation of services at the site to assess whether there would be additional harmful impacts to protected trees as a result of the application. The application is therefore contrary to Saved Policies GP2 (Environmental Protection), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature Conservation and New Development) of the Walsall Unitary Development Plan, Policies ENV1 (Nature Conservation) and ENV2 (Historic Character and Local Distinctives of the Black Country Core Strategy, Policy EN1 (Natural Environment Protection, Management and Enhancement of the Walsall Site Allocation Document, the Conserving Walsall's Natural Environment SPD and the National Planning Policy Framework.

END OF OFFICERS REPORT