Walsall Council

Planning Committee

Thursday 17 July 2025 at 5:30pm

Meeting Venue: Council Chamber at the Council House, Lichfield Street, Walsall

Livestream Link

Membership:

Councillor M.A. Bird (Chair)
Councillor J. Murray (Vice-chair)
Councillor G. Ali
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Hicken
Councillor I. Hussain
Councillor K. Hussain
Councillor N. Latham
Councillor R. Martin
Councillor L. Nahal
Councillor A. Nawaz
Councillor A. Parkes
Councillor S. Samra
Councillor M. Statham
Councillor V. Waters
Councillor J. Whitehouse

Quorum:

Seven Members

Democratic Services, The Council House, Walsall, WS1 1TW
Contact name: Edward Cook Telephone: 01922 653204 Email: edward.cook@walsall.gov.uk
Walsall Council Website

If you are disabled and require help to and from the meeting room, please contact the person above

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to a member's knowledge): (a) the landlord is the relevant authority; (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.

2. Information which is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:

   (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or

   (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:

   (a) Constitutes a trades secret;

   (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);

   (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Part 1 – Public Session

1. Apologies

2. Declarations of Interest

3. Deputations and Petitions

4. Minutes of the Previous Meeting

To approve and sign the minutes of the meeting held on 19 June 2025.

Copy **enclosed** (pp.5-14)

5. Local Government (Access to Information) Act, 1985 (as amended):

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

6. Application list for permission to develop:

a) Items subject to public speaking;
b) Items 'called-in' by members
c) Items not subject to 'call-in'

Copy **enclosed** (pp.15-63)

7. Date of next meeting

The next meeting will be 4 September 2025.

Minutes of the Planning Committee held in The Council Chamber, Walsall Council House

Thursday 19 June 2025 at 5.30pm

Committee Members present:

Councillor M.A. Bird (Chair)
Councillor J. Murray
Councillor G. Ali
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor N. Gandham
Councillor A. Hicken (from 5:40pm)
Councillor I. Hussain
Councillor K. Hussain
Councillor N. Latham
Councillor L. Nahal
Councillor A. Nawaz
Councillor A. Parkes
Councillor S. Samra (until 6:52pm)
Councillor V. Waters
Councillor J. Whitehouse

Officers Present:

S. Tranter	Director – Regeneration & Economy
M. Brereton	Head of Planning and Building Control
R. Ark	Principal Environmental Protection Officer
M. Barwick	Apprentice Planning Officer
M. Crowton	Group Manager – Transportation & Strategy
K. Gannon	Development Control and Public Rights of Way Manager
J. Grant	Environmental Protection Manager
S. Hewitt	Senior Planning Officer
S. Hollands	Team Leader Development Management
D. Holloway	Planning Policy Manager
N. Howell	Principal Planning Officer
K. Knight	Senior Transport Planner
S. Lamont	Highways Development Control Principal Engineer
G. Meaton	Group Manager – Planning
S. Pritchard	Ecology Officer
R. Rowley	Senior Planning Officer
A. Sargent	Principal Solicitor
A. Scott	Senior Planning Officer
W. Sheikh	Solicitor
S. Wagstaff	Team Leader Development Management
E. Cook	Democratic Services Officer

L. Cook Democratic Services Officer

218 **Apologies**

Apologies were received from Councillors Follows, Martin and M. Statham.

219 **Declarations of Interest**

There were no declarations of interest.

220 **Deputations and Petitions**

There were no deputation or petitions.

221 **Minutes**

A copy of the minutes of the meeting held on 24 April 2025 was submitted.

[Annexed]

Resolved

That the minutes of the meeting held on 24 April 2025, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

222 **Local Government (Access to Information) Act 1985 (as amended)**

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

223 **Application List for Permission to Develop**

The application list for permission to develop (the plans list) was submitted, together with a supplementary report which provided additional information on items already on the plans list.

[Annexed]

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the

Committee first. The Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

224 **Plans List Item 1 – 24/0009 – Land west of Longwood Lane**

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[Annexed]

At this juncture, Councillor Hicken entered the meeting.

There was one speaker, Dr Macmillan, against and one speaker, Mr Onions, in support of the application.

Dr Macmillan stated that the proposal was an inappropriate development on an important wildlife corridor within the Green Belt. She added that there were ancient trees on the site and that developing the site and protecting the Green Belt were incompatible.

Mr Onions stated that detailed tree surveys had found there were not ancient trees on-site and that the development would enhance biodiversity through off-site environmental credits. He asserted that the site was Grey Belt, not Green Belt as stated in the officer's report. He added that local housing supply was insufficient and that up to 40% of the development would be affordable housing, representing very special circumstances.

Responding to questions, Mr Onions stated that highway studies had found there would be no severe highways impact resulting from the development and that proposed highways enhancements would improve existing challenges. He stated that the purpose of the Green Belt was to prevent coalescence and sprawl in an urban context and that development on the site would not lead to either of these. He added that while the site was 'green field' it did not strongly contribute to the Green Belt.

There followed a period of questions to officers. The Development Control and Public Rights of Way Manager provided a comprehensive overview of the highways-related matters and the Head of Planning and Building Control provided clarity regarding Green Belt and Grey Belt land in policy.

While debating the application, the Chair stated that should Committee be minded to refuse the application and an appeal be subsequently lodged by the applicant, they would be supportive of the Council applying for costs as part of the appeal process.

It was **moved** by Councillor Bott and **seconded** by Councillor Murray and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee refuse Planning Permission for application 24/0009 for the reasons set out in the officer's report.

Having not been present for the whole time that Plans List Item 1 was being considered, Councillor Hicken did not vote.

At this juncture and with the consent of the meeting, the Chair adjourned the meeting for five minutes. The meeting reconvened at 6:31pm.

225 **Plans List Item 5 – 25/0455 – 32 Thorney Road**

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[Annexed]

There were two speakers against the application, Councillor Cooper and Ms Shephard, and one in support of the application, Mr Tung.

Ms Shephard stated that the proposed development represented more than a home-office and was a substantial and unattractive addition. She asserted that the application would be over-bearing and would deviate from the pattern of long gardens which were a feature of the area, thus being out of character. Councillor Cooper added that the development would be intrusive due to its excessive height and proximity to boundaries.

Mr Tung stated that the application complied with policy and was similar to other out-buildings in the area, including some with apex roofs. He added that there was a separation between the development and boundary fences and that the applicant was willing to work with stakeholders to make changes if necessary.

Responding to questions, Mr Tung provided an overview of the building's proposed use and arrangements, including two office spaces, a small gym and a storage area for garden equipment. He explained why the applicant hadn't pursued a smaller development which could have been determined under permitted development rights.

There was a period of questions to officers and the Head of Planning and Building Control summarised changes which would be required for the application to be considered under permitted development rights.

Debating the application, a member expressed concern regarding the proliferation of similar developments and the potential for future re-purposing

of these. It was **moved** by Councillor Samra and **seconded** by Councillor Bird and upon being put to the vote it was;

Resolved (by majority)

That Planning Committee refuse planning permission for application 25/0455, contrary to officer's recommendations, for the following reasons:

- **The excessive height and proximity to the boundaries of the proposed building would be an incongruous and overbearing feature in the rear garden, contrary to policies;**
- **The introduction of an additional window in the proposed building would be intrusive on neighbouring residents and negatively impact their privacy, contrary to policies;**
- **The design and appearance of the proposed building was out of character in the area and constituted an unexpected and incongruous feature in the rear garden, contrary to policies.**

The reasons for determining the application contrary to the officers' recommendations were the same as the reasons for refusing planning permission for application 25/0455, as set out above.

At this juncture, Councillor Samra left the meeting and did not return.

226 **Plans List Item 3 – 24/0361 – Land at Barr Lakes Lane**

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper.

[Annexed]

There was one speaker against the application, Ms Hulme, and one speaker in support, Mr Akram.

Ms Hulme addressed the committee on behalf of residents and the Beacon Action Group. She stated that local residents were opposed to the application and the present application only represented incremental changes from a previously refused application on the site. She added that the site was contaminated and there were numerous protected species present.

Mr Akram stated that the application site was previously developed land in a poor condition. He asserted that the proposed development would be an improvement and would not have a significant detrimental impact on the Green Belt. He added that the applicant would accept legal agreements to ensure improved highways visibility, passing spaces and access.

Responding to questions, Mr Akram confirmed that he would look at land ownership and ensure necessary notices were served on owners of land included in the site. He stated that the applicant would be prepared to have cameras installed for monitoring fly-tipping, which was a persistent local issue. He stated that issues regarding the land levels of the access and associated visibility could be resolved through engineering works and that the applicants were willing to try to preserve the oak tree on site which was located in the middle of the proposed access.

Responding to questions, the Planning Policy Manager explained why the site was in the Green Belt and not considered Grey Belt, including that it was within a Conservation Area. The Head of Planning & Building Control added that while there was some previous development on the site, the proposal represented an intensification of use and a significant increase on any previous development when considered with a volumetric assessment and was therefore considered to be of detriment to the Green Belt. Officers confirmed that the site was located within a Conservation Area.

Debating the application, Members discussed the previously developed nature of the site and its location within the Green Belt and Conservation Area. A member expressed concern regarding the oak tree which would need to be removed to facilitate vehicular access.

The Principal Solicitor advised the Committee regarding the numerous issues which had arisen and reminded members that they could only approve or refuse the application before them. She stated that there were no plans before the Committee for an alternative access which would avoid the protected tree; the site was in a Conservation Area and in the Green Belt. In addition, there had been no ecology reports submitted and engineering evidence to show that highway visibility was adequate. She reminded Members that they would have to address these issues and the recommended reasons for refusal, should the Committee be minded to determine the application contrary to officers' recommendations.

It was **moved** by Councillor Nawaz and **seconded** by Councillor K. Hussain and upon being put to the vote it was;

Resolved (by majority)

That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 24/0361, contrary to the officer's recommendation, subject to:

- **Securing plans and documents including at least:**
  - **amended ownership certificate**
  - **preliminary ecological appraisal**
  - **amended tree report**
  - **section plans**
  - **CCTV scheme**

    - **amended access plans**
- **The finalisation of conditions and s106 obligation to secure CCTV and highway works.**

Reasons for going against officer's recommendation:

- **The application site was considered to be previously developed land;**
- **The development would have no detrimental impact on the Green Belt or openness within the Green Belt;**
- **The site was outside of the Conservation Area boundary, as proposed to be amended;**
- **Amended plans required by condition to be submitted to retain the protected tree;**
- **An ecology report required by condition to be submitted to overcome ecology concerns;**
- **Updated Ownership Certificate and Notices to be submitted;**
- **Highway improvements to be secured by s106 agreement;**
- **CCTV to be secured by s106 agreement;**

In accordance with procedure rule 17.6, Councillor Bird requested that the minutes record that he abstained from the vote on Plans List Item 3.

227 **Plans List Item 2 – 25/0024 – 36-40 Walsall Road**

The Senior Planning Officer presented the report of the Head of Planning and Building Control.

[Annexed]

There was one speaker in support of the application, Mr Millership. Mr Millership stated that the previous reasons for refusal regarding the lack of a sequential test, flood-risk and insufficient parking provision had been overcome. He added that 58% of the petition signatories had been identified as living within 2km of the location and that the signatories from different places were primarily users of the nearby temple who would not add additional trips to the highway network.

There followed a period of questions to Mr Millership and officers. Officers provided clarity regarding the recommended reason for refusal.

It was **moved** by Councillor Gandham and **seconded** by Councillor Bird and upon being put to the vote it was;

Resolved (by majority)

That Planning Committee grant planning permission for application 25/0024, contrary to officers' recommendations, on the grounds that:

- **The business had been surviving well and was not detrimental to local area;**
- **The business had been operating and had caused no issues;**
- **There were no suitable properties available in Willenhall town centre;**
- **The business would not be able to serve its target audience if located in Willenhall town centre, which was away from the immediate area.**

228 **Plans List Item 4 – 24/1671 – 75 New Road**

Planning Committee considered the report of the Head of Planning and Building Control.

[Annexed]

It was **moved** by Councillor Bird and **seconded** by Councillor Gandham and upon being put to the vote it was;

Resolved (by majority)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 24/1671, subject to conditions and subject to the amendment and finalising of conditions.

In accordance with procedure rule 17.6, Councillor Latham requested that the minutes record that she voted against the resolution.

229 **Plans List Item 6 – 25/0378 – 18 Fenbourne Close**

Planning Committee considered the report of the Head of Planning and Building Control.

[Annexed]

It was **moved** by Councillor Nawaz and **seconded** by Councillor Bird and upon being put to the vote it was;

Resolved (unanimously)

Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission for application 25/0378 subject to conditions.

230 **Date of next meeting**

The date of the next meeting would be 17 July 2025.

There being no further business, the meeting terminated at 7:53pm.

Signed: _____

Date: _____

Walsall Council

Development Management Planning Committee

Report of Head of Planning and Building Control on 17th July 2025

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Economy, Environment and Communities, Development Management, The Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email planningservices@walsall.gov.uk,
Telephone (01922) 652677, Textphone 654000

2	25/0196	53 GREAT CHARLES STREET, BROWNHILLS, WALSALL **Ward:** Brownhills	Full planning application for change of use from C3 Dwelling to C2 Residential Care Home for up to three children and at least two carers at one time.	Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to: 1. No new material considerations being received within the consultation period; 2. The amendment and finalising of conditions.	35 - 54
3	25/0501	73 HARDWICK ROAD, STREETLY, WALSALL, B74 3DW **Ward:** Streetly	Full planning application for a detached 4-bed dormer bungalow with integral garage.	Refuse Permission	55 - 65

Walsall Council

Planning Committee

Report of Head of Planning and Building Control

Plans list item number

Item number: **1**

Reason for reporting to the planning committee.

1) A petition of 84 signatures has been submitted contrary to officers' recommendation, titled, "Petition to oppose the application of 72 Ashmore Lake Road, WV12 4LN from turning into a supported living accommodation and to remain as a residential property."

Application details.

Application reference: 25/0404

Site location: 72 , Ashmore Lake Road, Willenhall, Walsall, WV12 4LN

Application proposal: Full planning application for the demolition of the side garage and outbuildings, single storey side and rear extension and conversion to form 3 no. flats (Use Class C3) to provide supported living accommodation for 3 adults aged 18-65.

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

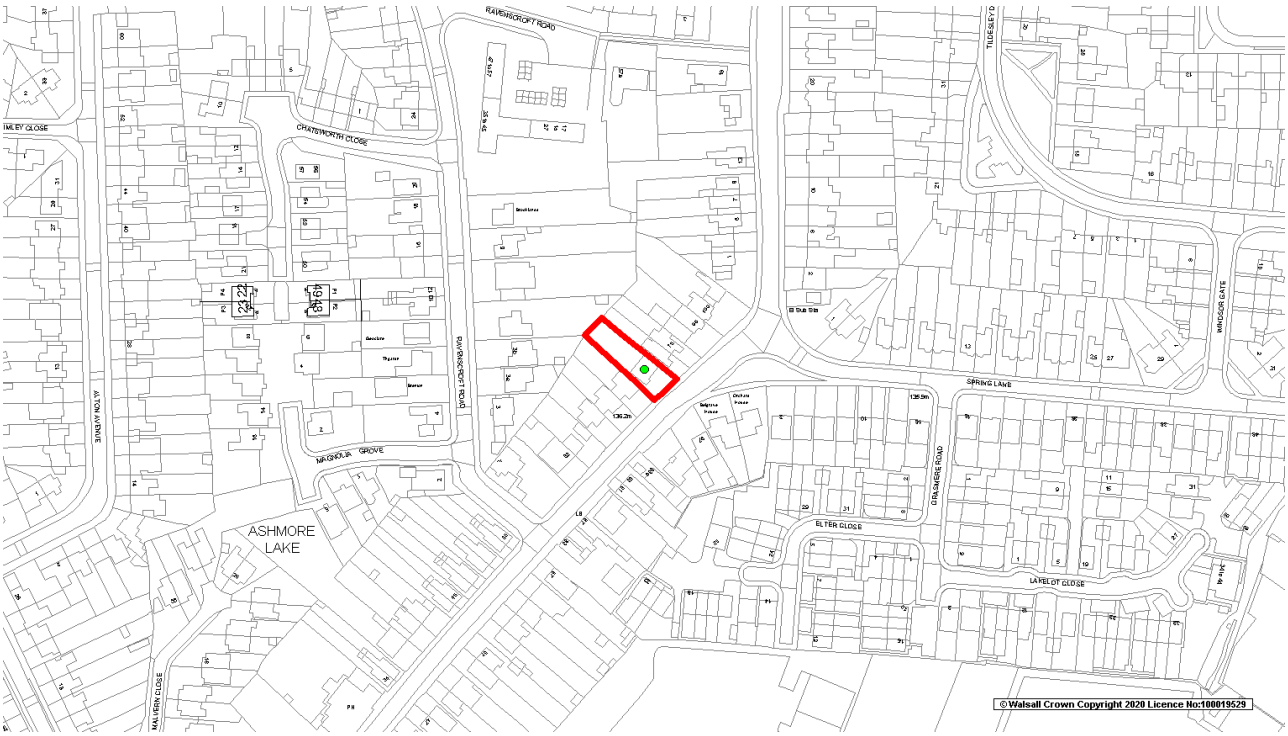
Link to application documents:https://go.walsall.gov.uk/planningapps?id=25/0404

Applicant: Steve Hindle, Country Barn Estates Country Barn Estates, 1 Battle Barns, Kidderminster Road, Dodford, B61 9AG

Planning agent: Richard Partington Architect Richard Partington Architect, 6 Oaks Drive, Four Oaks, Sutton Coldfield, B75 5AP

Ward: Short Heath

Red line location



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S111 to secure Cannock Chase SAC mitigation and subject to:

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

Site and surroundings

A site visit was carried out on 2nd July 2025.

The site is a 3-bed detached dwelling of simple design with a pitched roof. It is within a residential street in a wider residential area. It has a rear garden and parking on the front driveway for up to 3 vehicles. The site is approximately 1.5km from Willenhall District Centre and 1km from Lane Head Local Centre and is on a bus route serving Walsall and Willenhall with a bus stop outside a few houses along the street.

It is not within a conservation area or in the vicinity of any heritage assets. It is in Flood Zone 1 so low risk of flooding and in a low coal risk area.

Relevant planning history

None

Relevant policies

National Planning Policy Framework (NPPF)

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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.
Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

Ecology Officer

No objections subject to conditions to secure landscaping to be undertaken as per the Plan and Proposed Habitat Plan dated 7th April 2025, the standard BNG condition to be included, plus conditions for the protection and enhancement for protected species.

Environmental Health

No response received.

Environmental Protection

No objection.

Local Highways Authority

No objection. No conditions recommended.

Mining Remediation Authority

No objection subject to a condition to secure a scheme of intrusive investigations as set out in the coal mining report, implementation of any remediation that may be required and a validation statement to confirm any required works have been implemented.

Public Health

No objection.

Waste Management

No response received.

West Midlands Fire Service

No objection. Advisory notes provided.

West Midlands Police

No objection. Security recommendations provided.

Neighbour and interested parties' comments (planning officer's summary)

Objection(s)

17 separate individual comments received objecting to the proposal for the following reason(s):

Character

- Not in keeping and does not fit with the local area.
- There are sufficient supported residential properties in the area
- The site is not big enough to support the proposed development
- The site should be a family home/ there is a local need for 3 bed-family homes

Issues regarding other uses in the area

- We do not want another HMO

- Existing HMOs in the area create anti-social behaviour and drug dealing/ impact on public safety
- We have enough issues as it is from the pub and other supported living addresses within proximity to the address

Parking and Highway Safety

- Insufficient parking for staff, visitors and family members of the clients could lead to on-street parking
- Additional traffic and on street parking could impede access and pose dangers for neighbours, pedestrians, cyclists and emergency vehicles
- The road at this point is narrow
- Sited on a bend in the road
- Traffic travels at excessive speed along this road – impact on safe access to the site
- Where are the bins (9 in total) going to be stored? How are the refuse workers going to deal with all these bins on the pavement, which is narrow, on recycling day?
- Cannot guarantee the staff will use public transport

Neighbour amenity

- Impact on neighbouring privacy and outlook. The first-floor flat will look directly into neighbouring gardens.
- Anti-social behaviour
- Potential racism from residents towards neighbours.
- Increase in crime due to the type of people which will be visiting the property which is a risk to children and elderly
- Who will be responsible for maintenance of the house and garden?
- We don’t know who will be located to the property nor their backgrounds

Other

- How will the property be managed due as occupiers are statemented as 'disabled'?
- Can the usage of the property be altered at any point/confirmation needed the property will remain as the application states. Fear the property will start with three adults who need constant care and will later change to accommodation for ex-offenders/ drug addicts/ asylum seekers.
- The developer does not live locally – lack of care for the property or who lives there
- will look to move out of this area altogether if this goes through and is passed

- House prices will drop
- Existing problems where people leave unwanted rubbish on the gardens or footpaths causing an environmental waste, hygiene and pest control problem. Could be exacerbated by this development.
- There is a statement in the application that says there is no flooding in the area. This is false, there are properties nearby suffer flooding, and one has to operate two pumps to deal with the condition.

Support

No comments received in support of the proposal.

Determining issues

1. Principle of development
2. Cannock chase SAC and HRA
3. Design, layout, and character
4. Amenity of neighbours and future occupiers
5. Highways
6. Ecology and Biodiversity Net Gain
7. Ground conditions and environment

Assessment of the proposal

Principle of development

Planning permission is sought for the demolition of an existing attached side garage and outbuildings to make way for a single storey side and rear extension to facilitate the conversion of the building into 3 flats. The flats would provide supported living accommodation for a maximum of 3 adults, one adult per flat, with the support of one or two care staff in attendance on the site for 12-14 hours per day with one member of staff present occasionally overnight.

The purpose of such accommodation is to support people who may have physical or learning difficulties, to live within the community either in a residential, transitional residential or supported living setting. The residents would have their own private living spaces with a bedroom, shower room, living room and kitchen, so they can be encouraged and assisted to greater independence, with staff attending to guide and support the occupants as opposed to being their carers.

The extant use of the building is a C3(a) planning use class, which is a residential dwellinghouse. Each flat could also be considered to be a C3(a) residential dwellinghouse planning use, however, the ‘supported living’ element of the scheme and the fact that the building would be operated by a management company for the purpose of supported living does not strictly fall within the definition of a C3 use.

The proposed use includes elements of use class C3(b) which is:

> *“Dwellinghouses covering up to six people living together as a single household and receiving care.”*

However, in this instance, as each resident would have a private residence within the building they cannot be considered to be a single household.

The proposed development is not a C2 Residential Institution as the residents would live independently in individual flats and the purpose of staff on site is to guide and support the residents towards independent living rather than act as carers.

As the proposed use does not clearly fall within the definition of any planning use class, it is considered to be a sui generis use.

Whilst it is acknowledged that there is a need for 3-bed family homes, a point raised by a number of neighbouring occupants, there is also a need for homes for other groups within the community. Paragraph 63 of the NPPF 2024 requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, and the description of these groups specifically includes ‘people with disabilities’.

The proposed development would promote the health and well-being of future occupants whilst providing a high standard of amenity in a sustainable location. The proposed development would be sympathetic to local character and history, as there are limited changes to the external appearance of the building and it would remain a residential use in a residential area. This accords with the requirements of the NPPF paragraph 135. Paragraph 135 part f) requires that planning decision should ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the

fear of crime, do not undermine the quality of life or community cohesion and resilience. Despite the many concerns that have been raised regarding the background or behaviour of the residents, there is no evidence to suggest that the proposed future residents would pose any greater potential of displaying antisocial behaviour or creating a fear of crime in the locality above any beyond the potential future occupants of any dwellinghouse in the locality.

It should also be noted that contrary to some of the concerns raised, the dwelling is not intended for use as an HMO where occupants use shared facilities such as a kitchen, potentially living areas or bathrooms. Currently in Walsall permitted development rights allow for a residential dwelling to be converted to an HMO for between 3 and 6 individuals without the requirement for planning permission. An Article 4 direction removing this permitted development right was approved at June Cabinet 2025 and will be implemented on 1 October 2025. This means that if there was ever an intention to use the dwelling as an HMO, the owner would need to obtain a planning permission, alongside the necessary licencing regime.

It is acknowledged that the internal creation of 3 flats that are intended in this instance to be used for supported living, would have different impacts if the individual units were to be sold or leased separately in the future as regular C3(a) dwellinghouses which could have a greater level of occupancy and increased parking requirements. It would likely be considered an over-intensification of the site to have 3 separate households occupying the building. There are no permitted development rights that allow for a change of use from a sui generis use to any C3 residential use class and therefore if the current applicant or a future applicant wished to use the building for any purpose other than the proposed 3 units to be used for supported living purposes, they would need to apply for planning permission that would allow the Local Planning Authority to consider the impacts of any changes of use. This addresses the concerns of some local residents regarding potential changes of the use of the site in the future.

In summary the principle of development to create much needed homes for adults requiring transitional support towards independent living is policy compliant and acceptable in this location.

Cannock Chase SAC and HRA

Whilst the proposed use of the building is for supported living, and the residents may choose to socialise together at times, the fact remains that three flats would be created that would be occupied independently of one another. Therefore, this proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 2 dwellings. The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") place a duty on competent authorities (in this case Walsall Council) to consider the potential for effects upon sites of European importance prior to granting consent.

The applicant's submitted Habitat Regulation Assessment demonstrates that this development would result in an increase in recreational disturbance and significant harm of the SAC.

A mitigation payment per each net new dwelling is required in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. The payment is non-negotiable.

The applicant has agreed to provide the SAC mitigation. If members are minded to support this application, the SAC mitigation payment must be made and secured with a S111 agreement prior to a decision being issued.

Design, layout, and character

The proposed extension and internal works would have limited impact on the appearance of the dwellinghouse from the public vantage point. The proposed side extension would replace the existing attached side garage and a similar separation distance to the neighbouring dwellinghouses would be retained as existing.

The extension at the rear and internal works to separate the building into three independent units would also be of limited visibility from the public vantage point.

It is considered the proposed development would have no harmful impact on the character of the locality in accordance with the requirements of BCCS policy ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall DW3.

Amenity of neighbours and amenity of future occupiers

The proposed extension is complaint with the Council's adopted 45-degree code as set out in the SPD Designing Walsall Appendix D. It is therefore considered that the side and rear extension would have limited additional impact on the amenity of any neighbouring occupant by way of visual impact or shading.

A concern has been raised about the impact of the proposed development on neighbouring privacy, specifically the first floor flat overlooking the neighbouring garden. There are no new windows proposed at first floor level so there would be no potential created for additional overlooking from habitable room windows above and beyond the existing situation.

Internally each flat would meet the requirements of the Nationally Described Space Standard which is intended as guidance and is not statutory. The rear garden exceeds both the 68m^2 requirement of private amenity space for a dwelling house and the 20m^2 per person requirement where private amenity space is shared, as set out in the SPD Designing Walsall Appendix D. This addresses a concern raised that the site is not big enough for the proposed use. It is considered that the accommodation would provide a suitable standard of living for the residents.

A query has been submitted regarding what external changes are going to be instigated to legally and effectively give access to all potential residents. As the residential use does not require permission this is not a consideration for the purpose of this assessment but will be a matter for the applicant to address to fulfil the requirements of the care provision company and at the building regulations stage of development.

Concerns about the impact of the proposal on house prices are noted but are not a material consideration for the purpose of this assessment. Concerns about existing problems in the area such as dumped rubbish, noise or antisocial behaviour are not material to the assessment of this application. The site owner would have responsibility for the upkeep of the site in the same way as is the case for any local residence. It is considered that the proposed residential use would create no greater potential for such problems than could be posed by occupants of any residence and there are other authorities in place that this can be reported to in the event of such behaviour occurring.

The proposed development including the separation of the building into 3 flats and the side and rear extension would accord with the requirements of saved UDP policy GP2 and there is no evidence to support the claim that future occupants of the dwelling would cause harm to the amenity of neighbouring occupants above and beyond that which could arise from any residential dwelling.

Highways

The site benefits from an existing dropped kerb access point with Ashmore Lake Road and there are no proposed changes to the access. The applicant proposes to create three car parking spaces within the existing front area which would meet the requirements of saved UDP policy T13 for a three-bedroom home, which would be a requirement of 2 spaces.

Concerns have been raised about the impact of the proposed development on access and safety for neighbours, pedestrians, cyclists and emergency vehicles, in view of the fact that the site is located on a narrow part of the road at a bend, and that insufficient parking for staff or visitors could push more vehicles onto the highway.

The Local Highway Authority acknowledge that it is highly unlikely that the residents will drive and that the car parking will be used by members of support staff with up to two staff attending the site during the day and on occasion a single member of staff in the evening, this would retain an additional space for visitors. The Highway Authority has no objections to the car parking layout and considers that there would be no additional traffic impact. Bus services and bus stops are located within 50m walking distance of the site on Ashmore Lake Road.

The Local Highway Authority recommend approval in accordance with the requirements of the NPPF and saved UDP policy T13.

Concerns have been raised regarding bin storage and how refuse workers are going to deal with all these bins on the pavement, which is narrow. The proposed plans show bin storage in the rear garden, which is acceptable as a side passage is retained to move the bins to the front on collection day. Waste management have not yet provided a response to their consultation. A reminder has been sent on 30/06/2025 and a reconsultation on 08/07/2025.

Ecology

The Ecology Officer has confirmed there are no objections subject to conditions to secure that landscaping is to be undertaken as per the Plan and Proposed Habitat Plan dated 7th April 2025 and the standard BNG condition to be included in any permission that may be granted.

A Preliminary Ecological Appraisal submitted with this application provided recommendations including the planting of native species incorporated into the landscaping scheme, plus installation of a bird box and bat box, hedgehog highways and no clearance of vegetation during the nesting bird season which can be secured by planning conditions. A condition has also been recommended regarding minimised lighting, but as no lighting has been proposed for this scheme, a condition to this effect would not meet the test of relevancy and therefore this will be included as an advisory note.

Flood Risk / Drainage

A concern has been raised regarding existing flooding in the locality. The site is not in a high-risk flood area and the existing drainage arrangements would be retained. The proposed development would therefore not create any increased risk of flooding above and beyond the existing situation in accordance with the requirements of saved UDP policy ENV40.

Ground conditions and environment

Environmental Protection is of the opinion there are no significant industrial/commercial noise impacts, or any concerns regarding air quality or contaminated land that are material planning considerations for this application and therefore the proposed development would comply with the requirements of saved policies GP2 (Environmental Protection) and ENV10 (Pollution) of Walsall's UDP.

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. All points raised by neighbouring occupants have been considered and addressed in this report with a specific focus on the impact on neighbouring amenity and highway safety.

Taking into account the above factors it is considered that the application should be recommended for approval.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S111 to secure Cannock Chase SAC mitigation and subject to:

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

Conditions and reasons

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

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

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Existing Plans and Elevations, drawing no. 01, submitted 07/04/2025
- Proposed Plans and Elevations, drawing no. 02 Rev A, submitted 07/04/2025
- Design and Access Statement, submitted 07/04/2025
- Coal Mining Risk Assessment, conducted by Envirosolution, dated 02/05/2025
- Proposed Habitat Map, submitted 07/04/2025
- Habitat Regulation Assessment, submitted 06/05/2025

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a: Prior to the commencement of the development hereby permitted;

i. a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past shallow coal mining activity; and

ii. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework, saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4: Prior to the occupation of the development hereby permitted, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted in writing to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework, saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

5: Prior to occupation of the development hereby permitted, an integrated house sparrow terrace nest box shall be installed on the northeast elevation of the new extension; at least one bat box shall be fixed to a mature tree on the site and hedgehog highways shall be installed into any fencing and shall thereafter be retained. The bat box shall be located at a point not lower than 4metres from ground where there are no branches below the box that

would impede the direct flight of bats into and out of the bat box. The bat box shall be made of timber or woodcrete.

Reason: To conserve local bat, bird and hedgehog populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

6: Notwithstanding the information provided vegetation clearance should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a comprehensive check for active birds' nests immediately before the clearance and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect breeding birds from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and countryside Act 1981, as amended and in accordance with Saved UDP policy ENV23 and BCCS policy ENV1.

7a: Prior to occupation of the development hereby permitted the approved landscaping details shown on 'Proposed Habitat Map, submitted 07/04/2025' shall be carried out.

7b. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

8: The walls and roof of the development hereby permitted shall not be carried out otherwise than in accordance with facing materials that match, in size, colour and texture, those which are used in the existing building at the time of the planning decision and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

9:The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of supported living accommodation in planning use class C3(b) for a maximum of three adult residents and for no other purpose (including any other purpose in Schedule 1, Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenity of neighbouring occupants and to control the level of parking demand and vehicle movements at the property in accordance with saved UDP policies GP2, T7 and T13 and in the interests of highway safety.

Case specific notes for applicant

Ecology

Lighting proposed for the development should be minimised in accordance with the guidance available within Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018.

West Midlands Fire Service

Adherence is required to Approved Document B Volume 1 2019, Dwelling Houses, Access and facilities for the fire service B5, Section 13: Vehicle access.

West Midlands Police

Strongly advise the following crime prevention recommendations:

- **Construction Site Security** – Construction sites no matter how big or small continue to be targeted by criminals. A secure, robust fit for purpose boundary treatment during the construction phase will assist in having the first and most important layer of defence. Further information can be obtained from the following links.

Secured By Design Construction site security guide

National Business Crime Centre Construction Site Security Guidance

- The proposed demolition of the side garage and outbuildings, single storey side and rear extension and conversion to form 3 no. flats (Use Class C3) to provide supported living accommodation for 3 adults aged 18-65, is built in accordance with the secured by design guidelines and police preferred specification products as laid out in the Secured by Design Residential Guide 2025 (link below). The design guide will ensure the extension and conversion is designed and built to a police force preferred standard design and layout that aids in deflecting crime and ASB.

- Security rated locks are installed to any external doorsets that lead into the new side and rear extension.

- LED Dusk to Dawn lighting is installed to the front, rear and side of the new extension. Lighting is a proven deterrent to crime as it removes offender anonymity.

- Further, detailed information can be obtained from the below links.

Links

- Secured By Design Residential Guide 2025
- LightingAgainstCrime.pdf
- Secured by Design - Bike Storage at Home

End of report

Walsall Council

Planning Committee

Report of Head of Planning and Building Control

Plans list item number

Item number: **2**

Reason for reporting to the planning committee.

1) A petition of 16 signatures has been submitted contrary to officers' recommendation on the following grounds:

    - Impact on traffic and parking
    - Noise and disturbance
    - Change in the character of the area
    - Overlooking or loss of privacy
    - Overdevelopment or intensification of the use – there is an existing permission for a care home in the street and potential for expansion at the site
    - Inadequate staff facilities
    - Fire safety Concerns
    - Potential for disrespectful confrontations or ageism

Application details.

Application reference: 25/0196

Site location: 53, GREAT CHARLES STREET, BROWNHILLS, WALSALL, WS8 6AE

Application proposal: Full planning application for change of use from C3 Dwelling to C2 Residential Care Home for up to three children and at least two carers at one time.

Application type: Full Application: Change of Use

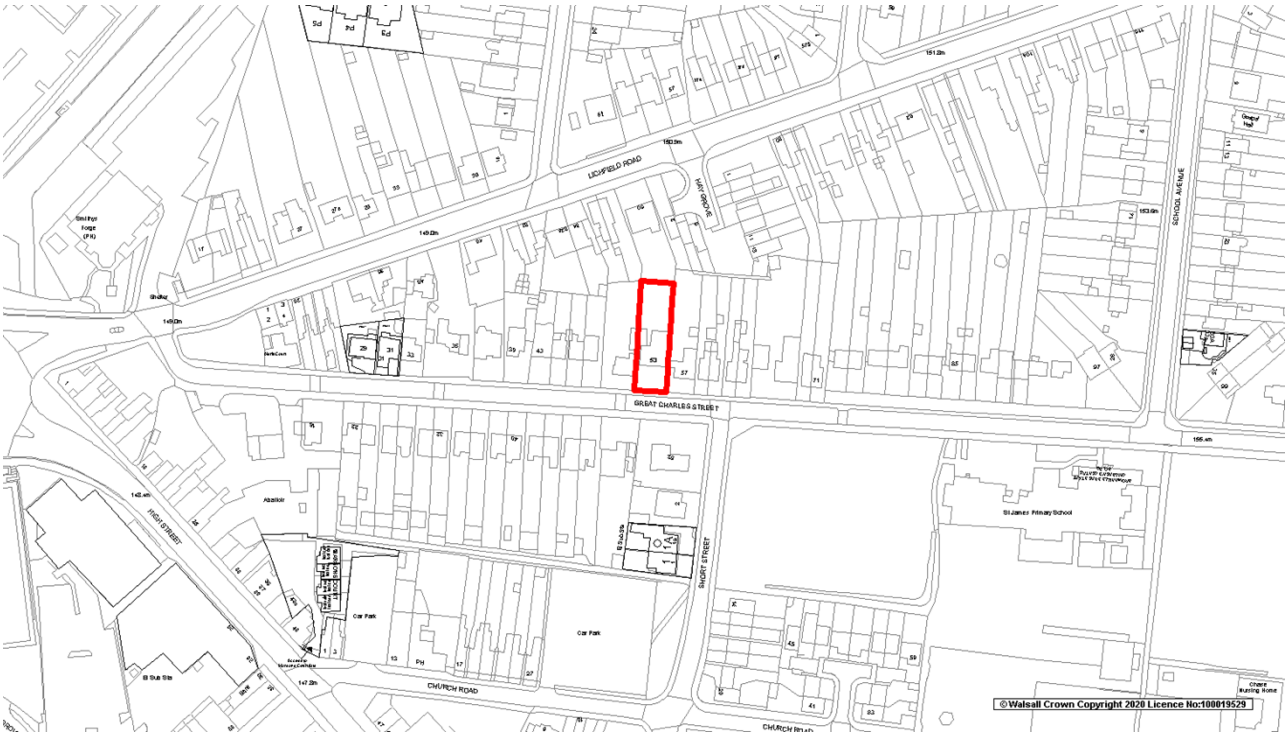
Link to application documents: https://go.walsall.gov.uk/planningapps?id=25/0196

Applicant: Zazh Mamgement Company Ltd C/O Anjum Design Ltd, 435, Stratford Road, Solihull, B90 4AA

Planning agent: Mr Anjum Mehmood ANJUM DESIGN Ltd, 435 Stratford Road, Shirley Solihull, B90 4AA

Ward: Brownhills

Red line location



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

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

Site and surroundings

A site visit was carried out on 11/06/2025

The site comprises an extended 3 bed detached dwelling with rear garden and parking space for up to 4 vehicles on the frontage of the site. The site is located amongst a row of residential dwellings, with surrounding residential use and a primary school on the opposite side of the street

The site is within walking distance, approximately 150m from Brownhills District Centre with its shops and services and bus routes serving Walsall, Cannock, Bloxwich and Lichfield.

The site is not within a Conservation Area, nor in the vicinity of any other heritage assets. It is in a Coal Development Low Risk Area and Flood Zone 1. There are no protected trees in the vicinity of the site.

Relevant planning history

None.

Relevant policies

National Planning Policy Framework (NPPF)

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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b)

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

Community Protection

No response received.

Local Highway Authority

No objections subject to conditions to secure:

- A maximum of 3 resident children

- Provision of parking for the application site with the parking area drained to prevent surface water run off onto the highway

West Midlands Fire Service

No objection. The proposed work does not appear to adversely affect B5 Access & Facilities. Advisory note with regard to Part B of the Building Regulations 2010 provided.

West Midlands Police

Objection on the grounds of insufficient information provided regarding staff accreditation and training, fire safety, site management, the nature of the business of the applicant, consultation processes, lighting arrangements and security.

Neighbour and interested parties' comments (planning officer's summary)

Support

3 comments received in support of proposal for the following reasons:

- Children in the care system needing and deserving a loving home whether that's in the form of a children's home or a foster home

- Every child should feel included, loved, safe, secure and have somewhere to call home.
- Offers stability, guidance and a sense of community.
- More places are needed like this - there aren't enough foster carers out there to subsidise them in a better community with more opportunities.

Objections

A petition of 16 signatures has been submitted contrary to officers' recommendation on the following grounds:

- Impact on traffic and parking
- Noise and disturbance

- Change in the character of the area
- Overlooking or loss of privacy
- Overdevelopment or intensification of the use – there is an existing permission for a care home in the street and potential for expansion at the site
- Inadequate staff facilities
- Fire safety Concerns
- Potential for disrespectful confrontations or ageism

13 individual public comments received objecting to proposal support for the following reasons:

- Not in keeping with the established character of the area.
- Noise and activity that would alter the peaceful environment we currently enjoy.
- Could lead to disruption due to higher footfall, more vehicles, and increased levels of noise at various times of the day.
- People coming and going at all times of the day
- Concern about the precedent this change could set, potentially encouraging similar applications that could gradually alter the nature of our community.
- Potential for anti-social behaviour
- Potential increased crime in the area.
- Safeguarding issues to other children in the area
- Potential trouble or stress of children who are out of control/ have no respect for others.

- Old people will feel frightened in their own houses if any of the young people got out who have mental health problems
- Feeling vulnerable leaving our homes.
- Impact on the good reputation of the street
- A hedge at the front of the house which would need to be removed so the 4 cars can access and depart from the drive – this would have an impact on the environment and the wildlife living in it
- Increased traffic and parking requirements– exacerbating existing issues cause from nearby school
- Buses and emergency vehicles may not be able to get down the street if cars are parked on both sides of the road

- The activity of 3 taxis or mini buses to pick up/drop off the 3 children to their educational activities, care workers vehicles and other planned visits by specialists is not a true reflection of the normal activity of a family living in a 3 bedroom house.
- The building work will cause such stress to my sleeping routine.

Determining issues

1. Principle of development
2. Design, layout, and character
3. Amenity of neighbours and future occupiers
4. Highways
5. Ecology and Biodiversity Net Gain
6. Flood risk / Drainage
7. Ground conditions and environment
8. Other key determining issues

Assessment of the proposal

Principle of development

The application site is located on a residential street within a wider residential area. No external changes are proposed to the building and the only internal change would be the reallocation of an existing ground floor office/study room to be used as a staff office/sleepover room to facilitate the use of the building as a children's care home for 3

children aged between 8 and 18 years of age. There would regularly be 2 staff on site, including during the nighttime, with a maximum of 4 staff present on site during a changeover period that would take place between 7:00am – 07:30 am daily.

It is considered the proposal has elements of a residential and commercial nature. The presence of 2 regular adults and 3 children in care is reflective of the numbers of people that could reasonably be expected to reside and come and go throughout the day in a 3-bed family dwelling. The nature of the staff carers being in attendance on a shift basis and the use of the word 'staff' being reflective of a commercial operation. Concerns have been raised regarding the fact that it is a commercial use in a residential area. Although the site would be operated by a private company, the intention of such children's homes is to create

as close to a family environment as possible and whilst it would not fall under the description of a dwellinghouse like the surrounding properties, planning use class C2 is still a residential use.

Paragraph 63 of the NPPF 2024 requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, and the description of these groups specifically includes ‘looked after children’.

Paragraph 135 of the NPPF states that:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal accords with paragraph 135 in that there would be no changes to the external appearance of the existing dwellinghouse, other than extension of the driveway and therefore in appearance would remain sympathetic to the local residential character. It would also provide for inclusive and accessible housing for looked after children, addressing an overwhelming demand for the type of accommodation being proposed. Fear of crime is considered later in this report.

There are no specific policies relating to children's care homes in Walsall's Development Plan but Walsall's Site Allocation Document policy HC3 states that the Council will encourage the provision of housing for people with special needs, including single people, the elderly, people with disabilities and any other groups who require specialist accommodation, in locations that would be acceptable for general housing. Such housing will be particularly encouraged in and close to centres, provided the sites are not required for centre uses. In this instance, the development would contribute to provision of housing for the specialist accommodation required by looked after children, and the site is approximately 150m from the boundary of Brownhills District Centre.

Saved UDP policy H6 relates to nursing homes and rest homes for the elderly, rather than children's homes, but contains advice about parking and the types of property that will be suitable. Paragraph (b) VIII states that large, detached properties are the most obviously suitable for these uses. Paragraph (b)X states that the Council will take account of the accessibility of a property to local amenities and public transport. The existing detached dwelling is a sufficient size for the maximum of 3 children that would be cared for. It is within walking distance of Brownhills District Centre with a range of convenience shops and services and bus routes into Bloxwich District Centre and Walsall Town Centre.

As such, subject to conditions detailed in this report, the change of use from one residential use to another residential use type, in this residential area is considered compatible and policy compliant. It is considered reasonable to include a planning condition to limit the planning use to class C2 as a children's care home only, to give the Local Planning

Authority the opportunity to assess the impacts of any future proposed changes of use that could otherwise be carried out within Planning Use Class C2 using permitted development rights.

Design, layout, and character

The change of use from a residential use to a different residential use reflects the existing residential character of the locality and is considered compatible.

Concerns have been raised regarding the impact of the development on the character of the area. From a visual perspective, there are no proposed changes to the external

appearance of the building other than the extension of the frontage parking area to accommodate up to 4 vehicles. Concerns have been raised regarding the removal of the hedge that would be required to extend the parking area and the impact this would have on the visual appearance of the site and on wildlife. It is observed that there is variety in the frontage parking areas of houses surrounding the application site, some with and some without front boundary treatments, some with grass and foliage and some hard surfaced only. As permitted development rights exist for homeowners to remove unprotected trees and foliage and to hard surface their front driveways (subject to ensuring they are fully drained so that surface water does not run off onto the highway), the owner could have chosen to implement such changes at any time without the requirement for planning permission. Whilst the proposed change of use allows the Local Planning Authority to assess the impact of this change, it is considered it would have limited impact on the existing mixed character of frontages in the locality, and it would be unreasonable to restrict the removal of the front hedge and provision of additional parking area on the frontage of the site in this instance.

From the perspective of the residential character of the locality, the intention of such children's homes is to create as close to a regular family setting as possible. The regular number of people on site at the premises, 2 adults and 3 children, is reflective of the number of occupants that could be expected to reside in a 3-bed dwellinghouse. Staff changeover would occur once a day in the morning, at a time when people could reasonably be expected to be leaving for work or coming home from a night shift. The applicant has specified that it is anticipated that there would be up to 2 visits from social workers every 6 weeks, with the visit lasting approximately 1 hour and a therapist visit once

per week for 1-2 hours. This is also considered reflective of the number of visitors that could reasonably be expected to visit the existing residential dwelling.

The accompanying planning statement advises that 'Depending on their needs, residents would be transported to education facilities by an appointed vehicle or vehicles, which could be taxis or minibuses, comprising a pick-up and drop-off arrangement. A concern has been raised that this is not a true reflection of the normal activity of a family living in a 3-bedroom house. Whilst it is likely more common for families to use a car, walk or take public transport to transport children to and from places of education, some families without a vehicle could reasonably be expected to use taxi facilities. Furthermore, taxi-facilities are also sometimes

provided for children in regular dwellinghouses who need to attend specialist educational facilities that may be outside of their local area.

Given that there are no significant proposed changes to the external appearance of the existing dwellinghouse, and the number of regular occupants and visitors is unlikely to intensify the use of the site above and beyond that of the existing residential character, it is considered that the proposed change of use would have limited impact on the appearance or character of the site in accordance with the requirements of the Black Country Core Strategy policy ENV2, saved UDP policies GP2 and ENV32 of Walsall's Unitary Development Plan as well as the SPD Designing Walsall DW3.

A concern has been raised regarding incremental degradation of the character of the area if support of this proposed development sets a precedent for such applications. All planning applications are assessed on their own merits and the incremental impact of a high volume of children's care homes in an area characterised by family dwellinghouses would be considered in the event of a high number of such uses being applied for in any one locality.

The applicant has specified that the children's home would not be open to members of the public and would be privately operated with referrals of children to the home being made by local authorities. However, a safeguarding condition preventing any external advertisements to the property should be attached to any permission that may be granted to retain the residential character of the site.

Amenity of neighbours and amenity of future occupiers

The properties surrounding the application site are in residential use. The application site would continue to be in use as a residential building occupied on a regular basis by 3 children and 2 adults and it is considered that this level of occupancy is reflective of what would be expected for the existing 2no. 3 bed semi-detached dwellings, the building itself providing the same level of visual amenity and similar relationship to neighbouring houses as existing. A concern has been raised regarding the potential for overlooking and loss of privacy but as there are no new openings proposed, it is considered the site would not introduce any additional potential for overlooking or loss of privacy above and beyond the existing situation. It is not anticipated that the level of occupancy would generate any higher footfall than the existing use or a significant increase in vehicle movements beyond what could be expected for the existing residential dwellinghouse.

The internal space demonstrates compliance with the requirements of the Nationally Described Space Standard for internal accommodation area and bedroom sizes which is considered to provide a suitable level of amenity for occupants of the care home. There is a private garden in excess of 68m^2 at the rear of the site, which meets the requirement for the area of private amenity space for new residential development that is set out in the Supplementary Planning Document Designing Walsall Appendix D. This area is therefore considered to provide sufficient outdoor space for the 3 child occupants of this proposed care home.

A concern has been raised regarding the provision of poor facilities for staff, commenting specifically on the small area provided for sleeping. When staff are on site, they are on duty as employees. Whilst they should reasonably be expected to be able to sleep during a 24 hour shift, for up to 8 hours as specified in the Application Statement, the nature of their role means that even during sleep time they are ‘on call’ as care providers for the child occupants of the care home and therefore their sleeping accommodation would not be assessed in the same way that it would be for a residential dwellinghouse.

A concern has also been raised regarding the potential for noise and disturbance created from the site. The level of noise is anticipated to be no greater than for the existing use of the site, where the 3-bed dwelling could reasonably be expected accommodate 3 no.

children, as is proposed for the converted dwellinghouse. It is considered reasonable to impose a condition limiting the number of residents on site to a maximum of 3, to limit the volume of comings and goings as well as the potential for noise that could be generated by larger numbers of occupants. The point has also been raised about comings and goings at the site ‘at all times of the day and night’. There is no evidence to suggest that there would be any additional movements during the night and as previously set out, the movements to and from the site during the day are considered reflective of the number of movements expected for a regular residential dwellinghouse which may also attract visitors at the same rate expected for the proposed use.

One member of the public raised concerns about sleep disturbance that may be caused by the building work. It can be observed from the proposed plans that limited building work would be required to facilitate the change of use, other than works to the front driveway to provide sufficient vehicle parking. This work is not expected to cause any significant

prolonged disturbance and therefore it would be unnecessary and unreasonable to impose a condition for a construction management plan in this instance.

Concerns have been raised that we do not know what ‘type’ of children would be housed in the care home and therefore the potential for occupants of the home to display antisocial behaviour, leading to a fear of crime and feelings of vulnerability, particularly amongst older residents in the community. It has also been raised that the child occupants of the site could pose safeguarding concerns for local children in attendance at the nearby primary school. Whilst fear of crime is a material planning consideration, no evidence has been provided to demonstrate that the future occupants would cause an increase in antisocial behaviour in the locality, and it would prove challenging to provide such evidence. It is the responsibility of the care providers to monitor and manage the behaviour of the occupants of the children’s home and the Local Planning Authority cannot make an assessment based on the potential occupants of a children’s home, any more than would be possible to assess the potential occupants of a family dwellinghouse, where there is no way of knowing the circumstances of any individual who may reside there in the future.

West Midlands Police were consulted regarding the proposed development and raised an objection, concerning the lack of information provided regarding staff accreditation and training, fire safety, site management, the nature of the business of the applicant, consultation processes, lighting arrangements and security.

Such sites are regulated and monitored by OFSTED and their management is outside of the planning remit. The Local Planning Authority has no authority for the management of the operation and as such, the qualifications and training of the staff members and the nature of the business of the applicant are not a material planning consideration for the purpose of this assessment. Fire safety is a matter to be addressed at the Building Regulations stage of development, although it is noted that West Midlands Fire Service have raised no objections. Nearby residents have been consulted in accordance with statutory requirements, and all points of view that have been raised are considered in this assessment. OFSTED will have their own security requirements for such sites. Whilst no recommendations regarding security and lighting have been provided by West Midlands Police on this occasion, the standard recommendations that are usually provided for such applications, offering guidance to ensure that the proposal meets safety and security requirements for the benefit of residents and surrounding occupiers, can be included as an advisory note for the applicant.

It is considered that the proposed use would provide a suitable living environment for the child occupants of the house and not cause any significant additional harm to the amenity of neighbouring occupants above and beyond that which could be expected in a residential area for the existing 3 bed dwelling Subject to conditions to limit the number of occupants, the proposal would accord with the amenity requirements of saved UDP policy GP2.

Highways

Great Charles Street is an adopted unclassified street predominantly residential with a Primary School. The speed limit is 30mph reenforced with speed cushions and a 20mph School Zone outside the Primary School approximately 40m to the east of the site.

The site has an existing dropped kerb access point and parking for up to 4 cars would be provided on the property frontage.

During the day and night, two staff members would be present at the proposed home. A shift system would operate based upon a rota of 4 staff members, but the staff crossover would not occur at unsociable hours. The shift change-over times are expected to be 7:00-07:30 for a 24hr shift (including 8hr sleep-in). Visits to the site by external professionals

would be pre booked and to be arranged when it is expected the home to be less busy. This will help avoid any parking issues in the driveway.

Concerns have been raised regarding the proposed use leading to additional traffic and parking requirements that would exacerbate existing parking problems in the street generated from the local primary school. Residents are concerned about the potential for vehicles parking on both sides of the street meaning that buses and emergency vehicles may not be able to pass through.

Taking into account:

i) the modest scale of the Care Home with a maximum of three children at any one time with two staff present at all times, and up to four staff at change over,
ii) other social care visitors to be arranged in managed arrangement to minimise any impacts around access and parking,

iii) there are no parking restrictions on Great Charles Street should this be necessary,
iv) four parking spaces are provided on the property frontage,

on balance the Highway Authority considers the level of on-site parking acceptable.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2024 paragraph 116.

In light of the comments above, the Highway Authority supports the proposal, subject to conditions to secure a maximum of 3 children reside at the care home at any time and the implementation and drainage of the frontage parking area for 4 vehicles.

Ecology and Biodiversity Net Gain

There are no ecological implications. The site is exempt from the requirement of Biodiversity Net Gain as the proposed development would impact on an area of less than 25m^2 of onsite habitat it is below the de minimis threshold.

Flood risk / Drainage

The works do not propose any increases in impermeable surfaces, and the site is located within flood risk zone 1.

As such, no significant concerns are raised in respect of drainage / flood risk.

Ground conditions and environment

There are no significant industrial or commercial noise impacts, or any concerns regarding air quality or contaminated land that are material planning considerations for this application.

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. The site building and the proposed use is considered would have no greater impact on the amenity of neighbouring occupants above and beyond the existing building and use. There is no evidence to support the concerns that the proposed use would lead to an increase in antisocial behaviour in the locality.

Consideration has been given to the impact of the proposed use on parking availability at the site and in this instance the proposal is compliant with local planning policy requirements for parking. The Local Highway Authority do not have concerns about the impacts of parking from the proposed use on highway safety.

Taking into account the above factors it is considered that the application should be recommended for approval.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

1. The amendment and finalising of conditions.
2. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Conditions and reasons

1: This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Site Plan, drawing no. PL02, submitted 21/02/2025
- Existing floor plans, drawing no. PL03, submitted 21/02/2025

- Proposed Floor Plans, drawing no PL04, submitted 21/02/2025
- Application statement, submitted 21/02/2025

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3: Notwithstanding the details as submitted, prior to occupation of the development hereby permitted shall not be carried out otherwise than in accordance with providing a minimum of four off road parking spaces measuring 4.8m by 2.4m, as shown on 'Site Plan, drawing no. PL02', with the parking area being consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any

highway drain. This parking area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development and shall be used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development with the loss of the garage spaces, in accordance with UDP policy GP2, T7 and T13.

4: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of a residential care home in planning use class C2 for a maximum of three children between the ages of 8 and 18 and for no other purpose (including any other purpose in Schedule 1, Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the amenity of neighbouring occupants and to control the level of parking demand and vehicle movements at the property in accordance with saved UDP policies GP2, T7 and T13 and in the interests of highway safety.

5: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and there shall no advertisement(s) displayed to the frontage of the property at any time.

Reason: In the interests of maintaining the character of the area in accordance with saved UDP policies GP2 and ENV32.

Case specific notes for applicant

Local Highway Authority

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Security

Consider CCTV to all entrances and non-private areas. Their use in this environment protects residents and potential complaints on carers. Any disagreements on incidents can be quickly reviewed, protecting all parties and reducing protracted complaints involving staff and police.

The applicant to refer to crime prevention and home security advice contained within SBD New Homes. Please see: https://www.securedbydesign.com/images/HOMES_2024.pdf

External LED lights with daylight sensors to external walls, particularly by entrances and parking areas. Lighting at main entrances, sides and to the rear of homes would be extremely helpful in increasing safety and reducing the fear of crime. Lighting is a proven deterrent of crime and reduces offender anonymity. Further information can be obtained from the following links. This is to provide security for residents entering and leaving. (SBD Homes 2024). Lighting Against Crime

Advice on alarms and CCTV https://www.policesecuritysystems.com/
Alarm and CCTV installers should be approved by NSI, SSAIB or both
See https://www.nsi.org.uk/ and https://ssaib.org/

Dwelling entrance door-sets (SBD Homes 2024).

PAS 24: 2022 standard door sets fitted with TS 007 3 star rated cylinders to the external access doors of this building. PAS 24:2022 security rated glazing for all windows if any are to be replaced or new ones installed.

Please see: https://www.securedbydesign.com/guidance/standards-explained

See the following link to assist with any cycle security and crime prevention guidance can be obtained from the following link.
https://www.securedbydesign.com/guidance/crime-prevention-advice/bike-security

West Midlands Fire Service

The approval of Building Control will be required to Part B of the Building Regulations 2010. Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (Approved Document B)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (Guide E Fire safety engineering (2019)

This proposal will need to meet all the functional requirements stated within B5: Access and facilities for the fire service of Approved Document B, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

End of report

Walsall Council

Planning Committee

Report of Head of Planning and Building Control

Plans list item number

Item number: **3**

Reason for reporting to the planning committee.

1) Called in by a Councillor Cooper on the grounds that the design of the proposal requires wider consideration and that it requires sensitive judgement as many other schemes have been passed under delegation.

Application details.

Application reference: 25/0501

Site location: 73, HARDWICK ROAD, STREETLY, SUTTON COLDFIELD, B74 3DW

Application proposal: Full planning application for a detached 4-bed dormer bungalow with integral garage.

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

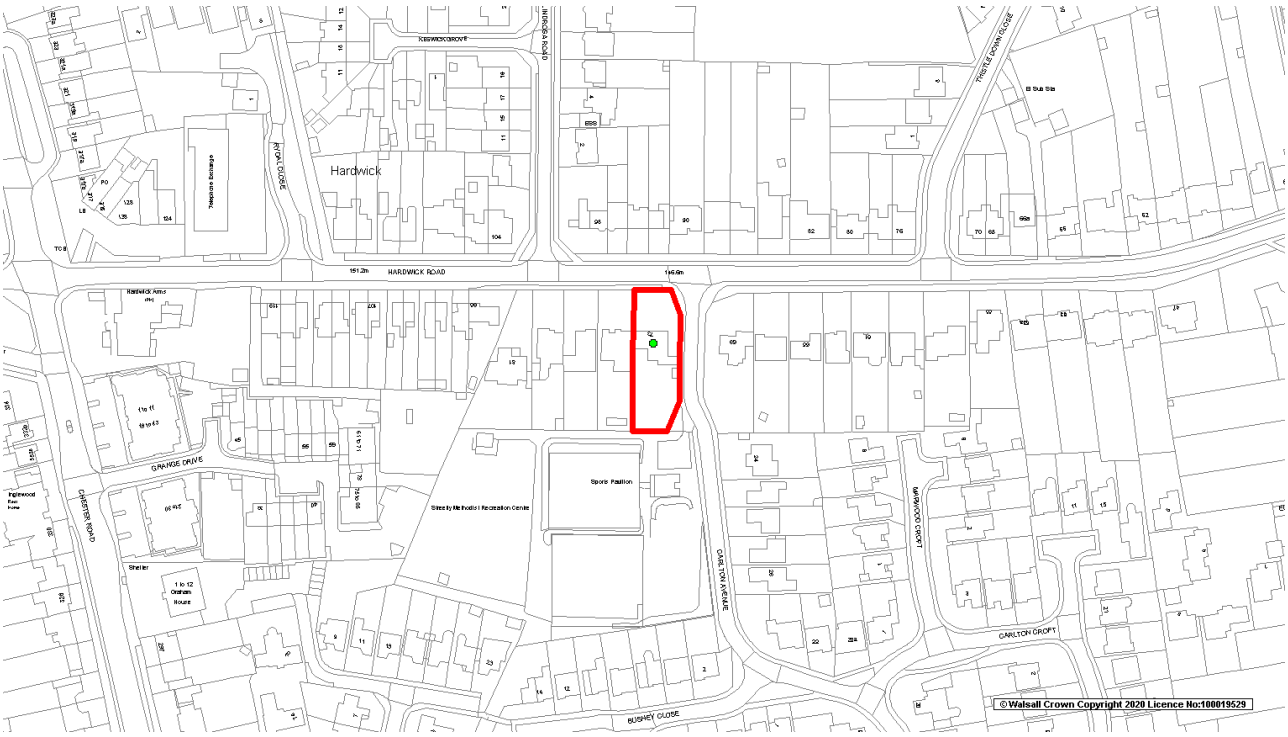
Link to application documents: https://go.walsall.gov.uk/planningapps?id=25/0501

Applicant: Mr Ciaran Patel 73 Hardwick Road, Streetly, Walsall, B74 3DW

Planning agent: Mr Pritpal Chana Pritpal Chana Architects Ltd, 216 Orphanage Road, Birmingham, B24 0AD

Ward: Streetly

Red line location



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Recommendation

Refuse permission

Site and surroundings

A site visit was carried out on 14th November 2024 and 1st July 2025.

The site comprises a detached 3 bed dormer bungalow set on a corner plot at the junction of Hardwick Road and Carlton Avenue. There is a driveway with parking availability for 4 vehicles and on/off dropped kerb accesses.

There are no heritage assets in the vicinity of the site, and it is not in a conservation area. There are no protected trees within the site or surrounding sites that would be impacted by the proposal. It is in a low Coal Risk Area and low Flood Risk Area being in Flood Zone 1. There is low risk of land or air contamination

Relevant planning history

ENQ/0611 - Planning pre-application for a proposed replacement dwelling (use class C3) – response sent 12/02/2025.

25/0191 - Full planning application for a detached 4-bed dormer bungalow with integral garage – withdrawn – 17/04/2025 after the case officer communicated the reasons for refusal.

Relevant policies

National Planning Policy Framework (NPPF)

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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

Environmental Protection

No objections. No requirements.

Local Highway Authority

No response to current application. Support given to the previous submission for the same development.

Severn Trent Water

No response to current application. For the previous submission no further comments were received following confirmation that this development is extensive extensions to an existing dwelling.

Tree Preservation Officer

No response received.

Waste Management

No objections. Existing arrangements retained.

West Midlands Fire Service

No objection. Advisory notes provided.

Neighbour and interested parties' comments (planning officer's summary)

Support

No comments received in support of proposal

Objection(s)

No comments received objecting to proposal

Determining issues

1. Principle of development
2. Design, layout, and character
3. Amenity of neighbours and future occupiers
4. Highways
5. Ecology and Biodiversity Net Gain
6. Ground conditions and environment

Assessment of the proposal

Principle of Development

The proposal is for significant extensions to a residential dwelling such that it is being assessed as a replacement dwelling. A replacement dwelling on the site of an existing dwelling is acceptable in principle.

Design, Layout and Character

The proposed design of the front elevation incorporates the character of front gable elevations and front dormers of dwellings around the junction of Hardwick Road and Carlton Avenue. It is considered that an excessive area of the front roof slope would be occupied by gable features with the main projecting front gable elevation rising to the height of the main roof ridge. Where front gables and dormers are present in this street scene, they are smaller or subservient to the roof ridge. It is considered that in this location, in the context of the surrounding design, the scale of the proposed front gable features would be excessive.

The character of this part of Hardwick Road is generally one of hipped roof designs, so in accordance with the requirements of the SPD Designing Walsall Appendix D, hipped roof designs should be retained where this is characteristic of the locality. Whilst it is acknowledged that permitted development rights exist for hip to gable roof extensions, permitted development rights would not be applicable in this instance where there is also a proposed 0.9m increase in the main roof height.

The row of 10 dwellings on the opposite side of Hardwick Road, in an easterly direction from the junction with Lindarosa Road, numbers 98-80, have hipped roof designs. Even where extensions to the roofs have been granted permission, a hipped or half hipped roof element has been retained in the design. It is considered that the complete loss of hipped roof elements in the proposed dwelling would contribute to erosion of the character of the street scene. The site dwelling itself is viewed within the context of a row of 4 hipped roof bungalows from no. 73 to 79. On the opposite side of the junction with Carlton Avenue, the first 5 dwellings have a hipped roof design from no. 69 in an easterly direction to no. 61.

The existing separation distance from the side elevation of the dwelling on the eastern side is approximately 4.8m to the boundary with highway. The same separation distance would be retained from the main body of the dwelling to the boundary with the highway. The

existing separation distance of 0.5m would also be retained to the boundary with no.75 Hardwick Road. This is already less that the 0.9m requirement of the SPD Designing Walsall Appendix D but the proposed design would reflect the existing separation distance for the main elevations of the dwelling. However, the proposed gable end side elevation would cause the loss of the characteristic space between the roofs of the application site and no. 75, which in conjunction with the increased roof height would overly dominate no. 75 to the western side. The applicant's agent was advised at the pre-application stage that a hipped roof design should be retained, at least on the side adjacent to no. 75 Hardwick Road, for this reason.

The introduction of a rear gable end on the rear elevation in conjunction with the gable end side elevation facing Carlton Avenue, extending the roof closer to the Carlton Avenue boundary would significantly increase the bulk of the roof visible along Carlton Avenue. The result of this would be an extensive mass of brickwork and roof tiles that would have an overbearing impact on this elevation, altering the character of this corner of the junction of Hardwick Road and Carlton Avenue. The applicant's agent was advised at the pre-application stage that retaining the hipped roof design above the two-storey rear projection and at least a half hip for the side elevation facing Carlton Avenue would be preferred.

It is acknowledged that many of the surrounding dwellings have received planning permissions for extensions in recent years. The proposed design in each case have been considered based on their own merits, the character of the existing dwelling, how well it would integrate with the row of surrounding dwellings and the overall impact on the character of the street scene. The most recent permission for a replacement dwelling is at no. 65 Harwick Road. The design includes a full hipped roof. No. 84 on the opposite side of Hardwick Road is a replacement dwelling with a more modern appearance that was approved in 2015. The design includes a gable end on the western side. However, this side elevation is lower than the adjacent dwelling and retains a hipped element on the eastern side. Furthermore, the inclusion of just a single front dormer, traditional eaves detailing and traditional small plain clay roof tiles ensure this dwelling integrates with the row and is not overbearing. No. 81 is a replacement dwelling with a similar design to this proposal. In that instance, the bungalow is set back behind the prevailing front line of the row of houses by around 7m. This reduces the impact of the loss of the original hipped roof, in conjunction with being sited adjacent to a dwelling with an original gable end at no. 95. The main front gable elevation of no. 81 is also subservient to the main roof, with the slopes projecting all

the way down to the eaves and the front dormers are slightly smaller, thus softening the impact of the front gable features.

Proposed facing materials could be supported as they would reflect the mixed and evolving character of materials in the street scene.
In summary, whilst the proposed design would retain a dormer bungalow, in this prominent location on a corner plot, the loss of the hipped roof design that is characteristic of this street scene would contribute to erosion of the character of this part of Hardwick Road. The loss of the gap between the application site and no. 75 Hardwick Road created by the gable end side elevation in conjunction with the increased roof height, would overly dominate the bungalow at no. 75 Hardwick Road, and the increased bulk and mass of the development that would be seen within the street scene from Carlton Avenue and on approach to the dwelling from the eastern side of Hardwick Road, would create an overbearing development that would appear incongruous and uncharacteristic within this street scene, contrary to the requirements of the Black Country Core Strategy policies ENV2 and ENV3, and saved UDP policies GP2 and ENV32 and the SPD Designing Walsall DW3.

Amenity of neighbours and future occupiers

The neighbouring dwelling to the eastern side, no. 69 Hardwick Road is on the opposite side of the junction with Carlton Avenue. To the southern, rear side of the site is the grounds of Streetly Methodist Recreation Centre. To the northern side of the site is the row of houses on the opposite side of Hardwick Road. The only immediate neighbouring dwelling that could be impacted by the proposed development is no. 75 Hardwick Road to the western side of the site.

There is no proposed increase in the footprint of the dwelling and no breach of the 45-degree code is apparent from the proposed floor plans or site plan in compliance with the requirements of the 45-degree code as set out in the SPD Designing Walsall Appendix D.

The only potential for new/increased overlooking towards neighbouring gardens would be from the first-floor rear dormer windows nearest to the boundary with no. 75 Hardwick Road. These windows would serve a bathroom, with the window shown to be obscurely glazed, and a hallway which is a non-habitable area of the dwelling. These windows would therefore pose limited additional potential for overlooking and loss of privacy to neighbouring occupants.

The proposal is therefore considered to protect neighbouring amenity and would comply with the requirements of saved UDP policy GP2.

It appears from the plans that the existing eaves of the main roof of neighbouring no. 75 Hardwick Road overhang the boundary into the application site. Any boundary dispute would be a civil matter between neighbouring landowners.

Highways

To accord with the requirements of saved UDP policy T13, A 4-bed dwelling requires a minimum of 3 parking spaces. There is sufficient space on the existing front driveway to achieve this. The site has two existing vehicle access points which are to be retained and there are no changes to boundary treatment proposed.

Whilst the Local Highway Authority have not responded on this occasion, they expressed their support for the previous application for the same scheme with no conditions recommended.

Ecology and Biodiversity Net Gain

Based on the plans submitted it appears that the proposed development would be exempt from the requirements of the Biodiversity Net Gain condition to achieve a 10% uplift in BNG as it would meet the de minimis threshold, impacting on less than 25m^2 of existing on-site habitat.

A bat survey submitted with the application found no evidence of bats and assessed the building to have negligible potential to be used as a bat roost. Therefore, no further surveys are required. Installation of a bat and bird box are recommended as an enhancement measure and external lighting should be restricted and conform with ‘Bats and External lighting, BCT, 2018’, updated in 2023.

Ground conditions and environment

Environmental Protection confirm that there are no significant industrial/commercial noise

impacts, or any concerns regarding air quality or contaminated land that are material planning considerations for this application. The development would therefore meet the environmental requirements of saved UDP policies GP2 and ENV10.

Conclusion and reasons for decision

This application has failed to demonstrate that the proposed development could sufficiently protect and integrate with the character and appearance of the application site and the surrounding street scene.

The application does not accord with local and national planning policies and guidance as set out in this report. Pre-application advice had been sought, and the applicant's agent was advised about the concerns that have led to the reasons for refusal of the proposed development, as well as guidance provided to create a supportable scheme.

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

Recommendation

Refuse

Reasons for refusal

1. The loss of the hipped roof design that is characteristic of this part of Hardwick Road is contrary to the requirements of the Supplementary Planning Document Designing Walsall Appendix D: Numerical Standards for New Development and would contribute to the erosion of the character of this street scene, contrary to the Black Country Core Strategy Policy ENV2: Historic Character and Local Distinctiveness, saved Unitary Development Plan policies GP2: Environmental Protection and ENV32: Design and Development Proposals and the Supplementary Planning Document, Designing Walsall DW3: Character.

2. The introduction of a gable end side elevation adjacent to the boundary with no. 75 Hardwick Road would cause a loss of the gap between the dwellings that would be uncharacteristic of this part of Hardwick Road, and when viewed in conjunction with

the increased roof height would overly dominate the bungalow at no. 75 Hardwick Road. The resultant development would be detrimental to the appearance of no. 75 Hardwick Road and the surrounding street scene, contrary to the aims and objectives of the National Planning Policy Framework and the Black Country Core Strategy policies ENV2: Historic Character and Local Distinctiveness, saved Unitary Development Plan policies GP2: Environmental Protection and ENV32: Design and Development Proposals and the Supplementary Planning Document, Designing Walsall DW3: Character.

3. The scale and mass of the proposed dwelling would create an overbearing development that would appear incongruous within this street scene, due to the introduction of bulky front and rear gables to the detriment of the character of this part of Hardwick Road. The development would therefore be contrary to the aims and objectives of the National Planning Policy Framework and the Black Country Core Strategy policies ENV2: Historic Character and Local Distinctiveness and ENV3: Design Quality, saved Unitary Development Plan policies GP2: Environmental Protection and ENV32: Design and Development Proposals and the Supplementary Planning Document, Designing Walsall DW3: Character.

End of report