



Planning Committee 06 March 2025

Report of Head of Planning and Building Control

Plans list item number

Item number: 1

Reason for reporting to the planning committee.

Presented to this planning committee due to the applicant's direct relationship with Councillor Bobby Bains.

Application details

Application reference: 24/0411

Site location: LAND REAR OF 127, LONGWOOD ROAD, ALDRIDGE, WALSALL

Application proposal: Outline planning application for the demolition of existing dwelling and equestrian centre with erection of 4 detached 4 bedroom dwellings. All matters are reserved.

Application type: Outline Permission: Minor Application

Link to application documents: <https://go.walsall.gov.uk/planningapps?id=24/0411>

Applicant: Mrs J Kaur 127, LONGWOOD ROAD, ALDRIDGE, WALSALL, WS9 0TB

Planning agent: Mr J Mason, J Mason Associates Ltd, St Thomas House, 83, Wolverhampton Road, Cannock, Staffs, WS11 1AR

Ward: Aldridge Central And South

Red line location



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Recommendation

Refuse permission

Site and surroundings

A site visit was carried out on 9th July 2024.

The application site is located on the western side of Longwood Road, to the frontage of the site is 127 Longwood Road, a large, detached dwelling sitting in a row of houses in a uniform pattern along Longwood Road.

Number 127 Longwood Road is a side gable property with a double bay fronted property, tiled canopy across and a double garage. The house is set back within the site to provide a front hard surfaced garden/driveway.

Towards the northern side of the property is a driveway which provides rear access to the outbuildings, stables and offices and electrical substation at the rear of the site.

Number 127 sits at a higher level than the land towards the rear. The land slopes east to west from Longwood Road to the outbuildings. The existing outbuildings on site are a mixture of

pitched, mono pitched and flat rooves. Within the rear part of the site are two raised planted beds/swimming pools.

The neighbouring property, number 123 Longwood Road is a large two storey gable roof property set off the boundary. The property has a long rear garden that sits parallel to the rear garden of 127.

Number 129 Longwood Road is a large two-storey gable ended detached house. The rear garden measures 36.5m in length. The outbuildings within the application site are located parallel to the rear of this garden.

The houses along this section of Longwood Road vary in style and design from bungalows to two storey houses. To the south of 129 Longwood Road are a row of bungalows.

There are a number of trees within the application site, along the existing driveway to the rear of the site and on the land adjacent the very bottom part of the site. There is a group TPO which covers 125 Longwood Road.

The site is located within the Green Belt. It is not within a Conservation Area nor is a designated/non designated heritage asset. Birchwood, an ancient woodland is located 137m beyond the western boundary of the site. Cuckoo's Nest and the Dingle Local Nature Reserve is located 294m to the northwest of the application site.

This application is an outline application with all matters reserved. However an indicative site layout plan and elevations plans have been submitted. These show a new, smaller dwelling fronting Longwood Road, a general access arrangement indicating wider access to the side of the new dwelling and the neighbouring property 123 Longwood Road and three detached dwellings to the rear of proposed new 127 Longwood Road dwelling. The proposed indicative layout shows hardstanding frontages and rear gardens for each dwelling.

The indicative elevation plans show two house types, both two storey with 4 bedrooms. The design is traditional in character.

The following documents have been submitted to support the application:

- Planning and Design Statement
- Arboricultural Implication Survey (Amended May 2024)
- Bat Activity Survey Report

- Copy of an email from Weston Power confirming no objection in principle to the development

Relevant planning history

EA588 – An application was made in 1951 for an extension to 125 Longwood Road. The application was for a two-storey extension with a garage and bedroom above. At some point 125 Longwood Road was included in the curtilage of 127 Longwood Road. Therefore the application EA588 and subsequent extensions that were built relate to what is currently known as 127 Longwood Road.

BC35 – An application in 1974 for the rear of 127 Longwood Road to rebuild stables and ancillary rooms for private use. The application was approved subject to the approval of drainage proposals and that the development was used for private use only. The proposal was within the curtilage of 127 Longwood Road

Tree preservation order 28 of 1978. Trees in and along the boundary to the site are protected by a group tree preservation order. The purpose of a group tree preservation order was to protect the amenity of trees within the green belt.

16/1888- Redevelopment of redundant equestrian centre (D2) to residential development of 5 dwellings use C3. Refused for the following reasons on 05-Dec-2018:

1. The proposed development is inappropriate within the Green Belt and would have an adverse impact on the character and openness of the green belt due to the excessive footprint which significantly exceeds the existing development to be removed which combined with the need for amenity space and parking would result in encroachment into the countryside and urban sprawl within the green belt.
2. The distance between the Longwood Road and the proposed houses is excessive of the access standards required by the Fire Service and as such fire appliances will have to access the site. The application has failed to demonstrate that there is sufficient turning space for Fire Service appliances and does not provide a minimum width required of 5.5 metres and a minimum carrying capacity of 15 tonnes.
3. The proposed development fails to meet the requirements of the NPPF 2018 para 110 to 'give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places which minimise the scope of

conflicts between pedestrian, cyclists and vehicles and allows efficient delivery of goods and access by service and emergency vehicles'. The access is considered unsuitable to serve as access to a modern residential development and would have a unacceptable impact on highway safety, to the safe and satisfactory operation and amenity of the development and to the detriment of the free flow of traffic on the busy classified road.

4. The application proposes work to protected trees outside of the applicant's ownership boundary, the works in any case would be insufficient to ensure an acceptable level of separation to the proposed houses so that future residents would not be compelled to seek permission to prune or remove these trees. The likely loss of these protected trees.

19/1162 - Demolition of existing dwelling and outline planning application for the erection of a replacement dwelling fronting Longwood Road and 3 no detached dwellings and garages at rear with access and layout to be determined at this stage - Refuse: Planning Permission - 27-May-2020 for the following reasons:

1. The proposal for the erection of four dwellings represents inappropriate development within the Green Belt, which by definition is harmful to the Greenbelt and as such, there are no very special circumstances to outweigh Green Belt Policy. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

2. The proposal for the erection of four dwellings would have a greater impact upon the visual dimension of openness and the spatial dimension eroding the openness and as a result having a greater impact upon openness of the Green Belt and as such, failing to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment and urban sprawl in the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

3. The proposal to extend the driveway further into the site, as well as creating a turning facility and the hardstanding towards the front of the proposed dwellings would unduly harm the open character and visual amenities of the Green Belt as well as further eroding the open character of the Green Belt. Furthermore, the proposed development would generate more traffic than the existing use and as such would inevitably have a greater impact upon openness of the Green Belt. The National Planning Policy Framework, policies ENV2 and

CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

4. The proposed layout in respect of the three detached dwellings towards the rear of the site and proposed garages would dominate the site and as such would be visually prominent and visually intrusive when viewed from the adjacent Green Belt and open countryside. Furthermore, the footprint of the proposed dwellings represents overdevelopment of the site eroding the open character of the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

5. The proposed development fails to meet the requirements of paragraph 110 of the NPPF 2019 to give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places which minimise the scope of conflicts between pedestrian, cyclists and vehicles and allows efficient delivery of goods and access by service and emergency vehicles. The proposal is contrary to the paragraph 110 of the NPPF UDP, Policy GP2 and the Equalities Act 2010.

6. The proposed three new dwellings in the rear of the application site are in close proximity to protected trees in third party ownership and as such, the proposal fails to demonstrate that an acceptable level of separation can be achieved to protect the trees so that future residents would not be compelled to seek permission to prune or remove these trees. The majority of the trees adjacent the access road would need to have pruning works undertaken to allow any development to take place. Furthermore, the loss of potential protected and unprotected trees would potentially affect foraging bats in the area in close proximity to bat buffer zones, ancient woodland and Cuckoo's Nest and the Dingle local nature reserve. The proposal is contrary to the National Planning Policy Framework in particular paragraph 118, policies ENV1 and ENV2 of the BCCS, Saved Policies GP2, ENV18, ENV23 and ENV32 of the UDP, Policy EN1 of the SAD, Policies NE1, NE2, NE3, NE8, NE7 and NE10 of Conserving Walsall's Natural Environment SPD.

7. The proposed layout represents back land development, which fails to reflect and integrate the existing pattern of development along Longwood Road as well as failing to provide an active street frontage to Longwood Road. The proposal fails to integrate with the existing pattern of development. The proposed narrow replacement dwelling would look out of character on a small plot width in comparison to the existing properties along Longwood

Road. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

8. The intensified use of the existing access way in close proximity to neighbouring occupiers would unduly harm the amenities of existing and proposed neighbouring amenities by way of noise and general disturbance by way of the use of the driveway with comings and goings, car headlights, car radios. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

9. The application fails to demonstrate how whether the substation towards the rear of the site will be maintained and accessed. The proposal is contrary to Saved Policies GP2 and ENV23 of the UDP.

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

Objection – An Ecological Assessment has not been submitted. Conditions related to the protected species are recommended.

Environmental Protection

No objection subject to conditions in relation to a Contaminated Land Investigation and Construction Management Plan to be approved in writing prior to commencement of development.

Local Highways Authority

Objection in relation to insufficient information provided to adequately address highway visibility concerns. Concerns raised regarding the distance to the bin collection point as shown on the indicative layout.

Natural England

No objection, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Severn Trent Water

No objection, subject to a condition recommending a drainage scheme for foul and surface water disposal to be submitted and agreed prior to commencement of development

Strategic Planning Policy

The current application could be supported by policy changes within NPPF (revised December 2024) subject to assessment of other considerations within the development plan.

Tree Preservation Officer

Objection, the proposal would be detrimental to the trees both on and adjacent to the application site (many of which are protected by TPO 26/2005).

West Midlands Fire Service

No adverse comments, the 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.

West Midlands Police – Designing Out Crime Officer

No objection, recommended the proposal is built in accordance with secured by design principles.

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

Objection(s)

43 neighbours were notified via letter.

There were 28 letters of the objection from occupiers of neighbouring properties. Some households have objected more than once. All objections were on the following grounds:

- The application site is within the Green Belt, proposal will impact upon the Green Belt
- Previous reasons for refusal not addressed by the agent
- Equestrian centre has not been in use for significant period of time
- Proposal would result in additional traffic impacts caused by traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians/cyclists
- The proposal is out of character and layout of development with the area, backland development
- Proposal would impact the value of properties in the area
- Loss of privacy due to overlooking, loss of light and outlook
- Excessive noise/ pollution during construction and subsequently after due to access at the side of the property
- Impact on protected trees and ecology on site
- Potential environmental, flooding and drainage concerns
- Within the Longwood Gap Countryside Area Profile

A letter of objection has been received from an interested party CPRE (The Countryside Charity) on the grounds of the proposals impact on the Green Belt, protected trees, and concerns regarding transport access.

Determining issues

1. Principle of development
2. Green belt assessment
3. Design, layout, and character
4. Amenity of neighbours and future occupiers

5. Highways
6. Ecology and Biodiversity Net Gain
7. Flood risk / Drainage
8. Trees / Protected trees
9. Ground conditions and environment

Assessment of the proposal

Principle of development

The application is an outline application for 4 dwellings, all matters reserved however the applicant has submitted an indicative site layout and elevations plans.

The layout shows 3 dwellings would sit to the rear of a replacement dwelling - 127 Longwood Road. Access to the 3 dwellings would be to the side of 127 Longwood Road. Whilst the layout would be considered at a reserved matters stage, the proposal is would result in backland development due to the dwellings being set at the rear of 127 Longwood Road. This would not be reflective of the existing character of the area and as such, fails to integrate with the existing pattern of development. The proposal is considered would have a negative visual impact when viewed from adjacent neighbouring properties.

Previously refused application 19/1162, also proposed residential development to the rear of 127 Longwood Road, albeit the layout of the development has now changed. The applicant has failed to demonstrate how refusal reason 7 of 19/1162 has not been overcome within this application. As such, the principle of backland development would not be acceptable and would be contrary to the NPPF 2024, Policies GP2 and ENV32 of the UDP and Policy DW3 of Designing Walsall SPD.

Green belt assessment

The site lies within the Green Belt as defined by SAD policy GB1 and the Policies Map. Policy GB1 states, "In the Green Belt, UDP saved policies will apply as well as the relevant provisions within the NPPF, BCCS and policies contained within this document".

There were four reasons for refusal of application 19/ 1162 in relation the Green Belt when assessed against the requirements of the previous revision of the National Planning Policy Framework (June 2019).

1. The proposal for the erection of four dwellings represents inappropriate development within the Green Belt, which by definition is harmful to the Greenbelt and as such, there are no very special circumstances to outweigh Green Belt Policy. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

2. The proposal for the erection of four dwellings would have a greater impact upon the visual dimension of openness and the spatial dimension eroding the openness and as a result having a greater impact upon openness of the Green Belt and as such, failing to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment and urban sprawl in the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

3. The proposal to extend the driveway further into the site, as well as creating a turning facility and the hardstanding towards the front of the proposed dwellings would unduly harm the open character and visual amenities of the Green Belt as well as further eroding the open character of the Green Belt. Furthermore, the proposed development would generate more traffic than the existing use and as such would inevitably have a greater impact upon openness of the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

4. The proposed layout in respect of the three detached dwellings towards the rear of the site and proposed garages would dominate the site and as such would be visually prominent and visually intrusive when viewed from the adjacent Green Belt and open countryside. Furthermore, the footprint of the proposed dwellings represents overdevelopment of the site eroding the open character of the Green Belt. The National Planning Policy Framework, policies ENV2 and CSP2 of the Black Country Core Strategy, Saved Policy GP2 and paragraphs 3.2, 3.3 of the Walsall UDP and Policy GB1 of the SAD.

The NPPF was revised in December 2024 (amended February 2024). Paragraph 153 was revised as follows:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

Note ⁵⁵ clarifies that this requirement applies, *“Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.”*

Note ⁵⁵ also raises a new consideration for assessing the application on the basis of the revised NPPF (December, 2024); that being whether the application site would be considered to be ‘grey belt land’.

The proposed development is previously developed land in equestrian use and currently has buildings on it.

The NPPF requires all four clauses of new paragraph 155 to be satisfied for the development to not be inappropriate.

155. The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*

Note ⁵⁶ *“which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.”*

In considering whether the proposal meets the requirements for paragraph 155, in order for clause a to be satisfied, the site would need to meet the definition of Grey Belt. The NPPF defines Grey belt as, *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

Paragraph 143. States that, “Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*

Footnote 7 states, “The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change”.

None of these areas apply to the application site and so the site would not be excluded from the remaining considerations of the definition of ‘Grey belt’.

The Green Belt assessment that was carried out for the draft Black Country Plan (now withdrawn) assessed the existing line of houses along Longwood Road as parcel B94. This parcel excluded the western (lower) half of the current site. The assessment considered that the existing line of buildings made a weak or no contribution to the Green Belt purposes.

It should be noted that this assessment, as part of the evidence to support the Black Country Plan, has not been the subject of examination so has only limited weight. However, we would

agree with its conclusions in respect of Longwood Road. The lower part of the current site would be viewed against the backdrop of the existing adjacent buildings so is likely to score in a similar way if it is assessed against the Green Belt purposes. This therefore means that the site is considered 'grey belt' land.

With respect to whether the proposal is inappropriate development in relation to paragraph 155 and remainder of clause a of this paragraph, the minor nature of the current proposal means that it would be difficult to argue that it would, "*fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*"

Clause b of 155, "*there is a demonstrable unmet need for the type of development proposed*". The council has less than a 5-year housing land supply and has failed the housing delivery test in recent years in accordance with the requirement of footnote 56. The presumption in favour of sustainable development therefore applies.

Clause c of 155, "*the development would be in a sustainable location ...*" The site is on a regular bus route linking Birmingham, Aldridge and Walsall which includes services in the evenings and on Sundays. It is therefore not an isolated location and can be considered to be sustainable in accordance with NPPF paragraphs 110 and 115.

Clause d of 155, "where applicable the development proposed meets the golden rules requirements...". The 'golden rules' only apply to major developments of 10 or more dwellings so are not relevant to the current application.

On the basis of this assessment, the application site is considered to be consistent with the definition of 'grey belt' in the revised NPPF (December, 2024) and the requirement of paragraph 155 and is therefore not considered inappropriate development.

It is considered that the previous reasons for refusal 1-4 of have 19/1162 have been overcome due to the change in Green Belt policy as set out in the revised NPPF.

Design, layout, and character

The submitted indicative elevation plans show the proposed dwellings to be two storey and traditional in appearance however, the overall design would be considered at reserved matters stage, if the proposal were to be supported. It is noted that the house types shown on the elevations appear to have been wrongly labelled when compared with the layout.

Whilst the layout of the site would be considered at a reserved matters stage, the applicant has submitted an indicative site plan which shows a layout for the 3 properties to the rear of 127 Longwood Road and the replacement dwelling fronting Longwood Road, sitting within a narrower plot than the neighbouring two storey dwellings. The existing houses along Longwood Road are set in a linear layout with houses sitting in wide plots, with long private secure gardens. The proposal therefore would not be in keeping with the existing established character of the streetscene contrary to the aims and objective of the National Planning Policy Framework policies, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan Policy and the Supplementary Planning Document Designing Walsall SPD.

Nevertheless, the impact the design would have upon the character of the area would be considered at reserved matters stage, should the principle of development be considered acceptable.

Amenity of neighbours and amenity of future occupiers

Whilst the plans submitted do show the proposed houses and layouts, this is indicative therefore the impact upon neighbouring amenity in relation to overlooking, light and privacy would be assessed at a reserved matters stage, should the outline application be supported.

The existing driveway was previously used for vehicular traffic to access the stables, and outbuildings, for use by the occupiers of 127 Longwood Road, as the planning permission in 1974 for the rebuilding of the stables restricted the use of them to the occupiers of 127 Longwood Road. The proposal would introduce 3 new dwellings into the rear of the site. Each dwelling would have 4 bedrooms, housing a family. The proposal would intensify the use of the driveway with activity at all times of the day and night.

Furthermore, the driveway would be located adjacent residential properties. The use of the driveway, car headlights, car radios and general noise and disturbance would unduly harm the amenities of existing and proposed neighbouring amenities.

It is considered that the applicant has not demonstrated refusal reason 8 of 19/1162, has not been overcome within this application therefore the proposal is contrary to the aims and objective of the National Planning Policy Framework policies, saved policies GP2 and ENV32 of the Walsall Unitary Development Plan Policy and the Supplementary Planning Document Designing Walsall SPD.

Neighbouring occupiers have also raised concerns regarding inconvenience during infrastructure works and construction noise. Should planning permission be granted then

any noise issues regarding construction can be dealt with by a condition to require a Construction Environmental Management Plan.

Local residents have also raised concerns the proposals would result in the lowering of property value. This is not a material consideration in the determination of this application.

There is an electrical substation to the rear of 127 Longwood Road. The proposed dwellings towards the rear of the site are in close proximity to the substation. Policy ENV13 of UDP states, *“in order to protect the general amenity of occupiers development for uses other than industry and warehousing would not be supported near substations”*.

Environmental Protection previously commented for application 19/1162 there were no concerns regarding the proximity of dwellings to the substation as they were not within 5 metres of the substation. The indicative layout shows the dwellings to be in excess of 5 metres however the layout would be assessed at reserved matters stage. Weston Power have confirmed in writing to the applicant they have no objection in principle to the proposed development, subject to the relevant permissions regarding access being in place with prior to any work commencing.

Highways

The indicative layout shows the access to the side of 127 Longwood Road to have been widened to accommodate proposed vehicles, a turning head to the rear of 127 Longwood Road, 2 car parking spaces for 2 of the dwelling and garages for the 3 dwellings to the rear of Longwood Road. The property directly behind 127 Longwood Road is proposed to have 1 car parking space and a garage. A driveway is proposed for 127 Longwood Road for parking off road.

The Local Highway Authority advised in their comments of July 2024, visibility splays have been demonstrated for a 30mph road as per Manual for Street standard, however it was requested visibility splays to be demonstrated in accordance with the 85th percentile speeds on Longwood Road, which are 40mph. No further information has been submitted to satisfy these concerns, therefore in principle, it is not considered safe access can be achieved.

In addition, the layout indicated shows the bin collection point distances does not accord with those provided within Manual for Streets. The Local Highway comments advise, *“A Refuse/Recycling collection point shall be provided as close as possible to the main highway*

for use by residents on collection days and must accord with distances set out in Manual for Streets”.

Paragraph 116 of NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

In light of the comments above, the Local Highway Authority cannot support the proposal in its current form due to insufficient information being provided to demonstrate the access is achievable. It is acknowledged that the outline application does not include consideration of the access, nevertheless it is reasonable to expect that the principle of safe access can be achievable, and the application does not demonstrate this.

Ecology and Biodiversity Net Gain

The application site comprises a significant amount of semi-natural habitat, including grassland, scrub, trees and hedgerows. Adjacent are open fields and Birchwood, a wooded area to the western part of the site, to the northwest, Cuckoo’s Nest and the Dingle Local Nature Reserve.

The applicant has provided a bat activity survey which reviewed the structures on site for suitability to contain bat roosts, however a full ecological appraisal of the site was not carried out to assess how the semi – natural habitat on site would be impacted by the development.

A Preliminary Ecological Assessment would determine whether there are habitats present and assess the risk and potential impact to protected species and sites and ecologically valuable habitat and other possible issues associated with the proposal.

Whilst no concerns have been raised by the Council’s Ecologist in relation to the findings of the Bat Survey Report and appropriate conditions are recommended for protected species safeguarding, it is considered a Preliminary Ecological Appraisal should have been submitted with the application as set out in the local validation requirements. It is therefore considered the proposal is contrary to the aims and objectives of the saved policy ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and NPPF 15.Conserving and enhancing the natural environment.

In relation to Biodiversity Net Gain, this application was submitted prior to 2nd April 2024 and is therefore exempt.

Flood Risk / Drainage

The site is not located within a Flood Zone therefore as it is a minor application, a Flood Risk Assessment is not required.

No objections have been raised by Severn Trent Water subject to a drainage condition and informative to be attached to the decision notice should permission be granted. It is considered, the proposed development complies with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

Trees / Protected trees

There are trees protected by an area classification TPO (title no. 26/2005) situated immediately outside of and adjacent to the north boundary of the site and there are large mature trees outside of and adjacent to the south boundary.

The amended Arboricultural Implication Study (AIS) submitted with the application was originally undertaken in October 2017 and parts of it have been revised significantly later in May 2024 for this new application. This revised AIS concludes that tree removal and tree pruning both on and off site would ideally need to be undertaken to accommodate the proposals but concludes that many of the trees are in third party ownership and this may not be possible without the consent of the tree owner.

The retention of off-site trees will likely result in trees encroaching closely to at least one of the proposed dwellings and the trees outside of the south boundary will cause significant shading. Following the previous 2 refusals to develop the site (app. 16/1888 and 19/1162) it is noted that the proposed site layout appears to have been amended to attempt to remove any development that may detrimentally affect the root protection areas (RPAs) of the retained trees as defined in BS 5837: 2012. However, this is not clearly demonstrated in the AIS and its appendices. Whilst this would appear to be an improvement on previous site layout proposals, it is considered that the close proximity and orientation of the trees (mostly in third party ownership) to the houses and over the access road will quickly become an issue for future residents who may perceive their close proximity as a danger (whether real or imagined) which along with other inconveniences of living in close proximity to large trees (e.g. leaf litter, lack of light, bird droppings etc.) will compel any new residents to seek their removal or inappropriate pruning.

It is acknowledged that layout would be fully assessed at a reserved matters stage however the AIS submitted recognises that the proposal would have an impact on trees within the site and adjacent. Consequently, the application would be detrimental to the trees both on the site and adjacent to the application site (many of which are protected by TPO 26/2005) contrary to the aims and objectives of Walsall's Unitary Development Plan saved policies ENV 18, Black Country Core Strategy policies ENV1, ENV2 and ENV3, Conserving Walsall's Natural Environment SPD and NPPF 15. Conserving and enhancing the natural environment. It is not considered the applicant has demonstrated the proposal overcomes refusal reason 6 of 19/1162.

Ground conditions and environment

There is no any historical information in relation to potential pollutants on the site however within previous planning application, the applicant indicated, within the existing use section of the Application Form, that the historical use has included 'stables and part industrial/commercial'. On this basis, it is recommended that the Applicant undertake a contaminated land investigation, Phase 1 desktop to begin with followed by intrusive investigations if necessary.

Environmental Protection raise no objection to the proposal subject to a condition relating to the submission and approval of a land contamination investigation and a Construction Environmental Management Plan prior to the commencement of development given the proximity to existing residential development. It is considered, the proposal is in accordance with the requirements of UDP saved polices GP2 and ENV10.

Conclusion and reasons for decision

On balance, this application is considered does not accord with local and national planning policies and guidance as set out in this report. The material planning considerations weigh against the proposal such that it is recommended for refusal.

Recommendation

Refuse

Reasons for refusal

1. The proposed layout represents back land development, which fails to reflect and integrate the existing pattern of development along Longwood Road which is unduly harmful to

character of the area. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

2. The intensified use of the existing access way in close proximity to neighbouring occupiers would unduly harm the amenities of existing and proposed neighbouring amenities by way of noise and general disturbance by way of the use of the driveway with car headlights, car radios. The proposal would be contrary to the NPPF, Policies GP2 and ENV32 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

3. The development proposals would result in an intensification of vehicle trips at the site at all times of the day. The developer has failed to demonstrate achievable safe access at the site through adequate visibility in accordance with the 85th percentile speeds on Longwood Road. The proposal would be contrary to NPPF paragraph 116 and policy T4 of Walsall's SAD.

4. The application site comprises a significant amount of semi-natural habitat, including grassland, scrub, trees and hedgerows. The application has failed to include a Preliminary Ecological Appraisal to assess how the semi – natural habitat on site would be impacted by the development, as set out in Walsall Council's Local Validation Requirements. The proposal is contrary to the aims and objectives of the saved policy ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and NPPF 15.Conserving and enhancing the natural environment.

5. The proposed new dwellings to the rear of the application site are in close proximity to protected trees in third party ownership. The Arboricultural Implication Study fails to demonstrate that an acceptable level of separation can be achieved to protect the trees so that future residents would not be compelled to seek permission to prune or remove these trees. The proposal is contrary to NPPF, policies ENV1 and ENV2 of the BCCS, Saved Policies GP2, ENV18, ENV23 and ENV32 of the UDP, Policy EN1 of the SAD, Policies NE1, NE2, NE3, NE8, NE7 and NE10 of Conserving Walsall's Natural Environment SPD.

End of report