



## Planning Committee

Thursday 24 April 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 B. Bains  
Councillor H. Bashir  
Councillor P. Bott  
Councillor S. Elson  
Councillor M. Follows  
Councillor P. Gill  
Councillor A. Hussain  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor K. Margetts  
Councillor R. Martin  
Councillor L. Nahal  
Councillor A. Nawaz  
Councillor A. Parkes  
Councillor W. Rasab  
Councillor S. Samra  
Councillor M. Statham  
Councillor V. Waters

### Quorum:

Seven Members

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

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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:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>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:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

**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 6 March 2025.

Copy **enclosed** (pp.5-8)

- 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.9-56)

- 7. Date of next meeting**

The next meeting will be determined at Annual Council.

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

**Thursday 6 March 2025 at 5.30pm**

**Committee Members present:**

Councillor M.A. Bird (Chair)  
Councillor J. Murray  
Councillor H. Bashir  
Councillor P. Bott  
Councillor S. Elson  
Councillor M. Follows  
Councillor P. Gill  
Councillor A. Hussain  
Councillor I. Hussain  
Councillor K. Hussain  
Councillor L. Nahal  
Councillor A. Nawaz  
Councillor A. Parkes  
Councillor S. Samra (until 5:34pm)  
Councillor M. Statham  
Councillor V. Waters

**Officers Present:**

M. Brereton	Head of Planning and Building Control
K. Gannon	Development Control and Public Rights of Way Manager
S. Hollands	Team Leader Development Management
S. James	Locum Planning Lawyer
K. Knight	Senior Transport Planner
S. Lamont	Highways Development Control Principal Engineer
G. Meaton	Group Manager – Planning
R. Rowley	Senior Planning Officer
S. Wagstaff	Team Leader Development Management
E. Cook	Democratic Services Officer
I. Halford	Assistant Democratic Services Officer

**200 Apologies**

Apologies were received from Councillors Bains, Margetts and Martin.

201 **Declarations of Interest**

The following declaration of interest was received:

- Councillor Samra – Plans List Item 2 – Non-pecuniary interest.

202 **Deputations and Petitions**

There were no deputation or petitions.

203 **Minutes**

A copy of the minutes of the meeting held on 16 January 2025 was submitted.

[annexed]

**Resolved**

**That the minutes of the meeting held on 16 January 2025, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.**

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

**Exclusion of the Public**

**Resolved**

There were no items for consideration in the private session.

205 **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.

206 **Plans List Item 1 – 24/0411 – Land to rear of 127 Longwood Road, Aldridge and Plans List Item 3 – 24/1027 – 127 Walhouse Road, Walsall**

The Chair advised that a request had been received from the applicant of Plans List Item 1 (application 24/0411) for the item to be deferred to allow for further information to be submitted.

The Chair advised that Officers had received amended plans for Plans List Item 3 (application 24/1027) since publication which required further assessment and consultation.

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

**Resolved**

**That applications 24/0411 and 24/1027 be deferred.**

*At this juncture, having declared an interest in the next item of business, Councillor Samra left the meeting and did not return.*

207 **Plans List Item 2 – 24/1607 – 65 Mellish Road, Walsall**

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 in support of the application, Mr Chana, who stated that gabling and glazing were regular features in the local area and that the design was contemporary and not out of keeping with other properties on a regularly changing street. He added that there was an existing breach of the 45-degree guideline which the applicants had avoided exacerbating.

Responding to questions, Mr Chana stated that the development would not result in a loss of light for neighbouring properties due to the orientation of the property, despite an increased breach of the 45-degree guideline. He added that Mellish Road has a varied street scene, with a mixture of property sizes and designs.

Responding to questions officers advised that the application was recommended for refusal on balance based upon a combination of factors including extensive glazing, increased gabling and the projections of the property which together were considered problematic. The Head of Planning and Building Control confirmed that the absence of an objection from a neighbour did not preclude the planning authority's responsibility to protect.

Debating the application, a Member expressed the opinion that the mixed street scene of Mellish Road included larger properties with more glazing and the proposal would not be an incongruous feature, adding that there was already a breach of the 45-degree guideline and stating there would not be a loss of light for neighbouring properties due to their orientation.

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

**Resolved** (unanimously)

**That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 24/1607, contrary to officers recommendations and subject to the finalisation of conditions, for the following reasons:**

- **The proposal was in keeping with other large extensions and dwellings within the local area and would not represent an incongruous feature in the street scene.**
- **There was an existing structural breach of the 45-degree guidelines and this had therefore been previously considered acceptable by the Planning authority.**

208 **Date of next meeting**

The date of the next meeting was 24 April 2025.

There being no further business, the meeting terminated at 5:57pm.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_



## Development Management Planning Committee

Report of Head of Planning and Building Control on 24/04/2025

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Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation	Page
1	24/1485	43 AND 43A, DARTMOUTH AVENUE, WALSALL, WS3 1ST <b>Ward:</b> Blakenall	FULL PLANNING APPLICATION FOR THE CHANGE OF USE OF 2 NO. 3 BED DWELLINGS (CLASS C3) INTO 1 NO. 4 BED CHILDRENS RESIDENTIAL CARE HOME (CLASS C2).	GRANT SUBJECT TO CONDITIONS	10-30
2	25/0159	41, WALTON ROAD, ALDRIDGE, WALSALL, WS9 8HN <b>Ward:</b> Aldridge Central And South	FULL PLANNING APPLICATION FOR THE REMOVAL OF EXISTING STORAGE YARD/GARAGES AND THE CONSTRUCTION OF A NEW THREE-BEDROOM DWELLING. (RESUBMISSION OF 23/1271)	REFUSE	31-56



## Planning Committee – 24 April 2025

Report of Head of Planning and Building Control

### Plans list item number

Item number: 1

### Reason for reporting to the planning committee.

- 1) Called in by Councillor Smith on the grounds of inadequate parking/access arrangements that could lead to cars being parked on street detrimental to amenity/highway safety; increased traffic in the area over and above that which the existing road network could cope with detrimental to highway safety; detriment to the character and visual amenities of the area due to poor design and that it would cause demonstrable harm to the amenities currently enjoyed by occupiers of neighbouring properties. Stating, “As a local Councillor, I cannot ignore the strength of feeling and opposition to this proposal by an overwhelming number of local residents in and around the vicinity of the proposed location... this site 43/43A Dartmouth Avenue, (new builds) was originally given planning permission to be two domestic homes, with no objections from residents.... But now the application is of a completely different nature and character, deemed by residents to be out of keeping with this residential area of predominantly older residents and being effectively an application for a commercial use. Further details and elaboration of the objections will be made at the appropriate Planning Committee Meeting.”
- 2) A petition of 67 signatures has been submitted contrary to officers’ recommendation on the grounds of inadequate parking facilities; fear of increased anti-social behaviour and crime in the area; the presence of a private commercial business not being in keeping with the residential area and the potential prospect of the site and

use growing, given that planning permission has also been given for 3 properties at the rear of this building.

## Application details

**Application reference:** 24/1485

**Site location:** 43 and 43A, DARTMOUTH AVENUE, WALSALL, WS3 1ST

**Application proposal:** Full planning application for the change of use of 2 no. 3 bed dwellings (Class C3) into 1 no. 4 bed childrens residential care home (Class C2).

**Application type:** Full Application: Minor Use Class C2 (Residential institutions)

**Link to application documents:** <https://go.walsall.gov.uk/planningapps?id=24/1485>

**Applicant:** Aaran Singh, Assist Developments Limited, 417 A, Birmingham Road, Sutton Coldfield, West Midlands, B72 1AU

**Planning agent:** Mr Adrian Rose, Adrian Rose Consulting

**Ward:** Blakenall

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

## Site and surroundings

A site visit was carried out on 13/02/2025.

The site comprises a pair of two storey 3 bed semi-detached dwellings of simple design that were approved by planning application 21/0727. Each dwelling has two parking spaces on the front driveway and a rear garden. The site is located amongst a row of residential dwellings, with surrounding residential uses. The land at the rear of the site has been granted permission by application 22/0163 for the erection of a terraced row of 3 no. 2-bed residential dwellings. This development has not yet commenced.

The site is within walking distance, approximately 380m from Coal Pool Local Centre, and is on a bus route serving Bloxwich and Walsall Town Centre, with a bus stop immediately in front of the site.

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

22/0163	Land to the Rear 41 DARTMOUTH AVENUE	Erection of three, two bedroom dwellings to the rear of 41 Dartmouth Avenue.	Grant Permission Subject to Conditions	2023-07-19
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21/0727	LAND ADJ. 41 DARTMOUTH AVENUE	Erection of a pair of 3- bedroom semi-detached dwellings between the existing at 41 and 45 Dartmouth Avenue with associated access and hardstanding.	Grant Permission Subject to Conditions	2021-09-24
21/0182	41 DARTMOUTH AVENUE	Prior approval for a larger home extension for a single storey rear extension	Prior Approval: NOT REQUIRED	2021-03-23

## 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.

#### **Environmental Protection**

No objection.

#### **Local Highway Authority**

No objections subject to conditions to secure:

- A maximum of 4 resident children
- Provision of parking for the application site with the parking area drained to prevent surface water run off onto the highway

- Implementation of 2 new dropped kerbs to serve the new access

### **Social Services**

No response received.

### **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**

Advisory notes for security provided.

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

### **Objections**

32 separate comments received from 26 separate addresses objecting for the following reasons:

- Insufficient parking
- No dropped kerb in front of the parking area
- Blocking residents' drives
- Impact on the bus service/bus stop outside the property
- Volume of traffic
- Impact on pedestrian safety
- Commercial use in a residential area
- Impact on character of the area
- Impact on community cohesion
- Insufficient outside provision for children to play
- Noise and disturbance
- Should there not be a fire escape?
- Fear of antisocial behaviour
- Fear of crime
- Impact on safety
- Security of the boundaries

- The permission was for a house, there was no mention of it becoming a children's home
- Concerns about potential for conversion of the approved houses at the rear of the site for extension of the children's home use
- The houses were granted permission on false grounds
- They didn't apply for this to begin with because they knew it would be rejected
- Devalue local property
- Exacerbate existing issues of anti-social behaviour and parking problems
- What type of children will reside there?

## **Support**

No comments received in support of the 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. 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. Internal alterations are proposed to connect the dwellings for use as a children's care home for 4 children aged between 7 and 17 years of age. There would be a maximum of 5 staff carers on site during the daytime hours and 2 staff during the night with handover periods at 7am and 7pm. Staff would be supervised by an OFSTED registered manager.

It is considered the proposal has elements of a residential and commercial nature. The Planning statement sets out that the properties will provide the children with a family home

and the presence of adults and the children in care being reflective of the numbers of people that could reasonably be expected to reside and come and go throughout the day in a 6-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, 'including looked after children' and paragraph 135 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 it would not significantly alter the external appearance of the existing dwellinghouse and therefore in appearance would remain sympathetic to the local residential character and it would provide for inclusive and

accessible housing for looked after children, addressing an overwhelming demand for the type of accommodation being proposed.

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 380m from the boundary of Coal Pool Local 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 2no. existing 3 bed semi-detached properties would be separate at the first floor but connected at the ground floor so could be considered to be one 6 bed detached unit, which would accord with this requirement, and it is considered the size of the dwelling is sufficient for the maximum of 4 children that would be cared for. It is within walking distance of Coal Pool Local Centre with a range of convenience shops and services and within walking distance of bus routes into Bloxwich District Centre and Walsall Town Centre, the nearest bus stop being immediately outside the site.

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. It is considered reasonable to include a planning condition for this decision, 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.

It is noted that a number of concerns have been raised regarding the application process leading to this current application. Application 21/0727 was submitted requesting permission for the construction of the pair of 3-bed semi-detached residential

dwellinghouses, and the assessment was made on that basis. There is no evidence to suggest that it was always the intention for the site to be used as a children's care home. The applicant could have chosen to request permission for the houses to be used for the purpose of a children's care home at that time had they known that was the intended use and if they wished to do so. As there has been no significant change in local planning policy since the time of application 21/0727, had the change of use been included in the original application, the proposed development would have been assessed in the same way as it has been in this case where the applicant has submitted a separate application for the change of use.

Further concerns have been raised about the potential for conversion of the approved houses at the rear of the site to children's home use for expansion of the operation. In an effort to alleviate local residents' concerns, the applicant has submitted letters from the developer, from the landowner of the two sites and from the operator of the proposed children's home confirming that the intention for the sites is to use this application site as a children's care home and the 3no. dwellings at the rear of the application site as traditional family homes in C3 planning use class. These letters hold no substantial weight in the planning assessment as they are not legally binding, but in any case, the 3no. houses at the rear of the site that have been approved by application 22/0163 have been approved as residential dwelling houses and if they are constructed they cannot be used for any purpose outside of planning use class C3 as a dwellinghouse, without the submission of a planning application. Any such future application would be assessed on its own merits in accordance with national and local planning policies.

### **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. There are no proposed changes to the external appearance of the building and the only internal change is the linking of the two neighbouring lounges and kitchens by a connecting door so there would be no impact on the appearance of the site building that could impact the character of the area. The intention of such children's homes is to create as close to a regular family setting as possible and the operator of the children's home

states that “For the effective operation of the proposed children’s home, it is crucial that the immediate surrounding area maintains its character as a traditional residential setting”.

Given that there are no significant proposed changes to the external appearance of the existing dwellinghouse, and the number of regular occupants 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 the impact of the proposed development on community cohesion. In this instance, it is considered that the addition of one small scale children’s care home would not have any significant impact on community cohesion where the existing community is well established. 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.

A safeguarding condition preventing any external advertisements to the property will 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 4 children and up to 5 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.

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.

A concern has also been raised regarding the potential for noise and disturbance created from the site by the proposed use for 4 children. The level of noise is anticipated to be no greater than for the existing use of the site, where 2 no. 3 bed dwellings could reasonably be expected accommodate 4 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 4, to limit the volume of comings and goings as well as the potential for noise that could be generated by larger numbers of occupants.

Concerns have been raised regarding the fear of antisocial behaviour and crime and the impact on the safety of local residents as a result of the potential future occupants of the children's home. 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 or crime 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 a decision based on potential future occupants of a children's home, any more than they could for potential future occupants of a family dwellinghouse.

West Midlands Police were consulted regarding the proposed development and raised several considerations, concerning the qualifications of the care home operator and staff, what the opinion of nearby residents is regarding the proposal, and ensuring the building has a suitable fire risk assessment. Such sites are registered with and regulated by OFSTED.

The Local Planning Authority has no responsibility for the management of the operation and as such, the qualifications of the staff are not a material planning consideration for the purpose of the assessment. Nearby residents have been consulted, and their points of view have been considered in this assessment. Fire safety is a matter to be addressed at the Building Regulations stage of development. Recommendations have been provided by West Midlands Police, offering guidance to ensure that the proposal meets safety and security requirements for the benefit of residents and surrounding occupiers, and these can be included as an advisory note for the applicant.

Concerns have been raised that the site would provide insufficient outside provision for children to play. There is a private garden in excess of 68m<sup>2</sup> in area at the rear of each of the pair of semi-detached dwellings. The gardens meet 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 4 child occupants of this proposed care home, in the same way as the pair of semi-detached dwellings would provide sufficient private amenity space for the child occupants of the original approved family dwellinghouse.

A question has been asked regarding the provision of a fire escape. This is a matter to be dealt with by Building Regulations.

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 normally be expected in a residential area for the existing 2 no. 3 bed dwellings or the proposed 5 bed residential care dwelling for up to 4 children. Subject to conditions to limit the number of occupants, the proposal would accord with the amenity requirements of saved UDP policy GP2 and the security considerations of saved UDP policy ENV32.

### **Highways**

The application seeks to convert two 3 bedroomed semi-detached residential dwellings currently under construction, to a four-bedroom Care Home for children. Modifications to the existing dropped kerb vehicle access, required under 21/0727, are still outstanding. These works are required to be implemented to provide legitimate access to the frontage parking spaces to be utilised by the proposed Care Home, which addresses a concern raised by local residents regarding the lack of dropped kerb access to the proposed parking area. On review, the Local Highway Authority have advised that it would be preferable for two separate dropped crossings to be implemented across the front of the parking area, each with 3 flat kerbs and 2 taper kerbs, to provide better access to all parking spaces and to limit the requirement for an extended dropped kerb crossing. It would also provide independent driveway access for each dwelling if the building returned to use as two separate dwellings again in the future. This requirement could be secured by a planning condition.

The site is located on Dartmouth Avenue, which is an adopted, unclassified, predominantly residential street with a traditional carriageway and footway layout. There is a bus stop immediately outside of the site offering a single bus service.

Concerns have been raised that the site has insufficient parking for the proposed use, which could lead to on street parking blocking residents' drives, impacting on the bus service/bus stop outside the property. Further concerns have been raised about the impact on highway and pedestrian safety due to an increased volume of traffic in an area that is already busy with a school, church and commercial uses in Coal Pool Local Centre. It falls outside of the jurisdiction of the Local Planning Authority to assess existing traffic volumes and parking concerns and there are other authorities in place to consider this matter.

Four existing frontage parking spaces are to be retained at the application site to serve the Care Homes, subject to implementation of the extended dropped kerb access. To accord with saved UDP Policy T13, the proposed four bed Care Home is required to have a minimum of two parking spaces. In this instance, the provision of 4 spaces offers a surplus of 2 spaces above the policy requirement.

The applicant has confirmed there would be 5 members of staff on site during the daytime (two staff members in each house with the fifth floating between the two houses), with shifts generally covering the period from 7am to 7pm. Nighttime staffing will typically be one staff member waking and one staff sleeping from 7pm to 7am.

Visiting professionals may include social workers, educational support staff, Ofsted inspectors, and the Registered Individual (RI), who will periodically visit to oversee operations and compliance. Family visits (where appropriate and arranged in advance) and other professional visits will be recorded in individual support plans.

Taking into account the modest scale of the proposed operation and that on-street parking is unrestricted, the Local Highway Authority considers that the level of parking of four spaces is acceptable.

On balance, 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. Their support for the proposed change of use is subject to the inclusion of planning conditions to secure a maximum of 4 resident children, provision of a drained parking area for the application site, and extension of the existing dropped kerb to serve the new access.

## **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<sup>2</sup> 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.

## **Other key determining issues**

Notwithstanding the support for the principle of the proposed development at this site, a number of conditions of the permission granted by application 21/0727 have not yet been fulfilled, specifically:

- Condition no. 7 for the relocation of the bus stop in front of this application site;
- Condition no 8 for the drainage of the parking area for the new pair of semi-detached dwellings;
- Condition no. 9 for the drainage of the parking area for no. 41 Dartmouth Avenue;
- Condition no. 10 for the implementation of a dropped kerb access for both parking areas.

Part 7a of condition 7, required details for relocation of the bus stop to be submitted to and approved by the Local Planning Authority prior to commencement of the development of the pair of semi-detached dwellings now known as no. 43 and 43a Dartmouth Avenue. The site owner is in breach of the requirements of this part of the condition. On review, the Local Highway Authority have confirmed that relocation of the bus stop will not be necessary. It is

currently located in front of the boundary between two sites. Any relocation would need to be to a position between the boundary of two other sites and in an area where there are no dropped kerbs. Considering the position of the dropped kerbs required by the Local Highway Authority for this application, the safety of members of the public waiting at the bus stop would be protected. The existing bus stop would not impede access to this site or to the neighbouring site if they chose to implement a front driveway and therefore there is no clear benefit in relocating the bus stop. On that basis, it would not be expedient to pursue enforcement action against the fact that the requirements of the condition were not met pre-commencement, and this requirement would not need to be carried forward for inclusion in this decision.

Conditions 8 and 9 are both conditions that should be met prior to occupation of the approved new dwellings. The parking areas have been constructed and hard surfaced for both sites, but it is not clear that the areas are sufficiently drained to prevent surface water run off onto the highway, which is a likely occurrence given the slope of the frontage of the sites from the dwellings down towards the highway. As the approved new dwellings are not yet occupied, in accordance with the condition wording, no breach of these conditions has occurred to date. No. 41 Dartmouth Avenue is outside of the red line boundary of this application and so it is considered that drainage of that parking area should be enforced under condition 9 of application 21/0727, prior to occupation of No.s 43 and 43a Dartmouth Avenue, be that for use as a children's care home or as a residential dwelling. The drainage of the parking area serving the proposed children's home can be secured by a planning condition for any permission that may be granted by this application.

The implementation of dropped kerb accesses for both the existing dwelling no. 41 Dartmouth Avenue and the newly built development was required prior to the use of these two neighbouring parking areas. As the new pair of semi-detached dwellings are not yet occupied, the parking area in front of these houses has not come into use, so no breach of condition has occurred in respect of this parking area. A dropped kerb footway crossing would be required for access to the parking area for the proposed children's care home and so it is considered reasonable and necessary to apply a condition for implementation of a dropped kerb footway crossing to any permission that may be granted for this application. In this way, the installation of a dropped kerb can be enforced whichever planning permission the owner may decide to implement for the site. On review, the Local Highway Authority have advised that it would be preferable for two separate 3 flat kerb dropped crossings be implemented across the front of the parking area to provide better access to

all parking spaces and to limit the requirement for an extended dropped kerb crossing. Furthermore, in the event that the site was returned to two separate dwellinghouses in the future, each site would have its own independent driveway access.

Evidence from Google Streetview shows a vehicle parked on the new hard surfaced frontage of no. 41 Dartmouth Avenue in May 2022 but to date no dropped kerb has been implemented in front of this site. The area affected by this breach of condition 10 of application 21/0727 is outside of the red line boundary of this current planning application and can be addressed through enforcement of condition 10 of the permission granted by 21/0727.

## **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 crime or 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. The discharge of pre-commencement conditions from application 21/0727 have been considered in detail and have been carried forward where relevant and necessary.

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

## **Recommendation**

That 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:

- Location and Site Plan, drawing no. 2024/09/41/07 Rev A, submitted 29/01/2025
- Existing Ground and First Floor Plan, drawing no. 2024/09/41/01, submitted 18/11/2024
- Proposed Ground and First Floor Plan, drawing no. 2024/09/41/04, submitted 18/11/2024
- Existing Elevations Plan, drawing no. 2024/09/41/03, submitted 18/11/2024
- Proposed Elevations Plan, drawing no. 2024/09/41/06, submitted 18/11/2024
- Existing Loft and Roof Plan, drawing no. 2024/09/41/02, submitted 18/11/2024
- Proposed Loft and Roof Plan, drawing no. 2024/09/41/05, submitted 18/11/2024
- Planning Statement, prepared by New Leaf Haven Community Interest Company, submitted 29/01/2025

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: Notwithstanding the details as submitted, prior to commencement of the development hereby permitted, a plan demonstrating the reinstatement of the existing vehicular dropped

crossing in front of the application site and the implementation of 2 independent vehicular dropped crossings to serve the parking spaces shall be submitted in writing to and approved in writing by the Local Planning Authority. The 2 new crossings each shall not exceed three 900mm flat kerbs and two 900mm taper kerbs.

3b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the new vehicular dropped crossings shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2 and in the interests of highway safety.

4: 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 in Proposed Ground and First Floor Plan, drawing no. 2024/09/41/04, 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 hereby approved and shall thereafter be retained 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.

5: 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 four children between the ages of 7 and 17 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.

6: 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.

The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information and application forms please visit the Council's webpage under: *Roads, parking and travel-Road licences and permits-Get a dropped kerb for your home.*

### **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](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**



## Planning Committee – 24 April 2025

Report of Head of Planning and Building Control

### Plans list item number

Item number: 2

### Reason for reporting to the planning committee.

- 1) Called in by a Councillor.

Called in by a Councillor Wilson on the grounds that the design of the proposal requires wider consideration. There will be no significant harm to the amenities of the surrounding area from parking/traffic/noise/disturbance/odour/loss of TPO trees and no detrimental impact on the character/siting of a Listed Building/Conservation Area.

### Application details.

**Application reference:** 25/0159

**Site location:** 41, WALTON ROAD, ALDRIDGE, WALSALL, WS9 8HN

**Application proposal:** Full planning application for the removal of existing storage yard/garages and the construction of a new three-bedroom dwelling. (Resubmission of 23/1271)

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

**Link to application documents:** <https://go.walsall.gov.uk/planningapps?id=25/0159>

**Applicant:** Mr Craig Matthews 41, WALTON ROAD, ALDRIDGE, WALSALL, WS9 8HN

**Planning agent:** Mark Hawkins, Midlands Building Consultancy Ltd Midlands Building Consultancy, Office 4 Trinity Suite, Hawkesyard Hall, Armitage Park, Rugeley, WS15 1PU

**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 21-Feb-2024 and 03-Apr-2025.

The applicant seeks full planning permission of a new dwelling house at the end of the rear garden of number 41 Walton Road, this amended proposal has been submitted for consideration following previous refused application 23/1271 and following pre-application advice. Number 41 fronts Walton Road and has a large rear garden which borders Northgate. The frontage of the proposed new dwelling will face towards Northgate with access from Northgate, and adjacent to Alrewych Court. At the rear of the proposed

dwelling are residential dwellings of Walton Road to the south-east and Walsall Wood Road to the north-east. The application site faces onto Northgate, where there are large industrial units.

## Relevant planning history

### Application site:

- **BC28712P** Two Storey Rear Extension Refused 04-Apr-1990 (There is no further details such as reasons for refusal available at this time).
- **BC31770P** Two Storey Side Extension. Granted Subject to Conditions 15-Aug-1991
- **23/1271** Existing Storage Yard/Garages to be removed and replaced with a new 3 Bedroom Dwelling for a Family Member. Refused 25-Mar-2024.

### Reasons for refusal:

1: The proposal by reason of its poor design, scale and size, is visually incongruous and over dominant, failing to harmonise with the established character of the surrounding area. Thus, the proposal is contrary to Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character. Together with the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.

2: The design of the proposal new dwelling with distance of 20 metres between the habitable windows of the proposed dwelling and rear properties of Walton Road and 5.6m high and 14.18m long wall hard up against the side garden boundary with No 39 Walton Road would create a perceived mass of brick wall visible from particularly the rear of 35-39 Walton Road, and their private rear amenity space and would have a detrimental impact on the amenity and outlook of these neighbours and is overbearing, oppressive and incongruous due to the size, scale, mass and bulk of the proposal along the shared boundaries. Thus, the application fails to comply with Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development

Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.

3: The design of the proposal with lack of reasonable access to the area provided for private rear amenity space, would be unusable, and would lead to poor amenities to the future occupiers of the proposed dwelling. The application fails to comply with Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.

4: The proposed development falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies EQ2 (Cannock Chase Special Area of Conservation), CSP3 (Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework paragraph 181.

#### **Pre-application submission:**

ENQ/0582 Proposed three bedroom dwelling in rear garden of 41 Walton Road, with access from Northgate. Response provided 05-Nov-2024 and on 21-Jan-2025 to amended plans submitted:

Therefore, on balance, it is unlikely that the local planning authority would be able to support this proposal, due to the design impact on street scene and neighbouring amenity.

Following correspondence with the local planning authority further advice was given to the applicant/agent that they may wish to consider submitting an application for an annexe to 41 Walton Road, to provide accommodation for family members.

## 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**

Concerns raised – regarding contamination, ground gas, and asbestos and the requirement of a Demolition Management Plan. *(These concerns will be discussed within the body of the report).*

Further concerns have been raised relating to air quality and solid fuel appliances; however, this relates to separate legislation. Therefore, the Local Planning Authority would be unable to include conditions relating to this concern.

### **Local Highway Authority**

Objection - The Highway Authority had previously asked for information to be provided by the developer at the pre-application stage should a planning application be submitted. This has not been provided to demonstrate safe access into the site and parking spaces are achievable. *(These concerns will be discussed within the body of the report).*

### **Natural England**

Objection – Regarding Cannock Chase SAC and Biodiversity duty contained within Annex A – Natural England general advice. *(These concerns will be discussed within the body of the report).*

### **Public Health**

No objection.

### **Severn Trent Water**

No objection/Material Consideration – with request for conditions and note regarding disposal of foul and surface water.

### **Tree Preservation Officer**

No comments received.

### **Waste Management**

No comments received.

### **West Midlands Fire Service**

No comments received.

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

None received.

### **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. Flood risk / Drainage
8. Ground conditions and environment
9. Other key determining issues

### **Assessment of the proposal**

## **Principle of development**

The site is located to the rear garden of 41 Walton Road and is currently occupied by hard standing and outbuildings ancillary to this dwellinghouse. The site is sustainably located in an existing residential area close to local amenities and public transport.

Chapter 5. Paragraph 61 of the revised NPPF states that the use of previously developed land that is physically well-related to existing settlements, should be encouraged where suitable opportunities exist:

Paragraph 61: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

The NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land, but excludes residential gardens in this definition.:

Paragraph 129. Planning policies and decisions should promote an effective use of land taking into account Paragraph d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and  
e) the importance of securing well-designed, attractive and healthy spaces.

The latest available figures show that the Council does not currently have a 5 year housing land supply and, in addition, the Council failed the Housing Delivery Test published in December 2023 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Policy H3 of the UDP states that the Council will encourage the provision of additional housing through the re-use of previously developed windfall sites provided that:

- I. A satisfactory residential environment can be achieved, taking into account the considerations set out in Policy ENV10.
- II. There is no overriding need for the land or buildings to be retained for employment or any other use.
- III. The proposal would have good accessibility by a choice of means of transport and be well related to schools, shops and other social and community facilities.
- IV. Residential development would not unacceptably constrain the development of any adjacent site for its allocated or identified use.
- V. The proposal is acceptable in terms of other policies of the Plan.

Whilst the proposal would add to the supply of housing on what could be considered previously developed land, on balance the principle of an independent residential unit in this location is not considered acceptable due to the proposal's impact on the amenities of the neighbouring dwellings, street scene and highway safety.

Therefore, it is considered that the proposal does not comply with Policy H3 of the UDP.

### **Cannock Chase SAC and HRA**

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 1 dwelling(s). 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.

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 above relates to reason 4 of the previous application 23/1271 refusal:

*4: The proposed development falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies EQ2 (Cannock Chase Special Area of Conservation), CSP3 (Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation),*

*UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework paragraph 181.*

The applicant would be required to submit a Habitat Regulation Assessment with a mitigation payment per each net new dwelling in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. This payment is non-negotiable, to overcome this previous reason for refusal.

Whilst a HRA form request has been sent to the applicant's agent, no response has been received therefore, it is considered that the applicant has not agreed to provide the SAC mitigation.

In the absence of this agreement and as planning permission has been recommended for refusal the lack of secured mitigation payment it is considered that the proposal has not overcome this previous reason for refusal.

### **Design, layout, and character**

Saved Policy ENV32 of the Unitary Development Plan states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Policy ENV32 goes on to confirm that when assessing the quality of design of any development proposal, the visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood and the effect on the local character of the area are important considerations.

Policy CSP4 of the Black Country Core Strategy states that all development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement.

Policy ENV2 of the BCCS states that all development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of

the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

Saved Policy GP2 of the Unitary Development Plan states that The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development and will not permit development which would have an unacceptable adverse impact on the environment. In assessing this impact Policy GP2 requires that consideration is given to, inter alia, visual appearance and overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

Policy DW3 of Designing Walsall SPD states that, development proposals must appraise the character of an area by assessing typical building heights, rhythms, materials as well as details and architectural solutions. There are situations when complying with these characteristics is warranted and opportunities when stepping out of line and breaking the rules can be justified to make a statement, but these circumstances must be clearly justified and boldly delivered.

Walsall Council Supplementary Planning Document Designing Walsall, Appendix D expands on expectations of good design and states: "Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character".

Appendix D: Numerical Guidelines of the Designing Walsall Supplementary Planning Document expands on this stating that Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area, and provides minimum requirements for achieving this, including adherence to the '45-degree code'.

Designing Walsall Appendix D states:

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.

- 13m separation between habitable windows and blank walls exceeding 3m in height.
- Appendix D: Numerical Guidelines for Residential Development states:
- Garden dimensions: 12m in length or a minimum area of 68sqm for houses and 20sqm of useable space per dwelling where communal provision is provided.

Saved Policy GP2 of the UDP states “...*The following considerations will be taken into account in the assessment of development proposals.... Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property...*”

This application has been submitted following a previous refusal of an application 23/1271, a pre-application enquiry and amended pre-application of a similar design, where a full response was provided by the local planning authority, which concluded that:

Therefore, on balance, it is unlikely that the local planning authority would be able to support this proposal, due to the design impact on street scene and neighbouring amenity.

Design advice in Chapter 12, paragraph 140 of the NPPF Achieving well-designed places states; *Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate.*

It is noted that the plans submitted in support of the application appear to lack consistency and clarity in several key areas. There are noticeable discrepancies between the elevations, such as mismatched and conflicting details. The plans do not appear to be fully coordinated, which makes it challenging to assess the overall proposal and its alignment with the council’s development plan requirements. Additionally, certain aspects of the design are not fully developed or are inadequately detailed, leading to ambiguity in the interpretation of the proposal.

Therefore, the proposal has been assessed with the information provided, however, due to inaccuracies in the submitted plans, the Local planning authority (LPA) is unable to make the necessary full assessment of impacts on the character, and visual amenities of the area and conditions could not be attached to any planning permission to make the scheme acceptable in the absence of accurate plans.

Should planning committee members be minded to approve this application It is the LPA's opinion that these errors render the plans so inaccurate, that it is impossible to build the dwelling precisely in accordance with them.

This application is therefore contrary to the aims and objectives and the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32, DW3 and Appendix D of the Designing Walsall SPD and Chapter 12, paragraph 140 of the NPPF Achieving well-designed places.

Refusal reason 1 of previous application 23/1271 was:

*1: The proposal by reason of its poor design, scale and size, is visually incongruous and over dominant, failing to harmonise with the established character of the surrounding area. Thus, the proposal is contrary to Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character. Together with the design advice in Chapter 12, paragraph 132 of the NPPF Achieving well-designed places.*

Design advice in Chapter 12, paragraph 139 of the NPPF Achieving well-designed places states; *Development that is not well designed should be refused, especially where it fails to reflect local design polices and government guidance on design, taking into any local design guidance and supplementary planning documents such as design guides and codes.*

The submitted amended design of the proposal compared to application 23/1271 has removed the first floor and rear high set windows and is proposing off set dormer windows on the front elevation. The street scene in the immediate area of the proposed dwelling is a mixture of commercial and residential properties. The surrounding residential dwellings are mainly two-storey semi-detached, bungalows and flats, which are of a simple overall appearance.

The proposed eaves appear to follow the previous design, being positioned beneath the roof and offset, with the roof overhang visible on the west side elevation nearest to Alrewych Court and aligned with the south side elevation facing Northgate. It is also noted that the eaves are not uniform, as they are set at varying levels and overlap. Additionally, the windows are irregularly spaced and set at different heights. The dormer window facing towards Alrewych Court appears elevated above the roof ridge, giving it a suspended, elevated look.

The roof ridge of the elevation facing towards Northgate is set at a lower level than that of the elevation that would face towards the end of the garden of number 39 Walton Road. These elements when combined with complex change of roof heights would introduce an over-complicated poor design, which fails to integrate with the existing simple design of the street scene.

Therefore, it is considered that whilst plans have been amended it remains that the overall design of the proposed dwelling has not taken into consideration the design of the surrounding dwellings and is not typical of the character of the locality.

It remains that the previous reason for refusal 1 has not been overcome due to its poor convoluted design, scale and size, which is visually incongruous and over dominant, therefore failing to harmonise with the established character of the surrounding area and has not overcome this previous reason for refusal, nor the advice provided as part of the pre-application enquiry.

Therefore, the amended proposal is contrary to Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character. Together with the design advice in Chapter 12, paragraph 139 of the NPPF Achieving well-designed places.

The applicant has justified their proposal with a Design and Access Statement which draws reference to planning permission 22/1601 Land between 35 and 37 Earls Road, which was granted 11-Apr-2024. However, that proposal related to the erection of a pair of 2 storey semi-detached properties, which would infill a gap between no's 35 and 37 Earls Road. The

proposed houses with a brickwork face and gable roofs would pick up on the characteristics of the properties in the immediate vicinity. Furthermore, the plot sizes were similar in size to neighbouring houses, and they are considered to be appropriate for that location.

The Design and Access Statement also draws reference to planning permission for a dwelling on First Street, however, it is presumed this relates to Furst Street, 19/0101 Land at Rear of 178, Ogle Road, for the erection of two-storey two bed dwelling. Granted subject to conditions 07-May-2019. Where it was considered that the proposed dwelling would be a brick and tile construction. The design of the proposal was considered characteristic of 27 Furst and 7 and 9 Furst Street by virtue of the front sloping roof which was designed to reduce massing in proximately to 10 and 12 Furst Street. The front dormer reflects the design of the frontage of 12 Furst Street. Furthermore, this type of development within rear gardens, was characteristic in this area, with a number of new dwellings of a similar siting and style to that which was proposed.

Furthermore, the Design and Access Statement highlights that Walsall council have allowed their rental garages to be removed across the areas of the borough and granted permissions for Housing. No locations have been specified and there are no sites within the immediate vicinity of the applicant location.

Whilst these permissions have been put forward by the applicant's agent as direct comparisons to that of the proposed, these locations are not within the immediate vicinity of the site and little weight is therefore given. Notwithstanding this each application is assessed on its own merits.

### **Amenity of neighbours and amenity of future occupiers**

Policy HC2 of the SAD states that the provision of houses will be encouraged provided that a satisfactory residential environment can be achieved. The Technical Housing Standards – Nationally Described Space Standard document sets out the required Gross Internal Area (GIA) to be provided for residential properties in order to ensure that a satisfactory standard of amenity/accommodation is provided for future residents.

Paragraph 135 f) of the NPPF (2024) states that decisions should ensure that developments 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 advocates the use of the Space Standard where appropriate.

Designing Walsall Appendix D states:

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front.
- 13m separation between habitable windows and blank walls exceeding 3m in height.
- Appendix D: Numerical Guidelines for Residential Development states:
- Garden dimensions: 12m in length or a minimum area of 68sqm for houses and 20sqm of useable space per dwelling where communal provision is provided.

Saved Policy GP2 of the UDP states “...*The following considerations will be taken into account in the assessment of development proposals.... Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property...*”

Refusal reason 2 for the previous application was:

*2: The design of the proposal new dwelling with distance of 21 metres between the habitable windows of the proposed dwelling and rear properties of Walton Road and 5.6m high and 14.18m long wall hard up against the side garden boundary with No 39 Walton Road would create a perceived mass of brick wall visible from particularly the rear of 35-39 Walton Road, and their private rear amenity space and would have a detrimental impact on the amenity and outlook of these neighbours and is overbearing, oppressive and incongruous due to the size, scale, mass and bulk of the proposal along the shared boundaries. Thus, the application fails to comply with Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.*

The dimensions of the internal living space comply with nationally described space standards. However, it is noted that on the first floor, occupants would need to pass through Bedroom 2 to access Bedroom 3. Additionally, there is one ensuite bathroom at first floor and should the occupants of bedroom 2 wish to use it, they would be required to walk through bedroom 3. To add, the LPA has concerns that the design of the proposal would

lead to an unsatisfactory living environment due to the limited head height within the first floor, where the maximum height would be approximately 2.2 metres high to the apex of the roof.

The amended proposal has removed the first-floor high-set windows at the rear. However, the rear of the proposed dwelling would still face the rear elevations and habitable windows of the homes on Walton Road. Despite the amendments, the design remains problematic, as the rear elevation would feature only a single door, which does little to break up the mass of the brick wall, and with a complex roof design positioned directly against the side garden boundary of No. 41 Walton Road. While an existing garden structure currently occupies the site, the proposed building would be significantly taller and wider than the existing structure. As a result, the proposal is considered would result in an overbearing impact on the garden of No. 41, adversely affecting the residential amenity of this neighbouring property.

Plans submitted do not show a block plan of the proposed dwelling in relation to the neighbouring dwellings. However, the Design and Access Statement states the distance of the proposal new dwelling would be increased to from the previous refusal from 20 metres to 21 metres between the habitable windows of the rear properties of Walton Road. However, it remains the perceived mass of brick wall, with convoluted roof design would have a detrimental impact on the amenity and outlook of these neighbours and is overbearing, oppressive and incongruous due to the size, scale, mass and bulk of the proposal along the shared boundaries.

Therefore, it is considered that the amended proposal has not overcome refusal reason 2 therefore is not in accordance with Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.

Refusal reason 3 for the previous application was:

*3: The design of the proposal with lack of reasonable access to the area provided for private rear amenity space, would be unusable, and would lead to poor amenities to the future occupiers of the proposed dwelling. The application fails to comply with Black*

*Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.*

The amended proposal shows a door into the rear garden for access; therefore, it is considered the amended proposal has overcome the previous refusal reason 3 in accordance with policies Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraph 131 of the NPPF Achieving well-designed places.

## **Highways**

Walsall Unitary Development Plan Policy T4 and now SAD T4 looks to minimise direct frontage access to give priority to traffic flows for long distance and strategic traffic which would be impacted by the addition of turning movements into the access opposite a busy road junction.

National Planning Policy Framework Paragraph 116: *“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.”*

The UDP Policy T13 requires that for a two-bedroom property one parking space and three-bedroom property a minimum of two car parking spaces are provided.

The amended proposal has maintained a garage area, and plans show bedroom 2 and bedroom 3, it is unclear where bedroom 1 is situated within the proposed dwelling.

The proposal includes taking vehicular access from Northgate, which is a classified road (B4152) and a District Distributor. SAD T4 policy strictly regulates direct frontage access onto such roads. Due to the constrained width of the site frontage on Northgate, it is not clear whether the required 2.4m x 3.4m pedestrian inter-visibility splay, whereby any structure or planting, including adjacent boundaries, shall not exceed 600mm above

highway level can be achieved. For this reason, the Highway Authority raised concerns in relation to the pre-application proposal regarding:

- Details to demonstrate the proposed site layout has an adequate turning facility so that vehicles can turn and egress the site in a forward gear, in addition to two 2.4m x 4.8m parking spaces.
- Details to demonstrate the gates at the proposed access are set back 5m from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway.
- A 2.4m x 3.4m pedestrian visibility splay.

However, this detail has not been provided with this application.

The Design and Access Statement states there is an existing vehicular access into the site via Northgate (B4152). There is an existing gated access, but it is noted that there is no domestic vehicle crossover in this location. Thus, there is no existing vehicular access to the site via Northgate (B4152).

In light of the comments above, the Highway Authority cannot support the proposal and so object to the development proposals. As the proposed site layout is contrary to Walsall Unitary Development Plan Policy T4 and now SAD T4 which looks to minimise direct frontage access to give priority to traffic flows for long distance and strategic traffic which would be impacted by the addition of turning movements into the access opposite a busy road junction and the NPPF Paragraph 116: *“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.”*

### **Ecology and Biodiversity net gain.**

The application form states that the application was first made before 2 April 2024 and no impact on the environment. Application 23/1271 was made valid 10-Jan-2024 and was subsequently refused 06-March-2024. This subsequent application which was received on 12-Feb-2025 and made valid 24-Feb-2025. Therefore, this information is incorrect and as the application states that the size of the site is over 25 metres, this would then trigger the requirement for biodiversity net gain metric information which has not been submitted. Normally an application would not be made valid without the required BNG calculation tool completed, however, the application form stated it was ‘exempt’ and was registered. As the

proposal falls outside of the exemption reason given, and as stated the size of the site is over 25 metres squared, within out the required information permission could not be granted until this calculation has been received.

As the existing site is 238m from a bat landscape buffer zone, there would be no requirement for a bat report.

### **Flood risk / Drainage.**

UDP Policy ENV40 states that “Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources”.

Policies GP2 of the UDP; ENV5 of the Core Strategy and EN3 of the Site Allocations Document seek to ensure that new development does not increase the risk of flooding by directing proposals to areas with the lowest risk of flooding.

The application site is within Flood Zone 1 and therefore it is considered that flood risk is low.

Severn Trent have commented that they have no objections subject to a condition relating to drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers. A pre-commencement condition and note could be included in relation to this.

### **Ground conditions and environment**

Saved Policy GP2 of the Unitary Development Plan states that The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development and will not permit development which would have an unacceptable adverse impact on the environment. In assessing this impact Policy GP2 requires that consideration is given to, inter alia, visual appearance and overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property. Furthermore, saved Policy GP2 of the UDP requires that an assessment be made of the impact of the creation of, or susceptibility to, pollution of any kind.

Policy GP2 of the Walsall Unitary Development Plan states that land stability will be considered in determining any application. UDP policy ENV14 states that where a site has

been underlain by uses or activities that may have affected the stability of the site then the application should be accompanied by a site investigation report which identifies the hazards that may be present on the site and the level of risk posed by the proposed development.

Paragraph 187f of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 196 of the NPPF states that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990;
- and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 197 goes on to say where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy ENV14 of the UDP highlights that the Council will encourage the reclamation and development of derelict and previously developed land wherever this is technically feasible and in accordance with other policies of the Plan, but that where either the site or adjoining land is found to have been occupied or underlain by uses or activities which may have contaminated the site, affected its stability or led to the generation of landfill gas, the application must also be accompanied by a site investigation report which identifies the hazards actually present on the site, assesses the level of risk for the proposed development and sets out a strategy and timescale for dealing with them as part of the proposed development.

UDP Policy ENV10(b) states that development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by

installations or activities that are a source of any form of pollution, which explicitly includes unacceptable adverse effect in terms of noise.

UDP Policy ENV10 states that the development of an industry or facility which may cause pollution will only be permitted if it would not: -

- I. Release pollutants into water, soil or air, whether on site or elsewhere, which would cause unacceptable harm to health and safety or the natural environment.
- II. Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.
- III. Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality or impose special conditions on them.

Environmental Protection previously raised concerns on the previous application relating to ground gas conditions on site and the requirement of asbestos survey (relating to the storage yard and garages which would require demolition), and the requirement for a demolition management plan.

Therefore, due to potential land contamination and ground gas, a desk study and site reconnaissance report would be required to be submitted to the local planning authority prior to any built development commencing. Furthermore, that a demolition management plan would be required. The Design and Access Statement states that there is no asbestos on the site, however, an asbestos survey report would be required to confirm this.

Whilst this information has not been submitted, it is considered that pre-commencement conditions could be included to ensure that the relevant reports/information are submitted to the local planning officer prior to commencement of any development or demolition activities. To ensure the safeguarding of the amenities of the area and the occupiers of the neighbouring properties and in accordance with saved UDP policies GP2 (Environmental Protection), ENV10 (Pollution), ENV14 (Development of Derelict and Previously Developed Sites) and Chapter 15 (Conserving and enhancing the natural environment), paragraphs 187F, 196 and 197 of the NPPF.

## **Other key determining issues**

Design advice in Chapter 12, paragraph 140 of the NPPF Achieving well-designed places states; *Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate.*

It is noted that the plans submitted in support of the application appear to lack consistency and clarity in several key areas. There are noticeable discrepancies between the elevations, such as mismatched and conflicting details. The plans do not appear to be fully coordinated, which makes it challenging to assess the overall proposal and its alignment with the council's development plan requirements. Additionally, certain aspects of the design are not fully developed or are inadequately detailed, leading to ambiguity in the interpretation of the proposal. Therefore, the proposal has been assessed with the information provided, however, due to inaccuracies in the submitted plans, the Local planning authority (LPA) is unable to make the necessary full assessment of impacts on the character, and visual amenities of the area and conditions could not be attached to any planning permission to make the scheme acceptable in the absence of accurate plans.

This application is therefore contrary to the aims and objectives and the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32, DW3 and Appendix D of the Designing Walsall SPD and Chapter 12, paragraph 140 of the NPPF Achieving well-designed places.

## **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 submitted plans have noticeable discrepancies between the elevations, such as mismatched and conflicting details which makes it challenging to assess the overall proposal and its alignment with national and local planning policies. By reason of its poor design, scale and size, is visually incongruous and over dominant, failing to harmonise with the established character of the surrounding area. The proposal would create a perceived mass of brick wall visible from particularly the rears of 35-39 Walton Road, and their private rear amenity space and would have a detrimental impact on the amenity and outlook of these neighbours and is overbearing, oppressive and

incongruous due to the size, scale, mass and bulk of the proposal along the shared boundaries.

The proposed development falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any potential necessary mitigation measures or a mechanism for securing them.

Fails to demonstrate that the proposed site layout has an adequate turning facility so that vehicles can turn and egress the site in a forward gear, in addition to two 2.4m x 4.8m parking spaces.

Fails to demonstrate whether a Biodiversity Gain Plan is required in respect of this proposal.

The applicant has been advised of concerns at the pre-application stage and whilst some amendments have been made that are an improvement on the pre-application proposal, the amendments have not gone far enough to achieve a supportable application.

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

## **Recommendation**

Refuse permission.

## **Reasons for refusal**

1: The submitted plans are unclear and are of insufficient quality. The Local Planning Authority has been unable to conduct a comprehensive assessment of the proposal and its alignment with these policies, and conditions could not be attached to any planning permission to make the scheme acceptable in the absence of accurate plans. This application is therefore contrary to the aims and objectives and the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32, DW3 and Appendix D of the Designing Walsall SPD and Chapter 12, paragraph 140 of the NPPF Achieving well-designed places.

2: The proposal by reason of its poor design, would give rise to a substandard form of living accommodation for future occupiers, detrimental to their amenity. Thus, the proposal is contrary to Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character. Together with the design advice in Chapter 12, paragraphs 139-140 of the NPPF Achieving well-designed places.

3: The proposal by reason of its poor design, scale and size, is visually incongruous and over dominant, failing to harmonise with the established character of the surrounding area. Thus, the proposal is contrary to Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character. Together with the design advice in Chapter 12, paragraphs 139-140 of the NPPF Achieving well-designed places.

4: The complex and convoluted roof design of the dwelling, coupled with its height of 4.8 metres and separation distance of 21 metres from the rear properties of Walton Road would create a mass of brick wall visible from the rear of 35-39 Walton Road. This would result in the proposal appearing overbearing, oppressive and incongruous due to the size, scale, mass and bulk along the shared boundaries. Thus, the application fails to comply with Black Country Core Strategy policies CSP4 (Place Making) and ENV2 (Historical Character and Local Distinctiveness), saved UDP policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), DW3 (Character) and Appendix D of the Designing Walsall SPD and the design advice in Chapter 12, paragraphs 139-140 of the NPPF Achieving well-designed places.

5: The proposed development falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies EQ2 (Cannock Chase Special Area of Conservation), CSP3

(Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework paragraph 181.

6: The proposal includes taking vehicular access from Northgate, which is a classified road (B4152) and a District Distributor. The application fails to demonstrate safe access due to insufficient information showing the site has an adequate turning facility so that vehicles can turn and egress the site in a forward gear, in addition to providing two 2.4m x 4.8m parking spaces. This proposal is therefore contrary to SAD T4: The Highway Network and the NPPF Paragraph 116.

7: The application fails to demonstrate whether a Biodiversity Gain Plan is required in respect of this proposal. Therefore, the proposal does not comply with biodiversity net gain on site in accordance with the Environment Act and Schedule 7a of the Town and Country Planning Act 1990 and in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

### **Case specific notes for applicant**

1. None.

**End of report**