



Walsall Council

Development Management

PLANNING COMMITTEE

Report to the Head of Planning and Building Control

15 January 2024

Plans List Supplementary Paper

Since preparation of the planning committee agenda, the following supplemental information has been received. Officer comments are provided in response to the supplemental information along with any necessary amendments to the recommendation.

Agenda Item 6 – South Staffordshire local plan review – duty to co-operate

Amendments to the recommendations in section 2 of the report

2(a) *as set out*

2(b) refer the response to the Executive Director for Economy, Environment & Communities to submit it to South Staffordshire District Council following consultation with the Portfolio Holder for Regeneration.

2(c) grant delegated authority to the Head of Planning & Building Control to make amendments to the response following consultation with the Portfolio Holder for Regeneration as necessary.

Agenda Item 7 – Local validation checklists

Amendments to the recommendation in section 2 of the report

2. That the Committee notes the outcome of consultation and the intended implementation date of Thursday 1 February 2024.

Agenda Item 8 – Development Management performance update – Table 3 (private session)

An updated table will be circulated to members in advance of the meeting to set out amended updates on a number of enforcement cases to be heard in the private session.

Plans list Item number: 1	
Application site address: 23/0496 FORMER GALA BINGO, PARK LANE, DARLASTON, WEDNESBURY, WS10 9SB	
Supplemental Information	Officer Comments
An 'Applicant Summary Letter' submitted 12/01/24 by Rapleys-Planning agent on behalf of Lidl - describing the benefits of the scheme ahead of planning committee which can be summarised as follows: <ul style="list-style-type: none">• New discount retailer for Darlaston, which could save local residents money on their grocery shopping and reduce the need to travel for discount shopping.• Up to 40 new well-paid jobs for local residents, which offer potential for career progression.• Redevelopment of a previously developed site which has been stood empty for over 3 years.• A sustainable store with rooftop solar panels and EV charging points.• Retained and new landscaping, including ornamental shrub planting.• Appropriate parking facilities serving the retail use• Significant local support - (699 people - 95% of respondents - confirmed their support for the	The summary letter is noted. No change to the recommendation.

development, during a consultation on the proposed store in 2022).

The applicant states the 'Planning and Retail Statement makes clear the economic benefits of the proposal through job creation, increased discount foodstore provision in the locality and the beneficial re-use of a previously developed site. Despite the clear material planning benefits of the development, your officers have recommended refusal'.

The applicant has also provided a list of the consultees and their summarised comments providing a response to the concerns/objections raised.

Their response to the Highway objection is as below:

'Policy SADT4 does not prevent the creation of an access to Park Lane.

Our highway proposals are fully compliant with the standards contained within the Design Manual for Roads and Bridges, and Manual for Streets.

The approach set out in the NPPF para 115 should be applied, which states that "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 would be severe.

Our Transport Assessment and Safety Audit demonstrates no significant adverse impact on safety or efficiency of Park Lane.

Policy T13 of the UDP sets out maximum parking numbers for a retail development on the site as 142 spaces. Therefore, the

proposed provision of 133 spaces fully complies with this policy and is evidently sufficient.

Their response to the Tree Officer objection is as below:

'The proposed development incorporates the planting of 13 new trees, along with the retention of existing trees where appropriate/feasible. The retained trees and proposed landscaping will ensure that the proposed development is visually appealing and will minimise the visual impact of the development. Lidl is happy to accept a condition for the submission of final landscape proposals, including the incorporation of additional trees.'

The applicant states, *'we hope members can review the application with the following comments in mind:*

- The vast majority of consultees are satisfied with the proposed development.*
- That the concerns expressed by the highways team have been fully addressed through the course of the application proposal. The new access meets relevant standards and has been demonstrated to be safe via an independent safety audit. Lidl has confirmed that it is happy to provide a controlled pedestrian crossing at Park Lane which will provide an additional benefit for pedestrian accessibility.*
- The level of car parking is fully compliant with policy, contrary to the statement. Lidl would not open a new store which had insufficient parking – evidence of other similar stores has been provided which clearly demonstrates this.*
- The concerns raised by the Tree Officer can be overcome by a suitably worded condition should Committee members seek additional tree planting'.*

<p>Page 104 of the agenda pack says: <i>There is no objection in principle to the development of this site and the proposed introduction of a discount food store. However, a number of revisions would be required to overcome the highway authority objections.</i></p>	<p>For clarity, this means the use of the site for a foodstore is accepted however as submitted the creation of an access onto Park Lane cannot be supported. As advised previously by the Local Highway Authority and within the officer report, the existing Gala Bingo access on Steelman's Road should be the formal and only access for vehicular traffic.</p> <p>No change to the recommendation.</p>
<p>Recommendation: Refuse</p>	

<p>Plans list Item number: 2</p>	
<p>Application site address: 22/0381 59-61, WEDNESBURY ROAD, WALSALL, WS1 4JL</p>	
<p>Supplemental Information</p>	<p>Officer Comments</p>
<p>Cllr Ditta has provided an additional objection with a photo of Wednesbury Road. Concerns raised regarding:</p> <ul style="list-style-type: none"> Officer report does not consider there is an issue with parking however residents have difficulty parking and applied for a parking permit in 2017 which was not successful. 	<p>Noted. As set out in the report, the Local Highway Authority have not raised concerns regarding the proposed parking provision for the development or safe use of the highway. No change to the recommendation.</p>
<p>An additional objection with a photo showing Wednesbury Road has been received by a local resident with concerns regarding:</p> <ul style="list-style-type: none"> The parking provision for the site including Wednesbury Road and how officers have made their assessment/ recommendation in relation to the parking provision. Query regarding who has been consulted on the application. 	<p>Noted. In relation to the assessment and recommendation of a planning application, they are assessed against the Council's Development Plan Policies and National Policies.</p> <p>The Local Planning Authority have carried out their statutory function to consult anyone who adjoins the boundary of the site. In addition, a site notice was put up at the site. No change to the recommendation.</p>
<p>The Lead Local Flood Authority have confirmed their satisfaction with the drainage strategy in relation to flood risk. A compliance condition is recommended in addition to details regarding the maintenance parties as set out in the officer report.</p>	<p>Noted. The recommendation has not changed as set out below due to the need to satisfy Severn Trent's concerns regarding the foul and surface water drainage proposal.</p>

<p>Severn Trent Water have not confirmed they are satisfied with the drainage strategy in relation to foul and surface water drainage.</p>	
<p>Typographical Errors within officer report as follows: Pg112 – second set of bullet points all say “sperate” instead of “separate” Pg126 – some of the text disappears off the right hand side of the page.</p>	<p>Noted. No change to recommendation. The recommendation allows for conditions on page 126 to be finalised.</p>
<p>Minor amendments to conditions wordings on condition 9 and 10.</p>	<p>Noted and amendments will be made when finalising conditions, if approved.</p>
<p>Recommendation: 1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure an open space contribution and:</p> <ul style="list-style-type: none"> • Addressing concerns regarding flood risk/drainage; • Providing an acceptable waste management strategy; and • The amendment and finalising of conditions; 	

Plans list Item number: 3	
Application site address: 22/0976 & 220977 414, BOSTY LANE, ALDRIDGE, WALSALL, WS9 0QF	
Supplemental Information	Officer Comments
Minor amendments to conditions wordings on both the planning and listed building consent applications recommended by Legal Services.	Noted and amendments will be made when finalising conditions, if approved.
Minor changes required to the plans in respect of heritage details including to the elevational slots on the Dutch Barn, deletion of a new proposed window on the Listed Farmhouse and the retention of existing features on the Listed Barn.	Noted and recommendation amended below.
<p>Additional comments received from the Council's Conservation Officer supporting the proposal subject to conditions including removal of permitted development rights to retain the open character of the site and setting of Listed Heritage assets.</p> <p>Listed Farmhouse and Farm Building</p> <p>Through extensive negotiations the proposed plans have been amended to retain original historic fabric and existing openings within the Listed farmhouse and farm building, as such these proposed works are supported. The proposal seeks partial demolition and rebuilding of part of the fire damaged wall to ensure the wall is structurally sound to accommodate a partial new roof. These are crucial repair works and new roof works that are required to will bring the farm building back into use.</p> <p>The proposed crucial repair works will bring the farm buildings back into use. The proposed paved areas, parking area, verandas and terraces are considered would have minimal harm to the setting of the Listed Heritage assets. These paved areas would have less than substantial harm to the significance of the Listed Bosty Lane Farmhouse and Barn and the Listed Barn to the southwest of the Bosty Lane Farmhouse. The scale of harm would be weighed as low.</p>	<p>Comments noted and it is considered that the removal of Permitted development rights would retain the open character of the site and safeguard Listed Building assets and addresses the Conservation Officers concerns that the site should remain as a single site.</p> <p>The optimum viable use and public benefits have been considered in this instance. While the re-development of the application site would be largely for the private gain of the developer it is considered that the re-use of this heritage asset would have a wider benefit for the surrounding area and its occupants by avoiding potential further dereliction and being a trigger for anti-social behaviour. The active re-use of the building with a sensitive conversion is considered would provide future conservation of this important heritage asset.</p>

Residential Use

The proposal would seek to convert the Listed Farmhouse into a single dwelling, the Listed barn into a single dwelling and convert the Dutch barn into a single dwelling. The site is currently a single farm holding. The site should still be utilised as a single site and not sub divided into three individual residential sites. The creation of three individual residential plots may have an element of harm to the setting of the Listed Farmhouse and Barn. Permitted development rights should be removed for outbuildings and extensions to the Dutch barn to safeguard the open character and setting of the Listed heritage assets, Farmhouse and Barn and the open character of the site.

Paved Courtyard, Parking Area, Verandas and Terraces

The outside area between the Listed Farmhouse and the Listed barn is covered in soil, patches of grass, broken bricks, other debris, and areas of concrete hardstanding. The proposal seeks to develop this area into a hard standing courtyard with paving materials, which can be sought by planning condition. The proposal to create small terrace areas and verandas within this courtyard around the Listed Farmhouse and Listed barn are considered acceptable with materials details sought by planning condition.

Existing structures on the site will be utilised for parking areas. There is no objection to the utilisation of these areas within existing structures to be used for car parking. A store will also be created within the existing structures with the brick buttress walls being rebuilt. There is no objection to these works, as they would enable the existing structures to be retained, reused and walls to be rebuilt where necessary, which will retain the historic character of the existing farm. Details of materials to pave the parking areas and to rebuild the walls would be sought by way of a planning condition.

The paved courtyard, parking area, verandas and terraces would have less than substantial harm to the significance of the Listed Bosty Lane Farmhouse and Barn and the Listed Barn to the southwest of the Bosty Lane Farmhouse. The scale of harm would be weighed as low. The proposal would need to be weighed against public benefits and optimum viable use.

A paved terrace around the Dutch barn is proposed and a small area of paving in front of the Dutch barn also proposed. These paved areas would have less than substantial harm to the significance of the Listed Bosty Lane Farmhouse and Barn and the Listed Barn to the southwest of the Bosty Lane Farmhouse. The scale of harm would be weighed as low. The proposal would need to be weighed against public benefits and optimum viable use.

The paved area, parking area, verandas and terraces would have minimal harm to the setting of the above referenced Listed heritage assets. The key is to ensure materials to create these areas of a high quality that enhance the setting of the Listed assets.

Change of use of Paddock to a Therapeutic Children's Farm

The change of use of the paddock into a children's farm would have less than substantial harm to the significance of Listed Bosty Lane Farmhouse and Barn and the Listed Barn to the southwest of the Bosty Lane Farmhouse. The scale of harm would be weighed as low. The proposal would need to be weighed against public benefits and optimum viable use.

The paddock forms part of the setting of the Listed Farmhouse and Listed Barn and the change of use of the paddock as a children's farm would have negligible harm to the setting of the above referenced listed heritage assets. Horses would have

been kept and grazed in the paddock, so the use of the paddock as a farm would be similar, if the owners chose to keep animals on the paddock. There are existing stables on the site, which could be utilised for the keeping of any animals on the site. The construction of new structures on the paddock may have harm to the setting of the Listed Farmhouse and Listed barn and as such a planning condition should be attached to ensure no new buildings or structures are erected on the paddock.

Boundary Treatments, Hedgerow and Orchard

The proposal seeks to retain existing 1.2m high post and wire boundary around the site perimeter. The existing hedgerows are also to be retained and enhanced with planting and hedgerows. A new hedge around the photovoltaic storage area is proposed, which will assist in screening the photovoltaic storage area. The proposed orchards are welcomed as they would enhance the setting of the Listed Bosty Lane Farmhouse and Barn and the Listed Barn to the southwest of the Bosty Lane Farmhouse. Details of new planting can be secured by a planning condition.

Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:
 - The amendment and finalising of conditions.
 - Minor amendments to the plans in respect of heritage details
 - No further comments from a statutory consultee raising material planning considerations not previously addressed.

2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent subject to conditions and subject to:
 - The amendment and finalising of conditions.
 - Minor amendments to the plans in respect of heritage details
 - No further comments from a statutory consultee raising material planning considerations not previously addressed.

Plans list Item number: 4

Application site address: 23/1097 89, BELVIDERE ROAD, WALSALL, WS1 3AU

Supplemental Information	Officer Comments
<p>Comments received from the tree officer advising that proposed planting between the garages and the boundary wall and is insufficient space for any planting in this location despite the impression given on the drawings. Therefore, any structure in this location will have a detrimental impact on the street scene as it will be visible above the boundary fence.</p>	<p>Noted. Refusal reason 6 amended to read as follows:</p> <p>6. The complete removal of all trees and vegetation from the front curtilage is to the detriment of the local environment and has removed mature and semi-mature trees which provided a significant contribution to the overall appearance of the street scene, offered significant amenity value to local residents whilst contributing to the mitigation of the impacts of climate change. The limited space between the proposed garages and boundary wall is insufficient space for planting. The proposed replacement planting on the western boundary is unlikely to be viable and remaining small areas of planting adjacent to the two driveways, dominated by short ornamental planting are inadequate to compensate for the loss of mature and semi-mature trees, the proposal is therefore contrary to paragraph 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.</p>
<p>Following re-notification of the revised description of development a neighbour has objected on the following grounds:</p> <ul style="list-style-type: none">• Garages will block view of road junction• Impact on light• Neighbours heartbroken that all trees and shrubs were removed• New boundary treatment would be fortress-like, and frontage will be hard-surfaced.	<p>Concerns noted and commented upon in the committee report. No further changes to officer recommendation other than reason no. 6 as detailed above.</p>
<p>Recommendation: Refuse permission</p>	