



Walsall Council

Planning Committee

Monday 15 January 2024 at 5:30pm

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

[Livestream Link](#)

Membership:

Councillor Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor A. Harris
Councillor C. Horton
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J. Murray
Councillor S. Nasreen
Councillor A. Nawaz
Councillor S. Samra
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
[Walsall Council Website](#)

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

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

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

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<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</p>

	hundredth of the total issued share capital of that class.
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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 30 November 2023.

Copy enclosed (pp.7-13)

- 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. South Staffordshire local plan review – duty to co-operate**

Copy enclosed (pp.14-24)

- 7. Local Validation Checklists**

Copy enclosed (pp.25-66)

- 8. Development Management Performance Update**

Copy enclosed (pp.67-87)

- 9. 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.88-191)

Part 2 – Private Session

- 10. Development Management Performance Update - Progress of Formal Enforcement Actions**

Copy enclosed (pp.192-204)

[Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)]

11. Date of next meeting

The date of the next meeting will be 8 February 2024.

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

Thursday 30 November 2023 at 5:30pm

Committee Members present:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor I. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J. Murray
Councillor S. Nasreen
Councillor S. Samra
Councillor V. Waters

Officers Present:

D. Moore	Interim Director – Regeneration and Economy
P. Venables	Director – Regeneration and Economy
A. Ives	Head of Planning and Building Control
R. Allen	Senior Planning Policy Officer
N. Ball	Principal Planning Policy Officer
M. Brereton	Group Manager – Planning
K. Gannon	Development Control and Public Rights of Way Manager
S. Hollands	Principal Planning Officer
I. Jarrett	Principal Environmental Protection Officer
K. Knight	Senior Transport Planner
G. Meaton	Team Leader Development Management
J. Penfold	Senior Planning Officer
D. Smith	Senior Legal Executive
C. van de Wydeven	Senior Planning Officer
N. Picken	Principal Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

52 Apologies

Apologies for absence were submitted on behalf of Councillors Bains, Harris, A. Hussain, K. Hussain and Nawaz.

53 **Declarations of Interest and Party Whip**

There were no declarations of interest or party whip.

54 **Deputations and Petitions**

There were no deputations or petitions submitted.

55 **Minutes**

A copy of the Minutes of the meeting held on the 30 October 2023 were submitted.

[annexed]

When considering the Minutes of the previous meeting a Member commented that, in their view, there had been insufficient debate on minute number 50 (25 and 27 Little Aston Road, Walsall). The Chair noted the comment and clarified that Members were considering the accuracy of the minutes as a record of the previous meeting only.

Resolved

That the minutes of the meeting held on 30 October 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

There were no items on the agenda to be considered in private session.

57 **Response to local plans consultation – Telford, Sandwell and Dudley**

The Principal Planning Policy Officer introduced the report of the Head of Planning and Building Control which set out proposed responses to local plan consultations from three neighbouring local authorities under duty to cooperate.

[annexed]

The Principal Planning Policy Officer provided an overview of the draft local plans submitted to Walsall for consultation by Telford, Sandwell and Dudley and the proposed responses.

Responding to a question regarding how housing allocations would be distributed amongst neighbouring authorities should an authority's provision exceed its own needs, the Principal Planning Policy Officer explained that this was done through several methods including negotiation and consideration of migration patterns. The Principal Planning Policy Officer added that the

upcoming Walsall Borough Local Plan would be a 15-year plan and that not having an adopted plan could leave any land vulnerable to development. Regarding the Walsall Borough Local Plan, it was explained that if sites had not been considered in the formulation of the plan, the planning inspector could enforce their allocation. It was therefore better for sites to be included in the process and then proved to be inappropriate, than to not be considered initially. The Head of Planning and Building Control explained that duty to cooperate was to be replaced with an alignment policy under upcoming Government legislation but there would still be a need to cooperate with neighbouring authorities. Upon being put to the vote it was;

Resolved (unanimously)

- 1. That Planning Committee agree with the responses as set out in the appendices and authorise the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit the responses to the three respective authorities.**
- 2. That Planning Committee authorise the Head of Planning and Building Control to amend the responses as necessary.**

58 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.

59 Plans List 4 - Sodexo Government Services, 85 Stonnall Road, Aldridge, Walsall, WS9 8JZ

The Senior Planning Officer introduced the report of the Head of Planning and Building Control and the information in the supplementary paper, providing an overview of the site, application and planning history.

[annexed]

There was one speaker on the item, Miss Ugne Staskauskaite, attending in person. Miss Staskauskaite explained she did not wish to speak on the item but could answer any questions Members had. Responding to questions, Miss

Staskauskaite explained she was unable to clarify which 'categories' of people leaving prison would be housed on the site, but it was explained that magistrates were responsible for determining if accommodation was suitable for individuals.

There were no questions to Officers and the Committee moved to debate. Members discussed that no material evidence had been submitted to substantiate concerns that the development would lead to increased risk of crime and no objections had been received from West Midlands Police. It was **moved** by Councillor Bird and **seconded** by Councillor Statham and upon being put to the vote it was;

Resolved (13 in favour, 1 against)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 22/1173 subject to conditions and subject to;

- **The amendment and finalising of conditions;**
- **The addressing of concerns regarding flood risk/drainage;**
- **No further objections from statutory consultees in response to the amended plans received.**

60 **Plans List 5 - Land Between 120a And 108 Coltham Road, Willenhall, WV12 5QD**

The Senior Planning Officer introduced the report of the Head of Planning and Building Control and the information in the supplementary paper.

[annexed]

There was one speaker on the item, Mr Mike Borgars, attending in person. Mr Borgars explained that the proposed development was on a brownfield site which currently provided no amenities, suffered from anti-social behaviour and the existing properties were of no architectural value. The proposal included sufficient car parking and retained existing rights of way, whilst offering modern and efficient dwellings which would enhance the street scene.

Responding to questions, Mr Borgars confirmed that removing the pedestrian side access gate onto the public right of way would be acceptable to the applicant. Two existing neighbouring properties would retain rights of access in perpetuity and had been advised of this. Responding to a question about why one-bedroom dwellings had been selected, Mr Borgars explained that in his view that it was more appropriate to think of them as apartments with amenity space, rather than houses. The Senior Planning Officer clarified that the dwellings had been changed into one-bedroom properties following an earlier design proposal, in order to meet national space standards.

In response to further questions, Mr Borgars explained that 1.5 parking spaces were provided per dwelling, providing spaces for guests. Mr Borgars and the applicant were unaware of objections raised by the fire officer. The

Senior Planning Officer clarified that the comments of the fire officer were regarding regulations and amounted to guidance and recommendations on best practice rather than objections.

Responding to questions to officers, the Development Control and Public Rights of Way Manager explained that parking provision was deemed acceptable as a significant proportion of properties in the local area did not have vehicles. There were no highways concerns regarding on-street parking as it was necessary in the area to have unrestricted parking due to many properties having no off-street provision. There was an outstanding concern regarding the location of the bin storage for which a condition had been included in the supplementary paper.

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

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0104 subject to conditions and a legal agreement to secure contributions to the Cannock Chase SAC and subject to:

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

61 **Plans List 1 – The Guildhall, 8 High Street, Walsall**

Prior to commencement of the item, the Chair clarified that the acquisition of the Guildhall and the proposed Creative Industries Enterprise Project had been determined by Cabinet on which he and Councillor Statham had sat and that those had correctly been Cabinet matters. The Chair affirmed that both he and Councillor Statham would consider the planning application before the Committee based solely on its merits and the professional planning officer's report and came to the meeting with an open mind.

A Member asked whether the application had been expedited to the detriment of others awaiting a determination in the planning system. The Chair acknowledged that it may appear that way to some residents but confirmed that there had been a significant reduction in the planning application backlog and clarified that the funding for the Guildhall project was from the Towns Fund. As funding was time restricted, a determination was required by the Planning Committee to ensure that funding was retained.

The Principal Planning Officer introduced the report of the Head of Planning and Building Control and the information contained within the supplementary paper, providing an overview of the application, vehicular access and the surrounding area.

[annexed]

The Principal Planning Officer explained that the building was located within the Church Hill conservation area which was deemed 'at risk' by Historic England. It was considered that the application would conserve the listed building by bringing it back into use and would enhance the surrounding area, including the conservation area.

Responding to questions, the Interim Director – Regeneration and Economy, confirmed that the project was being funded by the Towns Fund rather than the Council and as such there was a time-limit on using the funding available. In response to a question regarding the historic cells, the Head of Planning and Building Control explained that the incorporation of the cells into active use would likely have been a requirement requested by the Conservation Officer.

Debating the application, several Members expressed their hopes that the Council had made the correct decision investing in the building and that it would prove to be a financially sound venture.

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

Resolved (Unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0629 subject to conditions and subject to;

- **The amendment and finalising of conditions;**
- **No further objections from statutory consultees in response to the amended plans received.**

62 **Plans List 2 - The Guildhall, 8 High Street, Walsall**

The Committee considered the report of the Head of Planning and Building Control and the information in the supplementary paper.

[annexed]

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

Resolved (unanimously)

Planning Committee resolve to Delegate to the Head of Planning & Building Control to grant listed building consent for application 23/0630 subject to conditions and subject to;

- **The amendment and finalising of conditions;**
- **Addressing concerns regarding flood risk/drainage;**

63 **Plans List 3 - 55 Redhouse Street, Walsall, WS1 4BQ**

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

[annexed]

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

Resolved (13 in favour, 0 against, 1 abstention)

Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission for application 23/0719 subject to conditions and a legal agreement to secure contributions to the Cannock Chase SAC and subject to:

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

64 **Date of next meeting**

The date of the next meeting would be 15 January 2024.

There being no further business, the meeting terminated at 6:41pm.

Signed:

Date:



PLANNING COMMITTEE

15 January 2024

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

South Staffordshire local plan review – duty to co-operate

1. PURPOSE OF REPORT

- 1.1 South Staffordshire District Council (SSDC) wrote to Walsall Council and the other Black Country authorities on 24 October 2023 seeking our views on various matters relating to their local plan in the context of changing national planning policy. The main text of that letter is attached at **appendix 2**, and the purpose of this report is to agree a response to it.

2. RECOMMENDATION

- a) agree the wording set out in **appendix 1** as a basis for Walsall Council's response to the letter from South Staffordshire District Council dated 24 October 2023 under duty to cooperate
- b) refer the response to the Director for Economy, Environment & Communities to submit it to South Staffordshire District Council in consultation with the Portfolio Holder for Regeneration, with delegated authority to make amendments to its contents as necessary.

3. FINANCIAL IMPLICATIONS

None arising directly from this report.

4. POLICY IMPLICATIONS

- 4.1 The report sets out the strategic planning issues that SSDC considers to be of cross-boundary significance. The most significant of these issues is that Walsall along with the other Black Country authorities and Birmingham, which together form part of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), have a large shortfall of land to meet their needs for housing and other land uses. SSDC's local plan review (publication stage - 2022) proposed releasing significant areas of green belt land within its area to accommodate their own housing need as well as a 4,000 dwelling contribution to meeting the unmet needs of the GBBCHMA.
- 4.2 SSDC are asking for a formal response from Walsall of our position if they were to revise their housing strategy to no longer review their area's green belt boundaries to accommodate the housing needs of the district or those of the GBBCHMA.
- 4.3 This is as a result of changes to the National Planning Policy Framework (NPPF) published in December 2023. The revised NPPF states that there is no requirement for green belt boundaries to be reviewed or changed when plans are being prepared or updated but planning authorities may choose to review them where exceptional circumstances are fully evidenced and justified, through the plan-making process (paragraph 145).
- 4.4 The revised NPPF continues to refer to the soundness tests. Paragraph 35 states that a plan is sound if it is, amongst other requirements, positively prepared: providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- 4.5 Should SSDC adopt a revised housing strategy within their local plan, and not release green belt land to meet housing needs, this will clearly have implications for Walsall as part of the GBBCHMA. In particular in regard to the needs expected to be met in the Walsall Borough Local Plan. Paragraph 145 of the revised NPPF also applies to planning authorities when considering how to meet their own needs.

5. LEGAL IMPLICATIONS

- 5.1 Duty to cooperate is derived from section 110 of the Localism Act 2011. This inserts section 33A in the Planning and Compulsory Purchase Act 2004 (as amended). Section 33A is proposed to be removed by the Levelling Up and Regeneration Act (LURA) 2023. However, the relevant part of the LURA is not yet in force as it is subject to commencement and transitional provisions. The government has stated that duty to co-operate will be replaced by an alignment requirement, to be set out in national policy rather than legislation.

6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 The South Staffordshire local plan review will be required to ensure the needs of all sections of the community are met.

7. ENVIRONMENTAL IMPACT

- 7.1 The South Staffordshire local plan review is accompanied by a sustainability appraisal and habitat regulations assessment which will be updated as the plan is progressed.

8. WARD(S) AFFECTED

- 8.1 All.

9. CONSULTEES

- 9.1 Officers in Planning and Building Control and in Legal services have been consulted in the preparation of this report.

10. CONTACT OFFICER

David Holloway – Planning Policy Manager

david.holloway@walsall.gov.uk

11. BACKGROUND PAPERS

All published.

Documents and an update position on the South Staffordshire local plan review can be viewed at: [Local Plan Review | South Staffordshire District Council \(sstaffs.gov.uk\)](https://www.sstaffs.gov.uk/local-plan-review)

appendix 1

response from Walsall Council to South Staffordshire District Council - letter dated 24 October 2023 - on the South Staffordshire local plan review - under Duty to Co-operate

Thank you for your letter dated 24 October 2023, in which you set out the current position with regard to your local plan: that it had been paused in January 2023 subject to the outcome of the current national planning policy reforms, to be published imminently in a revised National Planning Policy Framework (NPPF). *The revised NPPF has now been published in December 2023. While the content of the NPPF is largely as proposed in the December 2022 consultation draft, there are some significant differences between the two versions.*

However, you state that you are still looking to progress your local plan under the existing plan-making regime, and in order to do this, will be likely to be required to meet a deadline for submission of your local plan by June 2025.

You state that the current position on housing need, in which you are considering moving away from, is based on the regional evidence base prepared by the Greater Birmingham and Black Country Housing Market Area (GBBCHMA), and as set out within your regulation 18 plan, with your contribution to the GBBCHMA stated as being around 4000 dwellings. However, you cite that, pending the outcome of the planning reforms, there is a current expectancy that under a revised NPPF green belt will not be required to be reviewed and altered if this would be the only means of meeting objectively assessed need for housing over the plan period.

You are consequently requesting an indication of our position in the event that you were to revise your housing strategy to no longer review Green Belt boundaries to accommodate the housing needs of the both the district and GBBCHMA, if the proposed changes to planning came through: "we would appreciate an indication of what your position would be if SSDC were to revise its housing strategy to no longer review Green Belt boundaries to accommodate the housing needs of the District or GBBCHMA, if the proposed changes to paragraph 142 of the NPPF are enacted."

There are other planning matters which you set out in your letter, specifically on employment land and gypsy and travelling show persons' accommodation, in which you are seeking an updated Walsall Council position on under duty to cooperate.

In your covering message, you have set a deadline of 24 November 2023 for us to respond to your request. We previously responded to you on 22 November 2023 to meet that deadline: we sent a holding response as it was considered that you were seeking this authority's views regarding the ramifications for neighbouring authorities on a potential change in planning strategy for your local plan, which was interpreted as a formal approach under duty to co-operate. This meant that to respond formally under Walsall's scheme of delegations we needed to obtain authority from our planning committee. What follows is our response based on the approach to wording which was agreed at the planning committee meeting on 15 January 2024.

Housing

The NPPF, published in December 2023, confirms that there is no requirement for green belt boundaries to be reviewed or changed when plans are being prepared or updated, but planning authorities may choose to review green belt boundaries where exceptional circumstances are fully evidenced and justified, through the plan making process (para 145).

However, the duty to co-operate remains at least until secondary legislation and/or revised national policy requirements come into effect with regard to the Levelling Up and Regeneration Act 2023: paragraph 25 of the NPPF states that planning authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries; effective and on-going joint working between strategic policy-making authorities is integral to the production of a positively prepared and justified strategy, including whether development needs that cannot be met wholly within a particular plan area could be met elsewhere (para 26); in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground (para 27).

In addition, the test of soundness requiring plans to be positively prepared and that unmet demand from neighbouring authorities is accommodated where it is practical to do so, also stands: paragraph 35 a.

It is therefore advised that in order to meet continued duty to co-operate requirements and ensure that you are able to demonstrate that the South Staffordshire local plan review is positively prepared, SSDC continue to engage with neighbouring authorities under duty to cooperate and seek to contribute to meeting the unmet housing needs in particular of these authorities, including Walsall, where this is justified through the evidence base.

With regard to the evidence, the GBBCHMA Strategic Growth Study (GL Hearn) arose out of the Birmingham Development Plan examination and sought to address the housing needs identified in that plan to 2031. It pre-dates the introduction of the standard method for calculating housing need. The introduction of the standard method and the rolling forward of housing requirements mean that housing need in the region is now much greater than set out in the study.

Furthermore, para. 230 of the NPPF (December 2023) states that the policies in this framework will apply for the purpose of examining plans where those plans reach regulation 19 stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the framework in accordance with the above arrangements.

Given that your local plan review has completed its regulation 19 consultation, it would appear that, even if you sought to consult again on a revised regulation 19 plan in Spring 2024, the requirement for plans to be positively prepared would remain, and indeed the revised position on the potential release of green belt land to meet housing needs would not appear to apply.

Even without this text, it is advised that a change to the strategy of the plan of this significance is likely to require a new regulation 18 consultation, including a revised sustainability appraisal to assess the environmental outcomes of this change in strategy. This would mean that, in our view, it would be unlikely that, in allowing for any new regulation 18 consultation as may be necessary, with such a change the plan would be able to be submitted under the existing plan-making regime.

Employment

Acknowledging that South Staffordshire has a strong functional economic relationship with the Black Country Functional Economic Market Area (FEMA), and that Walsall is within the evidenced South Staffordshire FEMA, we note and welcome your intention to work with us on updating the Economic Development Needs Assessment (EDNA). Similar work is underway on the employment evidence for the Black Country, including work to support the Dudley and Sandwell draft local plans that have recently been consulted upon.

Gypsies and Travellers

We can confirm that the situation in Walsall remains as set out in your letter, and in response to the email of October 31 from ORS, we can confirm that there are no Gypsy, Traveller and/or Travelling Show persons related planning issues that cross our administrative boundaries. We are aware that there are several long-established traveller sites (mainly single-family sites) in South Staffordshire close to the boundary, but these are not considered to be part of the supply for Walsall or the wider Black Country. Walsall has a significant shortfall in the supply of land for all housing as well as specifically for traveller sites, so we are likely to be unable to offer any provision that might contribute to meeting needs arising from South Staffordshire.

Other Issues

We agree that transport, infrastructure (in particular any additional infrastructure that may be required to serve proposed development sites in South Staffordshire close to our border) and natural environment remain strategic issues between us.

We look forward to further engagement with your council, especially under duty to cooperate/alignment test protocols as we progress our respective plans.

appendix 2

letter from South Staffordshire District Council dated 24 October 2023 - on the South Staffordshire local plan review - under Duty to Co-operate (main text)

As you will be aware, South Staffordshire District Council (SSDC) paused work on its local plan in January 2023, requesting clarity from government over its proposed reforms to national planning policy announced in December 2022. At the time these were understood to be implemented by 'Spring 2023', which unfortunately has not been the case, with our current understanding being that the revised National Planning Policy Framework will be published in Autumn 2023.

Despite these delays at the national level, we recognise the need to progress the plan to ensure that we can submit in line with the government's plan deadlines. Whilst no decisions have yet been made regarding the plan's strategy it is evident that the delay to the plan's preparation and potential changes to national planning policy will have effects on the plan's approach to accommodating development needs. Therefore, the Council announced in July 2023 that it would begin revisiting the evidence underpinning the local plan, with the intention of undertaking an additional public consultation on the plan in Spring 2024. Whilst the Council had hoped to wait for the changes to the NPPF to be finalised before progressing further work on the Local Plan it will be necessary to begin this process now, including further Duty to Cooperate engagement, if the government's June 2025 deadline is to be met. The Council's full statement on this can be found here:

<https://www.sstaffs.gov.uk/news/2023/local-plan-statement>.

The likely Duty to Cooperate issues raised by this additional plan-preparation stage and changing national policy context for cross-boundary matters are summarised below, alongside matters where the Council would welcome your authority's views.

Housing

The Council's 2022 Publication Plan consultation proposed releasing significant Green Belt release to achieve its proposed housing target, which accommodated the Council's own housing needs and a 4,000 dwelling contribution to the unmet needs of the Greater Birmingham and Black Country Housing Market Area (GBBCHMA). The Council's evidence base indicated that, at a strategic level, the exceptional circumstances for releasing this level of Green Belt heavily relied upon the Council's housing need and the significant unmet housing needs arising from the wider housing market area¹, as there was no way to accommodate this contribution to unmet needs without Green Belt release.

The Council's exceptional circumstances for altering Green Belt boundaries were also supported by a regional evidence base prepared by the GBBCHMA² in 2018, which indicated that strategic Green Belt release would likely be required to meet the unmet housing needs of the region. Following on from this regional evidence base, a Statement of Common Ground was drafted between the GBBCHMA authorities, reflecting the position on unmet housing needs, proposed updates to the regional evidence base and measures to implement a governance structure between the

authorities, based on the positions of each authority as at August 2022. This is attached in Appendix 1 of this letter and was signed by nine (but not all) of the GBBCHMA local authorities and related authorities.

Given the evident role of unmet housing needs in driving Green Belt release in South Staffordshire, it is important to note that the 2022 draft changes to the National Planning Policy Framework (NPPF) proposes changes to how Green Belt boundary changes are considered in relation to housing needs. Specifically, paragraph 142 proposes that “Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period”. This policy, if enacted, will obviously have significant Duty to Cooperate implications for authorities with a relationship to the unmet needs of the GBBCHMA, particularly those which proposed altering Green Belt boundaries on the basis of meeting unmet housing needs within the region.

Given the above context, **we would appreciate an indication of what your position would be if SSDC were to revise its housing strategy to no longer review Green Belt boundaries to accommodate the housing needs of the District or GBBCHMA, if the proposed changes to paragraph 142 of the NPPF are enacted.** Understanding your stance on this will help us to progress any necessary changes to the plan at pace once the final changes to the NPPF are confirmed, ensuring that we can meet the June 2025 deadline set by government.

Employment

The 2022 Publication Plan proposed sufficient employment land supply would be released to deliver 99ha between 2020-2039. This provided for a potential contribution of 36.6ha towards the unmet needs of the Black Country authorities and a further additional minimum contribution of 67ha of land to the Black Country from the West Midlands Interchange development consent order, with the remainder of the surplus land supply from the site to be considered with related authorities through the Duty to Cooperate. Due to the delay in the plan's preparation, the Council will need to prepare an update of its Economic Development Needs Assessment (EDNA) to inform its Spring 2024 Regulation 19 consultation. This will update the Councils employment requirement across an updated plan period, reflecting delay to the plan's likely adoption date. We will be engaging with you on these matters at an appropriate point in time to inform the Regulation 19 consultation on SSDC's Local Plan in Spring 2024.

SSDC will also continue to work through the West Midlands Development Needs Group to assist in the preparation of the update to the West Midlands Strategic Employment Sites Study 2021 and will seek to address its findings through the update to its EDNA and employment land site assessment process.

Gypsy and Travellers

SSDC has previously indicated a 121 pitch need for Gypsy and Traveller households, including 72 pitches within the 5 year period. SSDC has commissioned an update to the Gypsy and Traveller Accommodation Assessment which will identify our needs up until 2041. It is not expected that our needs will reduce through the updated assessment. As it stands, despite undertaking the following steps, SSDC can only deliver 37 pitches within the plan period on sites which would address unmet pitch needs;

- Intensifying supply on existing sites
- Expanding all suitable existing sites
- Exploring all public land options (SSDC or County Council owned) in the District for new public sites
- Approaching sites proposed for general housing allocation to identify if the landowner would be willing to set aside part of the site for pitch needs

Call for sites, public consultations with Gypsy and Traveller sites and pro-active conversations with public bodies were undertaken to fully establish the extent of land available to meet pitch needs. This involved full exploration of both Green Belt and non-Green Belt options, which, if suitable, are allocated for new pitch supply. Despite exploring all of these options, SSDC can only deliver 37 pitches which would address its unmet pitch needs, creating a strategic cross-boundary issue to be discussed with adjacent authorities and other authorities within the housing market area.

In response to this unmet need, Walsall Metropolitan Borough Council (WMBC) has confirmed that its permanent traveller site is full and that there is a temporary transit site but that only has a 3 year permission. Whilst the Walsall Site Allocation Document allocates a new permanent (non-Green Belt) site, no funding has been identified to enable its delivery and no options have been considered for publicly run sites in the Green Belt. Green Belt sites proposed in the Black Country Plan had not yet been contacted to consider the inclusion of a traveller site and WMBC have not yet scoped out issues that might be addressed by any replacement for the Black Country Plan. Finally, Walsall has very little publicly owned land that remains available for development either as a traveller site or for general housing.

Given this background SSDC is of the view that it will need to continue to work with WMBC to establish whether there is scope for new publicly run Green Belt sites (including as part of a wider housing allocation) which could address SSDC pitch needs as the new WMBC local plan progresses.

SSDC would welcome an update to the steps taken to examine all potential pitch supply options, as SSDC has sought to do through its plan preparation.

Other issues

The previous statement of common ground drafted between our councils also addressed the following matters:

- Transport
- Infrastructure
- Natural Environment

Once further details of any finalised spatial strategy are understood will be re-engaging with you on these matters.

Next steps

The Council is currently preparing a Regulation 19 consultation on SSDC's Local Plan in Spring 2024 and will engage with you once further information is available on matters affecting cross-boundary issues. This will allow us to update to the statement of common ground previously drafted to reflect each of our up-to-date positions. In the meantime we would welcome a response to the matters raised in the letter above, particularly those relating to potential changes to national planning policy regarding housing needs and Green Belt. Please let us have your response no later than **24th November 2023**.

We would be happy to meet with you to discuss this further, please get in touch with myself or the team using the contact details above if it would assist.



PLANNING COMMITTEE

15 January 2024

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Local Validation Checklists

1. PURPOSE OF REPORT

To inform members of the planning committee of the outcome of public consultation, and the intended implementation of:

- i. Updated Householder Local Validation Checklist; and
- ii. New Local Validation Checklist for other planning application types.

2. RECOMMENDATIONS

That the Committee notes the outcome of consultation and the intended implementation date of Thursday 1 February 2023.

3. FINANCIAL IMPLICATIONS

None arising directly from this report.

4. POLICY IMPLICATIONS

Within Council policy. All planning applications relate to local and national planning policy and guidance.

5. LEGAL IMPLICATIONS

None. This local validation criteria is in addition to the statutory nationally set validation criteria.

6. EQUAL OPPORTUNITY IMPLICATIONS

None arising from the report. The development management service is accredited by an Equality Impact Assessment.

7. ENVIRONMENTAL IMPACT

The updated householder local validation checklist and the introduction of a wider local validation checklist for other planning applications will help to improve the

quality of planning application submissions and in turn help to ensure development results in positive environmental impacts.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Regular developers and planning agents, other relevant council service areas and teams and key external consultees have been consulted in the preparation of these documents. Councillor Bird and Councillor Andrew have also been briefed on the purpose of the local validation checklists.

10. **CONTACT OFFICER**

Mike Brereton: Group Manager, Planning
Michael.brereton@walsall.gov.uk

11. **BACKGROUND PAPERS**

All published.

Mike Brereton
Group Manager, Planning

i. Updated Householder Validation Checklist

- 12.1 Following support from members of this planning committee on 9 February 2023 for the introduction of a householder validation checklist in March 2023 it has helped our customers better understand the required supporting information as part of planning applications for works to an existing home in the borough. It has also helped to improve the quality of those planning application submissions and the speed of decision-making.
- 12.2 Through its operation it has become clear that two minor changes are required to provide greater clarity to applicants and to speed up the validation and registration process. The scale requirement for plans has been simplified along with improved signposting to the council's 45 degree guidance which is also reflected in the wider validation checklist. The updated checklist is attached as Appendix A.
- 12.3 Consultation has been carried out with planning agents and developers that frequently submit householder planning applications to Walsall Council, and with relevant internal colleagues and external organisations between 27 October and 24 November 2023. No responses were received in relation to these proposed updates.
- 12.4 The checklist will be updated and re-formatted where necessary prior to its implementation on Thursday 1 February 2024 to ensure the document complies with the necessary accessibility standards for publishing documents online.

ii. New Wider Local Validation Checklist

- 12.5 This checklist has been produced to help development management customers understand what needs to be submitted to support all other planning application types. This follows on from the successful implementation of the separate and simpler householder checklist.
- 12.6 There is no mandatory requirement for a local planning authority (LPA) to implement a local validation checklist. However, applications that are accompanied by the necessary supporting information from the outset, helps the LPA to make an informed decision in a more timely manner and within government set timeframes. The checklist will also provide a clear set of validation requirements to development management customers at the outset providing them with greater clarity, certainty and transparency in the overall process.
- 12.7 When the information required by this checklist has not been submitted with an application and is considered by the LPA to be reasonable and necessary to assess the application correctly, the LPA will declare the application invalid. This avoids unnecessary delays being incurred during the lifetime of an on-hand planning application such as re-consultation with the public and consultees which could have otherwise been avoided. Delays in receiving required information is also likely to result extensions of time having to be sought from applicants to extend the application determination period in order to facilitate the consideration of any necessary supporting information submitted later in the application process.
- 12.8 It is more important than ever to encourage front-loading of the planning process due to the new shorter 16 week planning guarantee period (minors including householders) effective from 6 December 2023 and the introduction of new national biodiversity net gain requirements (BNG) from February 2024 (larger development)

and March 2024 (smaller developments). This wider checklist will play a key role to shape early pre-application discussions and to help our customers understand the necessary supporting documents and plans at the time of application submission. The key aim being to reduce avoidable delays in processing and determining planning applications.

12.9 Key sections of the draft checklist were presented at the most recent planning agent and developer forum on 26 October 2023 which were positively received.

12.10 Consultation has been carried out with planning agents and developers that frequently submit planning applications to Walsall Council, and with relevant internal colleagues and external organisations between 27 October and 24 November 2023. A total of 10 x responses were received and these have been summarised in Table 1 below.

Table 1 – Responses to Wider local Validation Checklist

Name of Respondent	Respondent Feedback	LPA Response
Conservation Officer, Walsall Council	Updated Heritage Statement guide provided	Will be published alongside checklist
	Suggests updated guidance on webpages regarding listed building conditions survey requirements	No change to validation checklist required. Web updates to be considered as part of the current on-going web improvements programme
Historic Environment Officer	Updated Heritage Statement guide provided	Co-ordinated with Conservation Officer. Updated guide will be published alongside checklist
Canal & River Trust	Amend wording of LV11 (street scene plans) to include wider public vantage points	Street-scene plan term widely recognised and retained but the sub-text has been updated to reflect wider vantage points of importance
	Inclusion of guidance text regarding the SAC to LV19 (HRA)	Not considered necessary as signposting to existing guidance already provided
	Addition of land instability references to LV22 (ground contamination)	Agreed and updated
	Correct typo of Canal and River Trust within ecology guidance note	Agreed and updated
	Additional text to SuDS guidance note	Agreed and updated
Wildlife Trust	Include reference to Local Nature Recovery Strategies in ecology guidance note	Agreed and updated
	Include reference to Potential Site of Importance in ecology guidance note	Agreed and updated
	Include reference to EcoRecord in ecology guidance note	Agreed and updated

	Include reference to a local site assessment in ecology guidance note	Agreed and updated
	Suggests a number of other minor changes to ecology guidance note	Agreed and updated
Head of Planning & Building Control, Walsall Council	Suggests creation of a flowchart or similar to assist customers to identify likely requirements by application type and scale	This will be considered as part of the current on-going web improvements programme. Customers can also seek advice on application submission requirements as part of our pre-application services and via their own planning professional
Coal Authority	Updated text to LV18 (coal mining)	Agreed and updated
Lead Local Flood Authority	No comments to make	n/a
Highways England	No comments to make	n/a
Historic England	Suggests inclusion of all heritage guidance within 1 document.	A separate detailed guidance note is provided and is referred to and signposted within the checklist which has been designed as a user-friendly document
	Suggests reference to heritage assets in LV17 (SUDS)	Agreed and updated
	Suggests reference to heritage assets for any landscape visual appraisals	No validation list item for this currently included
	Suggests signposting to separate listed building and scheduled monument consent	Signposting and advice already provided online and not considered necessary within this checklist
Environment Agency	Suggests inclusion of reference to main river or watercourse in LV8 (Site/Block Plans)	Agreed and updated
	Suggests signposting to West Midlands flood risk guidance in LV17 (flood risk)	Agreed and updated
	Suggests signposting to West Midlands land contamination guidance in LV22 (contaminated land)	Agreed and updated
	Suggests signposting to foul drainage assessment form	Agreed and updated

12.11 The checklist and supporting guidance notes have been updated where necessary and appropriate, taking into account the above feedback. Where it has not been possible to make suggested amendments an explanation has been provided in Table 1 above. The final checklist is provided in Appendix B.

12.12 The final checklist, and supplemental detailed guidance notes, will be updated and re-formatted where necessary prior to its implementation on Thursday 1 February 2024 to ensure the documents comply with the necessary accessibility standards for publishing documents online.



Walsall Council

Appendix A

Householder Validation Checklist

Development Management

What you need to include when you submit a householder planning application

Contents

Householder Validation Checklist.....	1
What you need to include when you submit a householder planning application	1
1. Introduction	4
2. When do extensions become a replacement dwelling?	4
3. Tree Guidance	5
4. What Should a Heritage Statement Contain?	5
5. Preliminary Roost Assessment and Other Necessary Surveys	5
6. Simple Householder Validation Checklist.....	6
Validation requirements	6
National validation	6
Local Validation	6
7. Detailed Validation Guidance	6
Scale and Disclaimers	6
45 Degree Code	6
Application form - NHV1	7
Validation Requirement	7
Additional guidance.....	7
Fee - NHV2	7
Validation Requirement	7
Additional guidance.....	7
Ownership Certificate – NHV3.....	8
Validation Requirement	8
Additional guidance.....	8
Agricultural Land Declaration – NHV4	8
Validation Requirement	8
Additional guidance.....	8
Location Plan – NHV5	9
Validation Requirement	9
Additional guidance.....	9
Any other plans to describe the application – NHV7	10
Validation Requirement	10
Site/Block Plans - Existing and Proposed – LHV8	10
Validation Requirement	10
Additional guidance.....	10
Floor Plans - Existing and Proposed – LHV9	11
Validation Requirement	11
Elevation Plans - Existing and Proposed – LHV10.....	11
Validation Requirement	11
Street-scene Plans - Existing and Proposed – LHV11	11

Validation Requirement	11
Site Section Plans – LHV12.....	12
Validation Requirement	12
Vehicle Parking Plans - Existing and Proposed – LHV13.....	12
Validation Requirement	12
Heritage Statement – LHV14	12
Validation Requirement	12
Tree Surveys & Arboricultural Implications Assessment – LHV15	12
Validation Requirement	12
Bat Preliminary Roost Assessment and Ecological Survey(s) – LHV16.....	13
Validation Requirement	13
Flood Risk Environment Agency Form – LHV17	13
Validation Requirement	13

1. Introduction

Walsall Council has produced this guide to help its Development Management customers understand what needs to be submitted to support a householder application (works to an existing house). Prior Approval applications are not included in this guide.

This checklist is supplemented by a number of detailed guidance notes which have been published alongside this checklist.

A checklist has been produced under Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Planning Practice Guidance and paragraph 44 of the National Planning Policy Framework (NPPF). The guidance states that Local Planning Authorities should publish their information requirements for applications, which should contain only the information necessary to make decisions (supporting information that is relevant, necessary and material to the application).

Walsall Council welcomes and encourages you to apply for pre-application advice before submitting a planning application. Pre-application advice can assist in better quality applications with a better chance of a successful outcome. For further information regarding pre-application advice can be found on our [website](#).

When the information required by this checklist is not submitted with an application and is considered by the Local Planning Authority (LPA) to be reasonable and necessary to assess the application correctly, the LPA will declare the application invalid, and delays will occur.

If applications are accompanied by the necessary supporting information, the Council is more likely to be able to make an informed decision within the government deadline. Nevertheless, there may be instances when a validated application does not contain all the information needed to make a decision. Consequently, the Council may seek additional information post-validation under the Town and Country Planning (Application) Regulations 1988.

In the event that the application is later found to be invalid after registration, the original start date for processing the application will be disregarded, and the time from the resubmitted information will be recalculated.

If applicants or their representatives disagree with the Council's request for information or plans contained in the list, they may wish to challenge the decision not to validate the application. If this happens, applicants may be able to appeal for non-validation under Section 78 of the Town and Country Planning Act 1990. The grounds for an appeal would be a failure to resolve within eight weeks of the LPA receiving the application. The right to file a complaint with the Local Government Ombudsman remains.

2. When do extensions become a replacement dwelling?

If extensive reconfiguration is proposed to an existing dwelling where most of the internal and external walls would be lost and the original dwelling would be imperceivable following the proposed works, the proposal will be deemed to be a replacement dwelling and full planning permission will be required. This will vary dependent on the scale and design of the original dwelling and the extent and design of any proposed works. An assessment is therefore made on a case-by-case basis.

It falls to the Local Planning Authority (LPA) to determine whether an application is valid or not when assessed against local and national criteria. The LPA will not accept a proposal which it deems to comprise a replacement dwelling where it has been incorrectly submitted on a householder application form along with payment of the incorrect fee. You will be provided with an opportunity to re-submit any such application on the correct forms along with payment of the correct fee to make the application valid.

Should you disagree with the LPAs decision to make the application invalid you may choose to submit a notice under Article 12 of the Development Management Procedure Order 2015 as amended (Validation dispute). The LPA will consider the submitted notice and will confirm by return whether the application can be accepted as valid or not.

You are encouraged to seek pre-application advice prior to the submission of an application to establish whether the proposal should be submitted as a householder application or full planning application to avoid delays in the validation and registration of any subsequent application.

3. Tree Guidance

Walsall Council is committed to improving the local environment by securing high quality design resulting in development which respects existing natural features of value as well as restoring and extending the resource. It is vital to ensure that trees and woodlands be sustained throughout the borough. It is also important to conserve the visual quality of the natural environment for all people currently living or working in Walsall as well as for visitors and prospective investors.

For detailed guidance on submitting tree related information please view our separate guidance note published alongside this checklist.

4. What Should a Heritage Statement Contain?

A Heritage Statement (sometimes referred to as a Heritage Impact Statement and Heritage Assessment) is a written assessment that describes the significance of any heritage asset and / or their setting affected by a development proposal, and / or the contribution of that setting and of the impacts of that development proposal upon them.

For detailed guidance on what to include in a Heritage Statement please view our separate guidance note published alongside this checklist.

5. Preliminary Roost Assessment and Other Necessary Surveys

Walsall holds numerous local to internationally designated sites of ecological interest, with many rare and legally protected species present within the green spaces and urban areas of Borough.

Development, even those involving minor works and encompassing a small area, have the potential to adversely impact these sites and species. As such Walsall has a duty to protect them by understanding any potential impacts a development may have and ensuring the potential impacts, if noted, are avoided, mitigated, or compensated for as part of the planning process.

For detailed guidance on submitting project related information please view our separate guidance note published alongside this checklist.

6. Simple Householder Validation Checklist

Validation requirements

A simple checklist of what is required for a householder planning permission application is provided below.

National validation

National Requirement	Validation Code
Application form	NHV1
Fee	NHV2
Ownership certificate	NHV3
Agricultural land declaration	NHV4
Location plan	NHV5
Any other plans, drawings and information to describe the application	NHV7

Local Validation

Local Requirement	Validation Code
Site/Block Plans - Existing and Proposed	LHV8
Floor Plans - Existing and Proposed	LHV9
Elevation Plans - Existing and Proposed	LHV10
Street-scene Plans - Existing and Proposed	LHV11
Site Section Plans	LHV12
Vehicle Parking Plans - Existing and Proposed	LHV13
Heritage Statement	LHV14
Tree Surveys & Arboricultural Implications Assessment	LHV15
Bat Preliminary Roost Assessment and Ecological Survey(s)	LHV16
Flood Risk Environment Agency Form	LHV17

Full details of each validation requirement is set out further below in this checklist.

7. Detailed Validation Guidance

Scale and Disclaimers

We will accept submitted plans that include a do-not-scale disclaimer providing they can be accurately measured at the stated scale.

45 Degree Code

We will assess potential impacts to any adjoining or adjacent neighbours' amenity arising from your proposal using the 45 degree line guidance available [here](#). You are encouraged to demonstrate adherence to the 45 degree code in your application submission.

Application form - NHV1

Validation Requirement

- Householder application form
- All parts of the form must be completed
- The site address matched the address marked on the location plan and block plan
- The declaration must be signed and dated

Additional guidance

There are three national householder application forms to choose from.

- **Householder Application for Planning Permission for works or extension to a dwelling.**
- **Householder Application for Planning Permission for works or extension to a dwelling and relevant demolition of an unlisted building in a conservation area.**

Check if your property falls within a Conservation Area. Please view the maps published online https://go.walsall.gov.uk/conservation_areas_in_walsall

- **Householder Application for Planning Permission for works or extension to a dwelling and listed building consent.**

Check if your property is a Listed Building view the list of Walsall's listed buildings published online https://go.walsall.gov.uk/listed_buildings_in_walsall

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Application-form>

You can apply for planning permission and complete the application forms online through the [Planning Portal](#).

[Link back to a simple checklist](#)

Fee - NHV2

Validation Requirement

- Correct full fee to be paid

Additional guidance

A simple version of the nationally set planning fees can be found on Planning Portal by clicking the following link

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

You can also pay online using the Walsall Council online payment page by clicking the following link <https://go.walsall.gov.uk/forms/Make-planning-payment>. **Always provide the site address of the proposed planning application as the reference number.**

You can pay by credit/debit card by calling 01922 652 620. **Always provide the site address of the proposed planning application as the reference number.**

[Link back to a simple checklist](#)

Ownership Certificate – NHV3

Validation Requirement

- A completed ownership certificate
- Signed and dated

Additional guidance

Each application must be accompanied by an Ownership certificate. There are four types, and you need to identify which is the correct one for your application.

Certificate A

To be completed if you are the sole owner of the land to which the application relates and there are no agricultural tenants.

Certificate B

To be completed if you are not the sole owner, or if there are agricultural tenants, and you know the names and addresses of all the other owners and/or agricultural tenants together with one of the notices below. A Notice under Article 13 must then be served on the owner and a copy of the notices included with the planning application.

Certificate C

To be completed if you do not own all of the land to which the application relates and do not know the name and address of all of the owners and/or agricultural tenants. A Notice under Article 13 must then be served on the known owners and a copy of the notices included with the planning application.

Certificate D

To be completed if you do not own all of the land to which the application relates and do not know the names and addresses of any of the owners and/or agricultural tenants.

Notices under Article 13

This notice is to be printed and served on individuals prior to completing Certificate B or C in the application form.

- https://ecab.planningportal.co.uk/uploads/1app/notices/householder_notice.pdf

[Link back to a simple checklist](#)

Agricultural Land Declaration – NHV4

Validation Requirement

- Completed agricultural land declaration

Additional guidance

All agricultural tenants on a site must be notified prior to the submission of an application for planning permission. Applicants must certify that they have notified any agricultural

tenants about their application, or that there are no agricultural tenants on the site. This declaration is required whether or not the site includes an agricultural holding. It is incorporated into the ownership certificates on the standard application form.

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Ownership-Certificate-and-Agricultural-Land-Declaration>

[Link back to a simple checklist](#)

Location Plan – NHV5

Validation Requirement

- Location plan based on an up-to-date map.
- Shows the application site in relation to surrounding area.
- Should identify sufficient roads and / or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.
- Identified metric scale typically 1:1250 or 1:2500.
- Show the direction of north.
- Application site should be edged clearly with a red line.
- Red line should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).
- Red line should also include any associated works to the highway falling outside of the application site i.e. dropped kerb and new vehicular access or works to the highway.
- A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

Additional guidance

When using Ordnance Survey mapping for planning applications, the map should:

- NOT be Photocopy or screen grab image.
- NOT be a Land Registry map
- NOT be used for multiple applications
- NOT to be copied from existing OS mapping if using hand drawn maps
- SHOW OS Crown copyright as an acknowledgement
- SHOW the correct licence number

If you require any further information or clarification on Ordnance Survey Licences and Copyright, please contact Ordnance Survey Helpdesk on – Free phone: 03456 050505.

You can buy a plan from one of the Planning Portal's accredited suppliers
<https://www.planningportal.co.uk/buyplans>

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Plans-and-drawings>

[Link back to a simple checklist](#)

Any other plans to describe the application – NHV7

Validation Requirement

Additional plans and drawings will in most cases be necessary to describe the proposed development, as required by the legislation (see [article 7\(1\)\(c\)\(ii\) of the Town and Country Planning \(Development Management Procedure\) \(England\)](#))

[Link back to a simple checklist](#)

Site/Block Plans - Existing and Proposed – LHV8

Validation Requirement

- Block or Site Plan.
- Based on an up-to-date map.
- Shows the proposed development in relation to the site boundaries and other existing buildings on the site.
- Must show access arrangements.
- Must show all buildings, roads and footpaths on land adjoining the site including access arrangements within 10 metres of the boundary.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Show the direction of north.
- Should be scaled to fit onto A4 or A3 size paper

Should include unless they would NOT influence or be affected by the proposed development

- All public rights of way (crossing or adjoining the site).
- The position of all trees on the site, and those on adjacent land.
- The extent and the type of any hard surfacing.
- The boundary treatment including walls or fencing where this is proposed.

Additional guidance

When using Ordnance Survey mapping for planning applications, the map should:

- NOT be Photocopy or screen grab image unless you have;
 - An annual licence to make copies; or
 - A bulk copy arrangement; or
 - Have purchased the site-specific map from the Planning Portal for the purposes of attaching to a planning application, appeal or representation.
- NOT be a Land Registry map
- NOT be used for multiple applications
- NOT to be copied from existing OS mapping if using hand drawn maps
- SHOW OS Crown copyright as an acknowledgement
- SHOW the correct licence number

If you require any further information or clarification on Ordnance Survey Licences and Copyright, please contact Ordnance Survey Helpdesk on – Free phone: 03456 050505.

You can buy a plan from one of the Planning Portal's accredited suppliers

<https://www.planningportal.co.uk/buyplan>

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Plans-and-drawings>

[Link back to a simple checklist](#)

Floor Plans - Existing and Proposed – LHV9

Validation Requirement

- Label plans clearly and logically, for example, by showing the room names.
- Show internal divisions within the building.
- Clearly show existing layout and proposed layout for example through use of different coloured lines accompanied by a key to describe each.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Elevation Plans - Existing and Proposed – LHV10

Validation Requirement

- All elevations must be clearly and logically labelled, for example front or rear elevation and given titles which refer to their content.
- Clearly show existing and proposed elevations for example through use of different shading or colour accompanied by a key to describe each.
- Where any proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.
- Where an existing building is being extended or altered, the whole of any existing elevation that is being extended or altered must be shown, not just part of it.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Street-scene Plans - Existing and Proposed – LHV11

Validation Requirement

- Show existing and proposed front elevations on street-scene plans and relationship with adjoining and adjacent properties where a proposal includes substantial changes to the main elevation and/or includes any change to the main roof that would be visible within the street scene.
- Show any changes in land levels between application site and adjoining or adjacent properties.
- Clearly annotate existing and proposed eaves and ridge heights where a proposal involves any change to the main roof.
- Clearly label each elevation.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Site Section Plans – LHV12

Validation Requirement

- Show any proposed changes to site levels over 0.3 metres within the application site.
- Show any relationship with adjoining changes in land levels.
- Show a cross section(s) through the proposed building(s) and/or extension(s).
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Vehicle Parking Plans - Existing and Proposed – LHV13

Validation Requirement

- Showing existing and proposed vehicle parking spaces measuring 2.4m by 4.8m each within the application site.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Heritage Statement – LHV14

Validation Requirement

- Describe the significance of any heritage assets affected, including any contribution made by their setting.
- Level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Please refer to the separate published detailed guidance note for further guidance.

[Link back to a simple checklist](#)

Tree Surveys & Arboricultural Implications Assessment – LHV15

Validation Requirement

- Survey and appraisal of trees on the application site and adjoining land consistent with the standards set out in British Standard 5837:2012.
- A tree survey in table and plan form in accordance with the provisions of B.S.5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations must be provided showing the condition, location and constraints of all trees on and adjacent to the site.
- Trees which are to be retained and removed should be clearly marked on a Tree Protection Plan (TPP) and the Proposed Site/Layout Plan, illustrating root protection areas.
- Arboricultural Method Statement and Tree/hedge Protection Plan (TPP) should be provided detailing the measures to be taken to protect all trees proposed to be retained on the submitted drawings accompanied by schedules of any necessary

facilitative tree work. Details of special construction techniques and any other special measures required to retain trees should be included.

- Schedule of tree works/pruning to retained trees in accordance with B.S.3998: 2010 Tree Work – Recommendations should be included.

Please refer to the separate published detailed guidance note for further guidance.

[Link back to a simple checklist](#)

Bat Preliminary Roost Assessment and Ecological Survey(s) – LHV16

Validation Requirement

- Include existing and proposed site plans.
- Up-to-date site photographs.
- Desktop study.
- Up-to-date best practice guidelines for survey and reports should be adhered to and referenced. Where deviation/s or limitation/s have occurred, these should be clearly justified within the submitted report.
- Field Survey:
 - Undertaken by an appropriately qualified and experienced person.
 - Details of the survey methodology undertaken.
 - Conducted at an appropriate time of year and undertaken within last survey season.
 - Appropriate surveys for the development undertaken.
- An assessment determining the results of the field survey, proposed mitigation and whether further survey work is required.
- Should a Natural England License be required after planning approval, a detailed response to the three tests under the Conservation of Natural Habitat and Species Regulations 2010 (See Annex 9 in the Council's published Natural Environment SPD) will be required.
- Any proposals for enhancements of biodiversity. This could include the incorporation of bat and bird boxes within the building or within the wider application site.

Please refer to the separate published detailed guidance note for further guidance.

[Link back to a simple checklist](#)

Flood Risk Environment Agency Form – LHV17

Validation Requirement

Applicants should use the Environment Agency's published advice for minor extensions to complete the form published alongside this checklist for a minor extension falling within Flood Zones 2 or 3. Any necessary flood mitigation measures will usually be included as a condition on any approval of your planning application.

A minor extension is defined as a household or non-domestic extension with a floor space of no more than 250 square metres.

Standing advice:

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#advice-for-minor-extensions>

[Link back to a simple checklist](#)



Local Validation Checklist

Development Management

**What you need to include when you submit a planning application
(excluding Prior Approvals, Householders and Minor Material
Amendment applications under Section 73)**

Contents

Local Validation Checklist	1
What you need to include when you submit a planning application (excluding Prior Approvals, Householders and Minor Material Amendment applications under Section 73)	1
1. Introduction	4
2. How Do I Demonstrate Biodiversity Net Gain?	5
3. Tree Guidance	5
4. What Should a Heritage Statement Contain?	6
5. Ecology Surveys.....	6
6. Simple Local Validation Checklist	6
Validation requirements	6
National Validation	6
Local Validation.....	7
7. Detailed Validation Guidance	7
Scale and Disclaimers.....	7
45 Degree Code.....	7
Application form - NV1	8
Validation Requirement.....	8
Additional guidance	8
Fee - NV2	8
Validation Requirement.....	8
Additional guidance	8
Ownership Certificate – NV3.....	8
Validation Requirement.....	8
Additional guidance	9
Agricultural Land Declaration – NV4	9
Validation Requirement.....	9
Additional guidance	9
Location Plan – NV5	10
Validation Requirement.....	10
Additional guidance	10
Any other plans to describe the application – NV6.....	11
Validation Requirement.....	11
Design and Access Statement – NV7	11
Site/Block Plans - Existing and Proposed – LV8.....	11

Validation Requirement.....	11
Additional guidance	12
Floor Plans - Existing and Proposed – LV9	12
Validation Requirement.....	12
Elevation Plans - Existing and Proposed – LV10	13
Validation Requirement.....	13
Street-scene Plans - Existing and Proposed – LV11	13
Validation Requirement.....	13
Site Section Plans – LV12	13
Validation Requirement.....	13
Vehicle Parking Plans - Existing and Proposed – LV13.....	14
Validation Requirement.....	14
Heritage Statement – LV14.....	14
Validation Requirement.....	14
Tree Surveys & Arboricultural Implications Assessment – LV15.....	14
Validation Requirement.....	14
Preliminary Ecological Appraisal / Ecological Impact Assessment report – LV16	15
Validation Requirement.....	15
Flood Risk Assessment – LV17.....	16
Validation Requirement.....	16
Coal Mining Risk Assessment – LV18	16
Habitat Regulations Assessment – LV19.....	17
Biodiversity Net Gain – LV20	18
Noise Impact Assessment – LV21.....	19
Ground Conditions - Contamination and Land Stability – LV22.....	19
Transport Assessment / Transport Statement – LV23	20
Travel Plan / Travel Statement – LV24.....	20
Air Quality Assessment – LV25	21
Planning Statement – LV26	21
Proposed Landscape Scheme – LV27	22
Environmental Impact Assessment Screening Opinion– LV28	22
(Retail) Sequential Assessment – LV29	22
Retail Impact Assessment – LV30	23

1. Introduction

Walsall Council has produced this guide to help its Development Management customers understand what needs to be submitted to support a planning application. This guide covers all planning application types excluding Prior Approvals, and householders which are included in a separate published dedicated Householder Validation Checklist. It also excludes Section 73 applications which are already subject to a reduced number of national validation requirements. You are encouraged to seek pre-application advice to understand what supporting documents and plans might be required for a S73 application.

This checklist is supplemented by a number of detailed guidance notes which have been published alongside this checklist.

A checklist has been produced under Article 11 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Planning Practice Guidance and paragraph 44 of the National Planning Policy Framework (NPPF). The guidance states that Local Planning Authorities should publish their information requirements for applications, which should contain only the information necessary to make decisions (supporting information that is relevant, necessary and material to the application).

Walsall Council welcomes and encourages you to apply for pre-application advice before submitting a planning application. Pre-application advice can assist in better quality applications with a better chance of a successful outcome. For further information regarding pre-application advice can be found on our [website](#).

When the information required by this checklist is not submitted with an application and is considered by the Local Planning Authority (LPA) to be reasonable and necessary to assess the application correctly, the LPA will declare the application invalid, and delays will occur whilst you source/provide the information. All technical surveys and reports should be carried out by a competent person.

If applications are accompanied by the necessary supporting information, the Council is more likely to be able to make a decision within the governments timeframes for determining applications. Nevertheless, there may be instances when a validated application does not contain all the information needed to make a decision. Consequently, the Council may seek additional information post-validation under the Town and Country Planning (Application) Regulations 1988.

In the event that the application is later found to be invalid after registration, the original start date for processing the application will be disregarded, and the time from the resubmitted information will be recalculated.

If applicants or their representatives disagree with the Council's request for information or plans contained in the list, they may choose to challenge the Council's decision not to validate the application via appeal for non-validation under Section 78 of the Town and Country Planning Act 1990. The grounds for an appeal would be a failure to resolve within eight weeks of the LPA receiving the application. The right to file a complaint with the Local Government Ombudsman remains.

2. How Do I Demonstrate Biodiversity Net Gain?

Biodiversity Net Gain is an approach to development that aims to leave the natural environment in a better state than it was beforehand by delivering measurable improvements for biodiversity by creating or enhancing habitat in association with development.

In accordance with the National Planning Policy Framework Paragraphs 180 and 186 and Environment Act 2021 it became a statutory requirement in January 2024 for the majority of developments to meet a minimum of 10% biodiversity net gain. Although applications that meet the threshold to be classified as a 'small site' will not be required to meet this minimum requirement until April 2024.

All strategic, major and minor applications covered by the Town and Country Planning Act will be required to meet this requirement, with only the following exclusions applying:

- Permitted development;
- Urgent crown development;
- Temporary impacts that can be restored within 2 years;
- Existing sealed surfaces (such as tarmac or existing buildings) with a zero metric score;
- Development impacting habitat of an area below a 'de minimis' threshold of 25 metre squared, or 5m for linear habitats such as hedgerows;
- Householder applications;
- Biodiversity gain sites (where habitats are being enhanced for wildlife); and
- Small scale self-build and custom housebuilding.

For detailed guidance on Biodiversity Net Gain please view our separate guidance note published alongside this checklist.

Guidance also available at:

<https://www.gov.uk/government/collections/biodiversity-net-gain>

3. Tree Guidance

Walsall Council is committed to improving the local environment by securing high quality design resulting in development which respects existing natural features of value as well as restoring and extending the resource. It is vital to ensure that trees and woodlands be sustained throughout the borough. It is also important to conserve the visual quality of the natural environment for all people currently living or working in Walsall as well as for visitors and prospective investors.

For detailed guidance on submitting tree related information please view our separate guidance note published alongside this checklist.

4. What Should a Heritage Statement Contain?

A Heritage Statement (sometimes referred to as a Heritage Impact Statement and Heritage Assessment) is a written assessment that describes the significance of any heritage asset and / or their setting affected by a development proposal, and / or the contribution of that setting and of the impacts of that development proposal upon them.

For detailed guidance on what to include in a Heritage Statement please view our separate guidance note published alongside this checklist.

5. Ecology Surveys

Walsall holds numerous local and internationally designated sites of ecological interest, with many rare and legally protected species present within the green spaces and urban areas of the Borough.

All developments, even those involving minor works, have the potential to adversely impact these sites and species. As such Walsall has a duty and a commitment to protect them by understanding any potential impacts a development may have and ensuring the potential impacts are avoided, mitigated, or compensated for as part of the planning process. While safeguarding key important sites, habitats and species.

For detailed guidance on submitting ecology related information please view our separate guidance note published alongside this checklist.

6. Simple Local Validation Checklist

Validation requirements

A simple checklist of what is required for a planning application (excluding householders and Prior Approvals) is provided below.

National Validation

National Requirement	Validation Code
Application form	NV1
Fee	NV2
Ownership certificate	NV3
Agricultural land declaration	NV4
Location plan	NV5
Any other plans, drawings and information to describe the application	NV6
Design and Access Statement	NV7

Local Validation

Local Requirement	Validation Code
Site/Block Plans - Existing and Proposed	LV8
Floor Plans - Existing and Proposed	LV9
Elevation Plans - Existing and Proposed	LV10
Street-scene Plans - Existing and Proposed	LV11
Site Section Plans	LV12
Vehicle Parking Plans - Existing and Proposed	LV13
Heritage Statement	LV14
Tree Surveys & Arboricultural Implications Assessment	LV15
Preliminary Ecological Appraisal / Ecological Impact Assessment report	LV16
Flood Risk Assessment & Sustainable Urban Drainage Strategy (SUDS)	LV17
Coal Mining Risk Assessment	LV18
Habitat Regulations Assessment	LV19
Biodiversity Net Gain	LV20
Noise Impact Assessment	LV21
Ground Contamination Assessment	LV22
Transport Assessment / Transport Statement	LV23
Travel Plan / Travel Statement	LV24
Air Quality Assessment	LV25
Planning Statement	LV26
Landscape Scheme	LV27
EIA Screening Opinion	LV28
Retail Sequential Assessment	LV29
Retail Impact Assessment	LV30

Full details of each validation requirement is set out further below in this checklist.

7. Detailed Validation Guidance

Scale and Disclaimers

We will accept submitted plans that include a do-not-scale disclaimer providing they can be accurately measured at the stated scale.

45 Degree Code

We will assess potential impacts to any adjoining or adjacent neighbours' amenity arising from your proposal using the 45 degree line guidance available here. You are encouraged to demonstrate adherence to the 45 degree code in your application submission.

Application form - NV1

Validation Requirement

All applications:

- Appropriate application form
- All parts of the form must be completed
- The site address must match the address marked on the location plan and block plan
- The declaration must be signed and dated

Additional guidance

Further guidance on this requirement can be found on GOV.UK

<https://www.gov.uk/guidance/making-an-application#Application-form>

You can apply for planning permission and complete the application forms online through the [Planning Portal](#).

[Link back to a simple checklist](#)

Fee - NV2

Validation Requirement

All applications:

- Correct full fee to be paid

Additional guidance

A simple version of the nationally set planning fees can be found on Planning Portal by clicking the following link

https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf

You can also pay online using the Walsall Council online payment page by clicking the following link <https://go.walsall.gov.uk/forms/Make-planning-payment>. **Always provide the site address of the proposed planning application as the reference number.**

You can pay by credit/debit card by calling 01922 652620. **Always provide the site address of the proposed planning application as the reference number.**

[Link back to a simple checklist](#)

Ownership Certificate – NV3

Validation Requirement

All applications:

- A completed ownership certificate

- Signed and dated

Additional guidance

Each application must be accompanied by an Ownership certificate. There are four types, and you need to identify which is the correct one for your application.

Certificate A

To be completed if you are the sole owner of the land to which the application relates and there are no agricultural tenants.

Certificate B

To be completed if you are not the sole owner, or if there are agricultural tenants, and you know the names and addresses of all the other owners and/or agricultural tenants together with one of the notices below. A Notice under Article 13 must then be served on the owner and a copy of the notices included with the planning application.

Certificate C

To be completed if you do not own all of the land to which the application relates and do not know the name and address of all of the owners and/or agricultural tenants. A Notice under Article 13 must then be served on the known owners and a copy of the notices included with the planning application.

Certificate D

To be completed if you do not own all of the land to which the application relates and do not know the names and addresses of any of the owners and/or agricultural tenants.

Notices under Article 13

This notice is to be printed and served on individuals prior to completing Certificate B or C in the application form.

- <https://ecab.planningportal.co.uk/uploads/1app/notices/notice1.pdf>

[Link back to a simple checklist](#)

Agricultural Land Declaration – NV4

Validation Requirement

- Completed agricultural land declaration

Additional guidance

All agricultural tenants on a site must be notified prior to the submission of an application for planning permission. Applicants must certify that they have notified any agricultural tenants about their application, or that there are no agricultural tenants on the site. This declaration is required whether or not the site includes an

agricultural holding. It is incorporated into the ownership certificates on the standard application form.

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Ownership-Certificate-and-Agricultural-Land-Declaration>

[Link back to a simple checklist](#)

Location Plan – NV5

Validation Requirement

All applications:

- Location plan based on an up-to-date map.
- Shows the application site in relation to surrounding area.
- Should identify sufficient roads and / or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.
- Identified metric scale typically 1:1250 or 1:2500.
- Show the direction of north.
- Application site should be edged clearly with a red line.
- Red line should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings).
- Red line should also include any associated works to the highway falling outside of the application site i.e. dropped kerb and new vehicular access or works to the highway.
- A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

Additional guidance

When using Ordnance Survey mapping for planning applications, the map should:

- NOT be Photocopy or screen grab image.
- NOT be a Land Registry map
- NOT be used for multiple applications
- NOT to be copied from existing OS mapping if using hand drawn maps
- SHOW OS Crown copyright as an acknowledgement
- SHOW the correct licence number

If you require any further information or clarification on Ordnance Survey Licences and Copyright, please contact Ordnance Survey Helpdesk on – Free phone: 03456 050505.

You can buy a plan from one of the Planning Portal's accredited suppliers
<https://www.planningportal.co.uk/buyplans>

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Plans-and-drawings>

[Link back to a simple checklist](#)

Any other plans to describe the application – NV6

Validation Requirement

Additional plans and drawings will in most cases be necessary to describe the proposed development, as required by the legislation see [article 7\(1\)\(c\)\(ii\) of the Town and Country Planning \(Development Management Procedure\) \(England\)](#)

[Link back to a simple checklist](#)

Design and Access Statement – NV7

Validation Requirement

- A Design and Access Statement (DAS) must be submitted for:
 - Applications for major development;
 - Applications for development in a conservation area, where the proposed development consists of one or more dwellings or a building or buildings with a floor space of 100 square metres or more; and
 - Applications for listed building consent.

Guidance on Design and Access Statements available at:

<https://www.gov.uk/guidance/making-an-application>

[Link back to a simple checklist](#)

Site/Block Plans - Existing and Proposed – LV8

Validation Requirement

All applications:

- Block or Site Plan.
- Based on an up-to-date map.
- Shows the proposed development in relation to the site boundaries and other existing buildings on the site.
- Must show access arrangements.
- Must show all buildings, roads and footpaths on land adjoining the site including access arrangements within 10 metres of the boundary.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Show the direction of north.
- Should be scaled to fit onto A4 or A3 size paper

Should include unless they would NOT influence or be affected by the proposed development

- All public rights of way (crossing or adjoining the site).

- The position of all trees on the site, and those on adjacent land.
- The extent and the type of any hard surfacing.
- The boundary treatment including walls or fencing where this is proposed.
- Main river or ordinary watercourse.

Additional guidance

When using Ordnance Survey mapping for planning applications, the map should:

- NOT be Photocopy or screen grab image unless you have;
 - An annual licence to make copies; or
 - A bulk copy arrangement; or
 - Have purchased the site-specific map from the Planning Portal for the purposes of attaching to a planning application, appeal or representation.
- NOT be a Land Registry map
- NOT be used for multiple applications
- NOT to be copied from existing OS mapping if using hand drawn maps
- SHOW OS Crown copyright as an acknowledgement
- SHOW the correct licence number

If you require any further information or clarification on Ordnance Survey Licences and Copyright, please contact Ordnance Survey Helpdesk on – Free phone: 03456 050505.

You can buy a plan from one of the Planning Portal's accredited suppliers
<https://www.planningportal.co.uk/buyplans>

Further guidance on this requirement can be found on GOV.UK
<https://www.gov.uk/guidance/making-an-application#Plans-and-drawings>

[Link back to a simple checklist](#)

Floor Plans - Existing and Proposed – LV9

Where relevant you may wish to choose to show the 45 degree line(s) in relation to the proposal from nearest neighbour(s) habitable window(s). This is a key part of the council's assessment of a development proposal. Further guidance available [here](#).

Validation Requirement

All applications that include existing and/or proposed floorspace:

- Label plans clearly and logically, for example, by showing the room names.
- Show internal divisions within the building.
- Clearly show existing layout (where relevant / necessary) and proposed layout for example through use of different coloured lines accompanied by a key to describe each.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Elevation Plans - Existing and Proposed – LV10

Validation Requirement

All applications that include existing and/or proposed building(s):

- All elevations must be clearly and logically labelled, for example front or rear elevation and given titles which refer to their content.
- Clearly show existing and proposed elevations for example through use of different shading or colour accompanied by a key to describe each.
- Where any proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property.
- Where an existing building is being extended or altered, the whole of any existing elevation that is being extended or altered must be shown, not just part of it.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Street-scene Plans - Existing and Proposed – LV11

Validation Requirement

All applications that will change the site's appearances in the main street scene(s) or to key public frontages i.e. canal or public realm:

- Show existing and proposed front elevations on street-scene plans and relationship with adjoining and adjacent properties where a proposal introduces new built form or includes substantial changes to the existing main elevation and/or includes any change to the main roof that would be visible within the street scene.
- Show any changes in land levels between application site and adjoining or adjacent properties.
- Clearly annotate existing and proposed eaves and ridge heights where a proposal involves any change to the main roof.
- Clearly label each elevation.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Site Section Plans – LV12

Validation Requirement

All applications that include changes to site levels by more than 0.3m:

- Show any proposed changes to site levels over 0.3 metres within the application site.
- Show any relationship with adjoining changes in land levels.

- Show a cross section(s) through the proposed building(s) and/or extension(s).
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Vehicle Parking Plans - Existing and Proposed – LV13

Validation Requirement

All applications that include existing and/or proposed parking:

- Showing existing and proposed vehicle parking spaces within the application site.
- Showing swept path analysis (auto-track) for all relevant types and sizes of vehicles associated with the development.
- Identified metric scale typically 1:100, 1:200 or 1:500.
- Should be scaled to fit onto A4 or A3 size paper.

[Link back to a simple checklist](#)

Heritage Statement – LV14

Validation Requirement

All applications that have potential to impact on a heritage asset(s):

- Describe the significance of any heritage assets affected, including any contribution made by their setting.
- Level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Please refer to the separate published detailed guidance note for further guidance.

[Link back to a simple checklist](#)

Tree Surveys & Arboricultural Implications Assessment – LV15

Validation Requirement

All applications that have potential to impact on trees:

- Survey and appraisal of trees on the application site and adjoining land consistent with the standards set out in British Standard 5837:2012.
- A tree survey in table and plan form in accordance with the provisions of B.S.5837:2012 Trees in Relation to Design Demolition and Construction – Recommendations must be provided showing the condition, location and constraints of all trees on and adjacent to the site.
- Trees which are to be retained and removed should be clearly marked on a Tree Protection Plan (TPP) and the Proposed Site/Layout Plan, illustrating root protection areas.

- Arboricultural Method Statement and Tree/hedge Protection Plan (TPP) should be provided detailing the measures to be taken to protect all trees proposed to be retained on the submitted drawings accompanied by schedules of any necessary facilitative tree work. Details of special construction techniques and any other special measures required to retain trees should be included.
- Schedule of tree works/pruning to retained trees in accordance with B.S.3998: 2010 Tree Work – Recommendations should be included.

Please refer to the separate published detailed guidance note for further guidance.

[Link back to a simple checklist](#)

Preliminary Ecological Appraisal / Ecological Impact Assessment report – LV16

Validation Requirement

All applications that have potential to impact on protected species and wildlife:

- Include existing and proposed site plans.
- Up-to-date site photographs annotated with descriptions.
- Description of the proposal
- Desktop study, which includes a data search request from EcoRecord, Local Biological Record Centre
- Field Survey:
 - Undertaken by an appropriately qualified and experienced person.
 - Details of the survey methodology undertaken.
 - Conducted at an appropriate time of year and undertaken within last survey season.
 - Appropriate surveys for the development undertaken.
- Description of the ecological importance of the site and individual habitats and species
- Detailed results of all specialist surveys undertaken
- GIS map (utilising UKHAB / JNCC Phase 1 Habitat Survey Categories)
- Impact Assessment
- Mitigation and enhancement strategy
- Implementation of mitigation measures
- Monitoring
- Should a Natural England License be required after planning approval, a detailed response to the three tests under the Conservation of Natural Habitat and Species Regulations 2010 (See Annex 9 in the Council's published Natural Environment SPD) will be required.
- Up-to-date best practice guidelines for surveys and reports should be adhered to and referenced. Where deviation/s or limitation/s have occurred, these should be clearly justified within the submitted report.

Please refer to the separate published detailed guidance note for further guidance.

[Link back to a simple checklist](#)

Flood Risk Assessment – LV17

Validation Requirement

All applications that fall into following categories:

- Flood Risk Assessment required for planning applications where the site area is 1 hectare or more in Flood Zone 1.
- Flood Risk Assessment required for all planning applications for new developments (excluding extensions at first floor or above) located in Flood Zones 2 and 3.
- Sustainable Drainage scheme required for all major applications (10 or more dwellings, or 1000 square metres or more of new floorspace).

Flood Risk Assessment (FRA) must demonstrate:

- whether any proposed development is likely to be affected by current or future flooding from any source;
- that the development is safe and where possible reduces flood risk overall;
- whether it will increase flood risk elsewhere; and
- the measures proposed to deal with these effects and risks;
- design which reduces flood risk to the development itself and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk;
- how surface water flows will be reduced back to equivalent greenfield rates;
- consideration of any impacts of a SUDs proposal on the significance of heritage asset(s).

For detailed West Midlands based guidance on what to include in a Flood Risk Assessment please view the separate guidance note published alongside this checklist.

You can also find out more here:

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#what-to-include-in-your-assessment>

Sequential Test:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#sequential-approach>

[Link back to a simple checklist](#)

Coal Mining Risk Assessment – LV18

Validation Requirement

All applications that fall into following categories:

- A Coal Mining Risk Assessment is required for all applications (excluding householder and exemptions (as defined on the list published on the Coal Authority website) which fall within the Development High Risk Areas as defined by The Coal Authority and held by the Local Planning Authority.

- The Local Planning Authority has implemented the Coal Authority's "risk based" approach to planning applications, and specific "Development High Risk Areas" have been defined in areas that have been subject to past coal mining activity and have recorded coal mining features present at surface or shallow depth.
- The Coal Mining Risk Assessment should be prepared by a suitably qualified and competent person (see NPPF and Coal Authority guidance on Risk Assessments for further information about this).

Guidance on Coal Mining Risk Assessments is available at:

<https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

[Link back to a simple checklist](#)

Habitat Regulations Assessment – LV19

Validation Requirement

All applications that fall into following categories:

- If your development is one of the types listed below which would lead to a net increase (1 or more) of dwellings and is located within the 15km zone of influence of Cannock Chase Special Area of Conservation (SAC) you will need to complete the habitat regulation assessment (HRA) form published alongside this checklist:
 - any housing development
 - tourist accommodation, including caravan sites
 - conversion of buildings into dwellings
 - agricultural workers dwellings
 - houses of multiple occupancy (HMOs)
 - care homes that fall under use Class C3
 - prior approval applications for the creation of dwellings
 - Gypsy, Traveller and travelling showperson's accommodation (except showman's yards with no accommodation attached)
 - new horse/pony trekking centres, livery yards or significant extensions to existing ones
- You need to check the pre-populated information on the HRA form and make any necessary edits or additions.
- You must complete the details on the front page of the HRA form with the exception of the planning application reference which will be added by the LPA once the application has been registered. If you have a planning portal reference number please include it.
- The LPA will contact you to advise of the next stages of this process once the submitted HRA form has been reviewed (usually after the 21 day statutory consultation period). The LPA will explain how to secure any necessary mitigation required to address impacts to the SAC.
- A habitat regulation assessment will be required for any development with the potential to impact the Cannock Extension Canal SAC.

Guidance on SAC is available at:

<https://go.walsall.gov.uk/parks-and-green-spaces/conservation-and-the-environment/special-areas-conservation>

[Link back to a simple checklist](#)

Biodiversity Net Gain – LV20

Validation Requirement

Following January 2024, all developments covered by the Town and Country Planning Act, not exempt under the list provided in Chapter 2, would need to meet a minimum 10% biodiversity net gain. While this will be a statutory pre-commencement condition, sufficient information is required up-front to support the application assessment against the statutory requirement and to inform any required legal agreement.

Outline planning applications:

- A statement to agree to the inclusion of the necessary biodiversity gain condition on any planning permission;
- The pre-development biodiversity value of the onsite habitat on the date of application (or an earlier date) including a completed metric calculation tool (Using the latest DEFRA Metric spreadsheet version) showing the calculations;
- A proposed earlier date for the pre-development biodiversity value, if necessary, with reasons given for proposing that date;
- A statement confirming whether the biodiversity value of the onsite habitat is lower on the date of application (or an earlier date) because of the carrying out of activities in which case the value is to be taken as immediately before the carrying out of the activities, and if degradation has taken place supporting evidence of this;
- A description of any irreplaceable habitat on the land to which the application relates, that exists on the date of application (or an earlier date); and
- A plan, drawn to an identified scale which must show the direction of North, showing onsite habitat existing on the date of application, including any irreplaceable habitat.

Full planning applications:

- A draft biodiversity gain plan including a completed biodiversity metric calculation tool (Using the latest DEFRA Metric spreadsheet version);
- A draft habitat management and monitoring plan;
- Details of any planning obligations / covenant required;
- A plan, drawn to an identified scale which must show the direction of North, showing onsite habitat existing on the date of application, including any irreplaceable habitat; and
- A plan, drawn to an identified scale which must show the direction of North, showing post development habitat.

For detailed guidance on Biodiversity Net Gain please view our separate guidance note published alongside this checklist.

Guidance also available at:

<https://www.gov.uk/guidance/understanding-biodiversity-net-gain>

The national biodiversity gain plan template is available at:

<https://www.gov.uk/government/publications/biodiversity-gain-plan>

The national habitat management and monitoring plan template is available at:

<https://publications.naturalengland.org.uk/publication/5813530037846016>

[Link back to a simple checklist](#)

Noise Impact Assessment – LV21

Validation Requirement

All applications that fall into following categories:

- All major industrial or commercial applications.
- All major applications that introduce or expose noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.
- The Noise Impact Assessment should outline the potential sources of noise generation, and how these may have a negative effect on local amenity. The assessment should also outline how the developer mitigates any adverse issues identified by the assessment. Any recommendations to mitigate noise should be incorporated into the submitted plans for the application.

[Link back to a simple checklist](#)

Ground Conditions - Contamination and Land Stability – LV22

Validation Requirement

All applications that fall into following categories:

- All new development except changes of use or adaptation of existing buildings that do not involve any excavation, ground works or other operations which involve ground disturbance.
- Planning applications should be accompanied by a Desk Top Study written by a competent person setting out:
 - the land use history of the site and adjoining land;
 - likelihood of contamination, landfill gas, land instability or other present hazards;
 - potential risks to future site users;
 - the environment;
 - ground water and controlled waters; and
 - an indication of the nature and extent of any additional investigation needed to fully characterise the site.

- Where the Desk Top Study indicates that the site may be significantly contaminated or highlights concerns that extensive remediation works will be required to make the site suitable for the proposed development, intrusive investigation works may need to be completed and a site investigation report produced to support the application. In the case of land stability this may require slope stability analysis to inform the design process. In such instances the applicant is encouraged to seek pre-application advice with the LPA to establish the extent of information required to ensure that an application is acceptable.
- For major residential development not using a sewerage undertaker the completion and submission of the Environment Agency foul drainage assessment form (published alongside this checklist).
- For any non-residential development proposing non-mains foul drainage the completion and submission of the Environment Agency foul drainage assessment form (published alongside this checklist). This is not required if the site is located within source protection zone 1 and/or it is for the disposal of trade effluent where the building is +1000m² / site area is +1ha.

For detailed West Midlands based guidance on what to include in a contaminated land assessment please view the separate guidance note published alongside this checklist.

Further guidance also available here:

<https://go.walsall.gov.uk/people-and-communities/protecting-our-environment/contaminated-land>

<https://go.walsall.gov.uk/people-and-communities/protecting-our-environment/find-out-about-pollution-and-previous-land-use>

[Link back to a simple checklist](#)

Transport Assessment / Transport Statement – LV23

Validation Requirement

- All applications likely to generate very significant traffic movements and/or large numbers of trips.

Guidance on Transport Assessment / Statement available at:

<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements#transport-assessments-and-statements>

[Link back to a simple checklist](#)

Travel Plan / Travel Statement – LV24

Validation Requirement

- All applications likely to generate significant traffic movements and/or large numbers of trips.

Guidance on Travel Plans / Statement available at:

<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements#transport-assessments-and-statements>

[Customer guide to completing Planning Obligations](#)

[Link back to a simple checklist](#)

Air Quality Assessment – LV25

Validation Requirement

All applications that fall into following categories:

- Developments within areas where air quality does not, or is unlikely to, meet air quality objectives (air quality hotspots).
- The assessment should include consideration of potential increased exposure for relevant receptors affected by the development. The assessment should take into account the individual and cumulative air quality impacts of existing and committed developments.
- Assessment should include any recommended mitigation measures.

Guidance on air quality available at:

<https://go.walsall.gov.uk/people-and-communities/protecting-our-environment/air-quality>

[Link back to a simple checklist](#)

Planning Statement – LV26

Validation Requirement

All applications that fall into following categories:

- All major applications (10 or more dwellings or 1,000m² or more of new floorspace) including change of use applications, extensions and mezzanine floors, except for waste management and mineral development applications.
- The statement must include a general description of the application site and the proposed development, and a summary of how the proposal accords with relevant national and local planning policies, including policies governing the sustainable use and consumption of resources.
- The statement should cover the following issues:
 - A general description of the application site
 - A general description of the development
 - A statement demonstrating that the proposal is a sustainable development
 - A statement demonstrating that the proposal is either consistent with development plan land use policy, or a departure that is justified (with reasons set out)

- An Energy Statement summarising how the proposal addresses the need for energy efficiency and to increase use of renewable/ low carbon energy
- A Waste and Resource Management Statement summarising how the proposal addresses the need for resource efficiency and sustainable waste management
- A Water Conservation Statement summarising how the proposal addresses the need to minimise water consumption and use water more efficiently

[Link back to a simple checklist](#)

Proposed Landscape Scheme – LV27

Validation Requirement

All applications that propose landscaping:

- All detailed applications containing areas of land that will include areas of hard and / or soft landscaping.
- Should include details of proposed plant species taking account of local biodiversity and habitat requirements.
- Should include all proposed external hard surfaces.

[Link back to a simple checklist](#)

Environmental Impact Assessment Screening Opinion– LV28

Validation Requirement

All applications that fall into following categories:

- Major developments which are of more than local importance.
- Developments which are proposed for particularly environmentally sensitive or vulnerable locations.
- Developments with unusually complex and potentially hazardous environmental effects.
- Developments that are likely to have significant environmental effects will require an Environmental Impact Assessments (EIA). Proposals that may require this need to be “screened” by the Council to determine whether an EIA is required, this process should be applied for prior to the submission of an application. The procedure for this is governed by the European EIA Directive and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011 No. 1824) (the EIA Regulations).

Guidance on EIA screening opinion / scoping opinion available at:

<https://www.gov.uk/guidance/environmental-impact-assessment>

[Link back to a simple checklist](#)

(Retail) Sequential Assessment – LV29

Validation Requirement

All applications that fall into following categories:

- All applications for all main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan resulting in the creation of more than 200m gross² additional floorspace.
- As well as floorspace resulting from new development, this requirement also applies to extensions to main town centre uses, and any application for the conversion of floorspace to a main town centre use; and/or any application to vary or remove vary conditions controlling the range of goods sold from a retail use, where the resulting gross floorspace exceeds 200m².
- Proposals should demonstrate that the site is within an existing centre. Where an edge of centre, or failing that, an out of centre, site is proposed, the Sequential Assessment should seek to demonstrate that there are no alternative and sequentially preferable sites or buildings available.

Guidance on Retail Sequential Assessment available at:

<https://www.gov.uk/guidance/national-planning-policy-framework/7-ensuring-the-vitality-of-town-centres>

[Link back to a simple checklist](#)

Retail Impact Assessment – LV30

Validation Requirement

All applications that fall into following categories:

- Applications for retail and leisure uses, where over 2,500m² gross floorspace is proposed in an edge or out of centre location, and is not in accordance with the development plan; or
- Applications for retail and leisure uses within an existing centre and not in accordance with the development plan, where in the opinion of the Council with reference to relevant local planning policy, the proposal is potentially not of a scale appropriate to the function of that centre, and has the ability to undermine the vitality and viability of other centres.

[Link back to a simple checklist](#)



PLANNING COMMITTEE

15 January 2024

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Development Management Performance Update Report

1. PURPOSE OF REPORT

To inform members of the planning committee of the latest performance and outcomes regarding development management, including:

- i) Performance of applications determined for Q1 and Q2 of 23/24 (1 April to 30 September);
- ii) Decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q1 and Q2 of 23/24;
- iii) Update of planning applications 'called-in' by councillors in Q1 and Q2 of 23/24;
- iv) Update on enforcement caseloads and enforcement proceedings;
- v) Section 106 Agreements update for Q1 and Q2 of 23/24.
- vi) Collection of Cannock Chase SAC mitigation payments for Q1 and Q2 of 23/24.

2. RECOMMENDATIONS

That the committee notes the outcomes of monitoring performance within the service.

3. FINANCIAL IMPLICATIONS

None arising directly from this report but where a planning appeal is accompanied by an appeal for an award of costs then if the appellant is successful the costs are payable by the council. The briefing of members as to the outcome of individual planning obligations together with the total sums collected within the year will help inform and assure members of the accounting probity and monitoring that is being followed by officers.

4. POLICY IMPLICATIONS

Within council policy. All planning applications and enforcement proceedings relate to local and national planning policy and guidance.

5. **LEGAL IMPLICATIONS**

The briefing of members as to the outcome of individual appeals made by the Planning Inspectorate will help inform members of current planning issues and case law as may be raised within individual cases. Appeal decisions are material considerations and should be considered in the determination of subsequent applications where relevant.

Planning obligations are primarily negotiated as part of the determination of planning applications in accordance with the National Planning Policy Framework 2021 (NPPF), Community Infrastructure Levy Regulations 2010 (Regulation 122)(as amended), policy DEL1 of the Black Country Core Strategy, policy GP3 of Walsall Unitary Development Plan and adopted Supplementary Planning Documents.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from the report. The development management service is accredited by an Equality Impact Assessment.

7. **ENVIRONMENTAL IMPACT**

The impact of decisions made by the Planning Inspectorate on the environment is included in decision letters and all planning applications are required to consider environmental issues where material to the proposed development.

8. **WARD(S) AFFECTED**

All.

9. **CONSULTEES**

Service areas responsible for the allocation and spend of Section 106 contributions have been consulted in the preparation of this report.

10. **CONTACT OFFICER**

Mike Brereton: Group Manager, Planning
Michael.brereton@walsall.gov.uk

11. **BACKGROUND PAPERS**

All published.

Mike Brereton
Group Manager, Planning

PERFORMANCE UPDATE REPORT

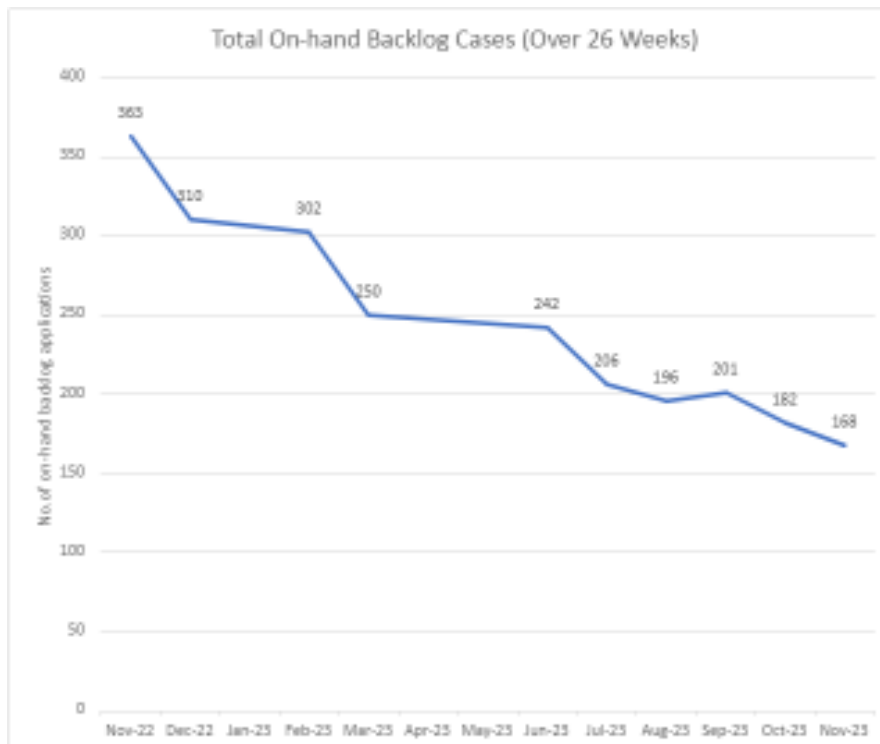
i. Development management performance update report

Updated table on the speed of planning application decisions for Q1 and Q2 of 23/24.

Note that the table also includes figures for earlier years.

Description	Target	Q1 Apr -Jun	Q2 Jul - Sep	Q3 Oct - Dec	Q4 Jan - Mar	Cumulative
23-24 - Major	60%	46%	62%			
22-23 - Major		67%	67%	63%	62%	65%
21-22 - Major		100%	86%	100%	100%	97%
23-24 - Minor	70%	44%	71%			
22-23 - Minor		78%	69%	59%	48%	63%
21-22 - Minor		85%	82%	79%	80%	82%
23-24 - Other	70%	87%	89%			
22-23 - Other		93%	92%	93%	84%	90%
21-22 - Other		92%	86%	87%	82%	87%

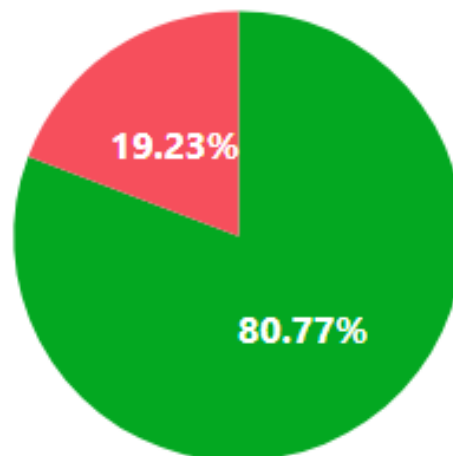
12.1 The latest performance figures show some reduced performance which reflects the continued clearance of older backlog cases. Since the end of February 2023 we have issued 227 backlog decisions, supported by contract workers, reducing the backlog cases by over 50% since November 22. This demonstrates our continued commitment to significantly reducing the backlog:



- 12.2 Once the backlog has been reduced to a more manageable level, permanent members of the team will be able to progress their caseloads more efficiently. In addition to the existing 26 week planning guarantee (now only applies to majors), as of 6 December the government has also introduced a new shorter 16 week planning guarantee for minor applications (including householders). Given this greater focus on performance further service changes are planned to support this reduced timescale.
- 12.3 1514 overall decisions made between January and November, including all application types (full, prior approvals, withdrawn) and shows that the team is still achieving a significant output of decisions. Of these, 1014 decisions were made on full applications of which 80.77% were approved. This is a positive sign that the majority of applications are gaining approval.

Full apps approval rate

● Permission Granted ● Permission Refused



ii. Decisions made by the Planning Inspectorate in Q1 and Q2 2023/24

Application:	22/0657
Site:	On pavement outside Pinfold Health Centre, Pinfold, Bloxwich, Walsall, WS3 3JL
Proposal:	Installation of a 15 metre high monopole 6no antennas 4no equipment cabinets
Delegation Level:	Delegated
Council Decision:	Prior Approval: REFUSED
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that insufficient evidence was provided on alternative sites and that the mast would appear excessive in scale and an unduly prominent and intrusive feature that would fail to integrate well with its surroundings

Application:	22/0229
Site:	30 LAKE AVENUE, WALSALL, WS5 3PA
Proposal:	Proposed single storey rear extension and alterations to roof over front entrance for a new porch
Delegation Level:	Planning Committee
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would result in adverse impacts to the living conditions of No.28

Application:	22/0815
Site:	33 Stanhope Way, Great Barr, Walsall, B43 7UB
Proposal:	Side two storey extension
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would have an adverse effect upon the character and appearance of the surrounding area and an adverse effect upon highway safety

Application:	22/0777
Site:	12 LANGHAM GREEN, STREETLY, SUTTON COLDFIELD, B74 3PS
Proposal:	T7 - Norway Maple - Fell
Delegation Level:	Delegated
Council Decision:	Refuse consent
Appeal Decision:	Appeal allowed
Comments:	Inspector concluded that the tree is of low amenity value and the small garden size would not accommodate a replacement tree so no replacement tree condition included

Application:	21/1574
Site:	9 CHESTER ROAD, STREETLY, SUTTON COLDFIELD, B74 2HP
Proposal:	Willow tree in front garden - Fell
Delegation Level:	Delegated
Council Decision:	Refuse consent
Appeal Decision:	Appeal turned away
Comments:	Appeal was lodged beyond the statutory appeal period

Application:	22/0885
Site:	17 MAW STREET, WALSALL, WS1 3LG
Proposal:	Retrospective permission for a Single Storey Rear Extension
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would have a harmful effect on the living conditions of the occupiers of No.15

Application:	22/1434
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Site:	98 SUTTON ROAD, WALSALL, WS1 2PN
Proposal:	Resubmission of 22/0300: Two storey side and rear extensions with removal of catslide roof over the garage and addition of a third front gable
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area

Application:	23/0018
Site:	43 GROSVENOR AVENUE, STREETLY, SUTTON COLDFIELD, B74 3PE
Proposal:	Resubmission of 22/1238: Two storey and first floor front extension & loft conversion including roof extension with ridge height increase, half hip design and rear dormer
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal allowed
Comments:	Inspector concluded that it would have an acceptable effect on the character and appearance of the host property and the area

Application:	22/1707
Site:	67, PARK HALL ROAD, WALSALL, WS5 3HL
Proposal:	Two storey rear extension with side facing dormer windows
Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it represents poor design and fails to demonstrate retention of trees

Application:	21/1720
Site:	FIELD ADJACENT THE DUCKERY, CHAPEL LANE, GREAT BARR
Proposal:	Construction of a temporary 49.35MW battery storage facility to include 28 energy storage container units, associated controls, PCS inverters, cooling and fire safety system, 14 Transformer feeder pillars, two substations and compound, each with an open air transformer, dedicated access track, security fencing enclosing the site, 14 low voltage cabins each with an open air transformer and high voltage switchgear. Intended lifespan of 40 years.
Delegation Level:	Planning Committee
Council Decision:	Refuse permission
Appeal Decision:	Appeal withdrawn
Comments:	New planning application lodged under reference 23/1286

Application:	23/0109
Site:	154 LORD STREET, WALSALL, WS1 4DT
Proposal:	Resubmission of application 21/1020 (single storey and first floor rear extension) - requesting retrospective permission for increased roof ridge and eaves height of the single storey rear extension.

Delegation Level:	Delegated
Council Decision:	Refuse permission
Appeal Decision:	Appeal allowed
Comments:	Inspector concluded that it would not result in significant impacts to No.152 and would not appear unduly out of scale or character with the area

Application:	22/1582
Site:	Land at Ablewell Service Station, Ablewell Street, WALSALL, WS1 2EQ
Proposal:	Freestanding internally illuminated digital billboard sited 2.5m above ground, 3m high, 6m wide and 0.269m deep.
Delegation Level:	Delegated
Council Decision:	Refuse consent
Appeal Decision:	Appeal dismissed
Comments:	Inspector concluded that it would cause unacceptable harm and would not preserve or enhance the character and appearance of the conservation area

Target = no more than 10% determined contrary to Council's decision

Total number of qualifying appeals = 9 applications

(Appeals against non-determination, conservation / listed building consent, adverts and those withdrawn are not included).

Qualifying appeals not decided in accordance with Councils decision = **33% (3 applications)**

12.6 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the borough, it is vital that robust reasons for refusal are given that state relevant National and Local policies. In this way decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the council's ability to defend refusal decisions most effectively at appeal, and minimise the risk of costs being awarded to appellants. We review allowed appeals to understand whether changes are required in our assessment of certain applications and to inform future training and learning programmes.

iii. Called in Applications

12.7 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows that the number of call ins has reduced since the introduction of the new delegation in October 2022 allowing us to issue decisions more speedily and allowing planning committee to focus on the most contentious cases:

Period	Quarter	Call Ins
23/24 (Jul-Sep)	Q2	1 application called in during 2 meetings
23/24 (Apr-Jun)	Q1	3 applications called in during 2 meetings
22/23 (Jan-Mar)	Q4	5 applications called in during 3 meetings
22/23 (Oct-Dec)	Q3	4 applications called in during 3 meetings

22/23 (Jul-Sept)	Q2	2 applications called in during 2 meetings
22/23 (Apr-Jun)	Q1	3 applications called in during 3 meetings
21/22 (Jan-Mar)	Q4	10 applications called in during 3 meetings
21/22 (Oct-Nov)	Q3	7 applications called in during 3 meetings
21/22 (Jul-Sept)	Q2	7 applications called in during 3 meetings
21/22 (Apr-Jun)	Q1	9 applications called in during 2 meetings
20/21 (Jan-Mar)	Q4	4 applications called in during 3 meetings
20/21 (Oct-Nov)	Q3	4 applications called in during 3 meetings
20/21 (Jul-Sept)	Q2	6 applications called in during 3 meetings
20/21 (Apr-Jun)	Q1	4 applications called in during 2 meetings
19/20 (Jan-Mar)	Q4	5 applications called in during 3 meetings
19/20 (Oct-Nov)	Q3	5 applications called in during 3 meetings

12.8 The Call-in Procedure is set out in paragraph (11) of Part 3: Responsibility for Functions of the Constitution:

Notwithstanding the terms of reference of Planning Committee any planning application can be called in by a Councillor for determination by the Committee by the following procedure;

1. The receipt by Planning and Building Control Service Area of a completed call-in form within 28 days of the commencement of public consultation;
2. The completed call-in form must identify:
 1. which material planning reason/s there are (as identified on the published call-in form) as to why the application should be determined by the Committee;
 2. the name of the Councillor calling the matter to Committee and whether the Councillor serves on Planning Committee;
 3. whether the Councillor calling the matter to Committee wishes to be a speaker for or against the matter; and
 4. where the Councillor sits on Planning Committee whether the Councillor wishes to declare an interest.

Note: The Committee report will identify the Councillor who called in the application along with the reason given and any interest declared.

12.9 For details of applications previously called in please refer to the previous performance reports.

Q1 23/24

Committee	Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Planning Agent	Application Address	Method/Reason for Call In
27 April 23	Cllr Flint	Bloxwich East	23/0248	DCMS	Land rear 107-109 Lichfield Road,	Benefit of delivering new homes, no significant harm

					Bloxwich, WS3 3LU	to amenities and design consideration
27 April 23	Cllr Wilson	Aldridge Central and South	21/0168	None	11 Knights Hill, Aldridge, WS9 0TG	Improvement to character and amenities of area
27 April 23	Cllr Pedley	Streetly	20/1606	Spoooner Architects	68 Thornhill Road, Streetly, B74 3EW	Improvement to character and amenities of area

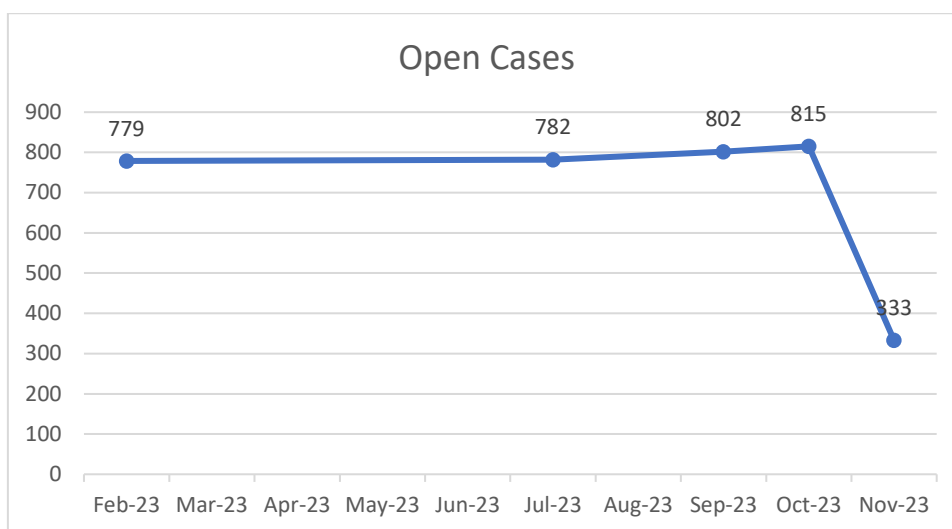
Q2 23/24

Committee	Called in by Council or	The Electoral Ward for the Application	Planning Application Number	Planning Agent	Application Address	Method/Reason for Call In
7 September 2023	Cllr Andrew	North and Walsall Wood	20/0616	Lapworth Architects Ltd	Boatmans Rest, 20 High Street, Walsall Wood, WS9 9LP	None received

iv. iv) Update on enforcement caseloads and enforcement proceedings

12.10 There has been a significant increase in the number of cases closed between October and November 2023 as part of a programme of reviewing older cases. The team has also been busy with court proceedings and have had much success on several cases:

Number of cases	Nov-23	Oct 23	Sep 2023	July 2023	Feb 23
Open Cases	333	815	802	782	779



- (i) Public session – attached Table 1 and 2
 - (ii) Private session – see attached Table 3
- Please note that Table 3 contains information which is private and confidential and so is not available for public inspection.

It includes 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.

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

v. Section 106 Agreements update for Q1 and Q2 23/24

12.10 The table below sets out that £4,537,381 has been received in contributions to date and that £3,262,487 has been expended and / or allocated to date. The majority of the remaining balance comprises of a series of contributions for development that has either recently been approved, the target dates for expenditure are yet to be reached, or formal allocations of monies are yet to be confirmed. The figures in this table are subject to change between reporting periods to reflect new contributions received and areas of spend. This also reflects the on-going collaborative work stream with service areas to update the Council's S106 records, and ensuring records are updated.

Summary of all total S106 Income, allocation and expenditure as at Dec 2023:

Service Area	S106 Contribution received to date	Spent to date	Committed / Allocated	Balance Remaining
Affordable Housing	£1,538,103	£274,993	£1,054,160	£208,950
Children's Services	£637,365	£512,155	£0	£125,209
Clean & Green	£2,287,303	£1,421,179	£0	£866,123
TOTAL	£4,462,771	£2,208,327	£1,054,160	£1,200,282

12.11 The received contributions and new agreements in Q1 and Q2 of 23/24 are set out in appendix 1.

vi. **Collection of Cannock Chase SAC Mitigation Payments for Q1 and Q2 23/24**

Planning Application Reference	Site Address	Mitigation Sum £	Date Paid
21/1464	218 HIGH STREET, BLOXWICH, WALSALL, WS3 3LQ	1162.32	05/04/23
21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	9589.14	19/05/23

Appendix 1

Ref	Site Address	Ward	Agreement Date	Obligation	(£) Contribution on Due	(£) Contribution Received	Date Contribution on Paid	Transferred (£)	(£) Committed / Allocated	Date Committed / Allocated	(£) Actual Spend to Date	Balance Remaining (£)	Contribution spent (Date)	Update
New contributions received														
21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	Blakenall	17/11/2022	Open Space within the locality	£47,265.00	£47,265.00	18/05/2023	£46,556.02				£46,556.02		
21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	Blakenall	17/11/2022	Access improvements and wayfinding to the Wyrley & Essington Canal towpath	£2,500.00	£2,500.00	18/05/2023	£2,462.50				£2,462.50		
21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	Blakenall	17/11/2022	Affordable Housing in Walsall	£2,500.00	£2,500.00	18/05/2023	£2,462.50				£2,462.50		
20/0746	FORMER A B WASTE MANAGEMENT LTD, CEMETERY ROAD, DARLASTON, WEDNESBURY, WS10 8NA	Bentley & Darlaston North	26/05/2022	New stepped towpath to Forsters Bridge and wheelie cycling ramp	£10,000.00	£10,000.00	12/04/2023					£10,000.00		
20/0490	348, WOLVERHAMPTON ROAD WEST, WILLENHALL, WV13 2RN	Willenhall South	19/11/2021	Improvements and maintenance of Open Space located at the Bentley Greenway and/or the Open Space located at Bentley Road West	£22,869.00	£22,869.00	21/06/2023	£22,525.96			£9,696.50	£12,829.46		£9,696.50 spent on Bentley greenway. Balance to be spent on play area improvements at Bentley West.
New agreements														
22/0254	Land off The Green, Aldridge	Aldridge Central and South	07/09/2023	Off-Site Affordable Housing	£302,920.65									
22/0254	Land off The Green, Aldridge	Aldridge Central and South	07/09/2023	Cannock Chase Special Area of Conservation mitigation	£14,238.42									

22/0254	Land off The Green, Aldridge	Aldridge Central and South	07/09/2023	Reconfiguration works to Anchor Meadow Health Centre to increase the patient capacity	£29,434.66									
22/0254	Land off The Green, Aldridge	Aldridge Central and South	07/09/2023	Improved access at Anchor Meadows open space with improved footpaths, bins, planting and benches	£23,406.27									

PLANNING COMMITTEE – 15 January 2024: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

Table 1 - Sites with Notices served or authorisation to Serve Notices

Case Number	Officer	Address	Date	Type of Action and date of issue	Current position
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	3 rd June 2019	Enforcement action authorised by planning committee on 18/4/19	Enforcement Notice served for material change of use and operational development on 28 th May 2019, notice will be effective on 27 th June 2019. Compliance to be undertaken by 27 th Sept 2019.
			14 th November 2019		Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28 th June 2019, effective on 30 th July 2019 and compliance due 20 th October 2019. Appeal has been lodged.
			17 July 2020		Appellant signed a legal undertaking to withdraw the appeal against the enforcement notice and three months from covid restrictions being lifted for caravans
			20 July 2020		Planning Inspector confirmed the appeal had been withdrawn
			10 December 2020		Checking compliance on site
			10 March 2022		Owner has been reminded of obligations to clear the site in accordance with legal undertaking. Further monitoring taking place.

			17 Nov 2022 June 2023 Aug 2023		Caravans have been removed from the site. The owner to be reminded to clear the site of the remaining fence panels. Case under review Case closed following compliance and review.
E21/0066	RS	Arrow Industrial Estate	10 March 2022 17 Nov 2022 June 2023 December 2023	Enforcement action authorised by Planning Committee 6/1/21	A Planning Contravention Notice has been served and responses informed the Enforcement Notice which was served on 25 February. Advice provided to new site owner. Clearance works are ongoing and a review to be carried out in the New Year. Site cleared of refuse, as per notice. Compliance achieved case closed.
E21/0315	RS	Wood Farm Cottage, Wood Lane, Willenhall	10 March 2022 17 Nov 2022	Enforcement action authorised by Planning Committee 6/1/21	Following expiry of Temporary Stop Notice, no works on site have resumed, therefore enforcement notice not currently required. The situation is being monitored and a planning application is expected. New planning application lodged and valid on 28 th June 2022 under reference 22/0619. Any enforcement action will therefore be held in abeyance until application is determined.

			June 2023 December 2023		22/0619 refused March 2023. Case under review. Site visit identifies potential additional unauthorised works which are under review.
E21/0137	RH	44 Mill Lane, Willenhall	10 March 2022 17 Nov 2022 June 2023 Sep 2023	Breach of Condition Notice (BCN) authorised and served under delegated powers 7/2/22	Failure to adhere to approved plans as required by Condition 2 of permission 19/1497. BCN requires roof shape and other design details to revert to approved scheme by 7 May 2022. Site monitoring required to determine whether compliance has been achieved. Full compliance not received. To be followed up with owner(s). Last visit revealed yet to fully comply, case under review.
E20/0160	RH	53 Charlemont Rd, Walsall	10 March 2022 17 Nov 2022	Enforcement notice served on 29 October 2021 requiring demolition of wall, removal of hard surface	Enforcement Notice appealed. Currently waiting for Planning Inspectorate to confirm hearing date. Appeal decision made 7 September 2022. Enforcement notice quashed and permission granted for brick walls, pillars, land level changes and hard-surfaced driveway (Ground A). Grounds B, C and D are dismissed. Planting plans to be submitted in December in relation to replacement planting for the lost TPO tree. Site to be monitored.

			June 2023 Sept 2023		Additional plans submitted under review. Planting scheme submitted within required timeframe as per outcome of appeal and under assessment.
E21/0104	RSa	117 Sandringham Avenue, Willenhall	17 Nov 2022 June 2023 December 2023	Enforcement notice served on 28 October 2022 requiring removal of unauthorised structures and associated works Appeal decision issued 7th July 2023 dismissing appeal and demolition commenced.	Valid appeal has been lodged and a hearing is to take place. Hearing date to be confirmed. Hearing scheduled for 15 th June 2023 Appeal decision issued 7th July 2023 dismissing appeal. Demolition has commenced. The roof and 1st floor have been removed. A membrane has been attached to the exposed gable of the adjoining building.
E22/0138	RS	8 Brookhouse Road, Walsall	17 Nov 2022 June 2023 December 2023	BCN issued 10 August 2022 requiring works to dwelling to be revised to reflect the planning permission.	BCN revoked on 1 Nov 2022 due to inaccuracies within the applicant's submitted plans. Retrospective planning application likely to be submitted to try and regularise the position. Case will be monitored. Case under review. Owner has agreed to submit revised plans to try and regularise the position.

Table 2 - Historical Cases under review following Committee Resolutions

Case Number	Case Officer(s)	Address	Date of committee authorisation for Enforcement Action	Type of action and date of issue	Current position
E14/0338	AI	17 Newport Street, Walsall	26 October 2004 10 December 2020 10 March 2022	Listed Building Enforcement Notice and Prosecution	<p>Continued non-compliance with Listed Building Enforcement Notices for installation of second floor windows and painting exterior of building. Also other external alterations including first floor windows continue to be an offence. Case has been reviewed. Consolidated report being prepared with intention to report to committee in the near future. An invalid planning application has been submitted in an attempt to regularise the listed building breaches. Currently awaiting an update from the Building Conservation Officer. A site visit was undertaken on 10th May 2016 and further discussions have taken place. Planning application 16/0120 was valid 24/6/16 with officers requesting amendments. To date this still remains outstanding.</p> <p>Planning application 16/0120 is under consideration and enforcement action in abeyance at this time.</p> <p>To be reviewed as part of other cases in this area which individually, and cumulatively, have potential heritage impacts.</p>

			17 Nov 2022		Site visit has been carried out and case currently under review against the extensive planning history of the site in light of new evidence relating to some previously approved works.
			June 2023		Under review.
			December 2023		Under review.
E13/0103	RS	Ravenscourt Shopping Precinct	March 2014	Section 215 Notice	<p>Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.</p> <p>Update 9-3-15 – Owners of the site have been in contact with the LPA to discuss future the enforcement action and the future of the site. Officers have been negotiating with developers who intend to submit a planning application early 2017. The owner has confirmed they have appointed a highways consultants and are in the process of finalising a planning consultant. In addition they wish to work closely with the Town Centre Manager to ensure the security of the site and minimise ASB issues.</p> <p>Update 18-10-17 – Planning Application 17/1131 for part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Consultation period expires 15-11-17</p>

			November 2017		As there is a current application in for consideration at this stage it is not expedient to pursue formal action.
			May 2018		Site visited, action to remain in abeyance pending outcome of application.
			19 th Dec 2018		At last planning committee members resolved to support the planning application to redevelop the site subject to updated ecology report. Matter in is abeyance pending resolution of application.
			4 th June 2019		Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application.
			10 th December 2020		Planning permission granted on 28 th June 2019 and can be implemented up to June 2022.
			10 March 2022		New owner looking to re-develop.
			17 Nov 2022		New planning application submitted for re-development of the site for a foodstore which is being presented to Planning Committee 1 st December 2022 - 22/0171.
			June 2023		Planning permission for re-development 22/0171 granted December 2022.



Development Management Planning Committee

Report of Head of Planning and Building Control on 15/01/2024

CONTENTS

Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation	Page
1	23/0496	FORMER GALA BINGO, PARK LANE, DARLASTON, WS10 9SB Ward: Bentley And Darlaston North	NEW DISCOUNT FOOD STORE WITH ACCESS	REFUSE	92-109
2	22/0381	56-61 WEDNESBURY ROAD, WS1 4JL Ward: Palfrey	CHANGE OF USE OF INDUSTRIAL (E) TO RESIDENTIAL (C3) TO DELIVER 11 SELF -CONTAINED APARTMENTS ASSISTED LIVING WITH 2 ROOMS FOR STAFF FOR 24/7 STAFFING.	GRANT SUBJECT TO CONDITIONS	110-134

3	22/0976 22/0977	BOSTY LANE FARM, 414 BOSTY LANE, WS9 0QF Ward: Aldridge Central And South	<u>22/0976</u> PROPOSED TAKING DOWN OF AGRICULTURAL OUTBUILDINGS, PARTIAL DISMANTLING OF FIRE DAMAGED GRADE II LISTED BARN TO PROVIDE 4 NO. BEDROOMS, RENOVATION OF GRADE II LISTED FARMHOUSE TO PROVIDE 6 NO. BEDROOMS, CONVERSION OF BARN INTO A DWELLING HOUSE WITH 5 NO. BEDROOMS, AND CONVERSION OF DUTCH BARN INTO A DWELLING HOUSE (3 DWELLING HOUSES IN TOTAL) ALONG WITH A PAVED COURTYARD, OPEN SIDED PARKING AREA, VERANDAS/TERRACES AND THE ADJACENT PADDOCKS CONVERTED TO PROVIDE A THERAPEUTIC CHILDREN'S FARM. PROPOSED 30KW PHOTOVOLTAIC SOLAR PANEL ARRAY. <u>22/0977</u> (LISTED BUILDING CONSENT) PROPOSED TAKING DOWN OF AGRICULTURAL	<u>22/0976</u> GRANT SUBJECT TO CONDITIONS <u>22/0977</u> GRANT SUBJECT TO CONDITIONS	135-172
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			<p>OUTBUILDINGS, PARTIAL DISMANTLING OF FIRE DAMAGED GRADE II LISTED BARN TO PROVIDE 4 NO. BEDROOMS, RENOVATION OF GRADE II LISTED FARMHOUSE TO PROVIDE 6 NO. BEDROOMS, CONVERSION OF BARN INTO A DWELLING HOUSE WITH 5 NO. BEDROOMS, AND CONVERSION OF DUTCH BARN INTO A DWELLING HOUSE (3 DWELLING HOUSES IN TOTAL) ALONG WITH A PAVED COURTYARD, OPEN SIDED PARKING AREA, VERANDAS/TERRACES AND THE ADJACENT PADDOCKS CONVERTED TO PROVIDE A THERAPEUTIC CHILDREN'S FARM. PROPOSED 30KW PHOTOVOLTAIC SOLAR PANEL ARRAY.</p>	
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4	23/1097	89 BELVIDERE ROAD, WALSALL, WS1 3AU Ward: St Matthews	PROPOSED 6 NO. BEDROOM DETACHED DWELLING WITH LOFT ROOMS AND A DETACHED TRIPLE CAR/STORAGE GARAGE TO FRONT. RAILINGS, 1.8 METRES HIGH GATES AND A 1.5 METRES HIGH FRONT BRICK BOUNDARY WALL, , A NEW DRIVEWAY AND NEW DROPPED KERB ALONG BELVIDERE ROAD AND EXTENDED EXISTING DROPPED KERB ALONG HIGHGATE AVENUE BY 1M ON EACH SIDE (RE-SUBMISSION OF PLANNING APPLICATION REFERENCE NO. 22/1651).	REFUSE	173-191
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Planning Committee

Report of Head of Planning and Building Control on 15 January 2024

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: FORMER GALA BINGO, PARK LANE, DARLASTON, WEDNESBURY, WS10 9SB

Proposal: ERECTION OF A NEW DISCOUNT FOODSTORE (USE CLASS E) WITH ACCESS, CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS

Application Number: 23/0496

Case Officer: Sally Wagstaff

Applicant: Lidl Great Britain Limited

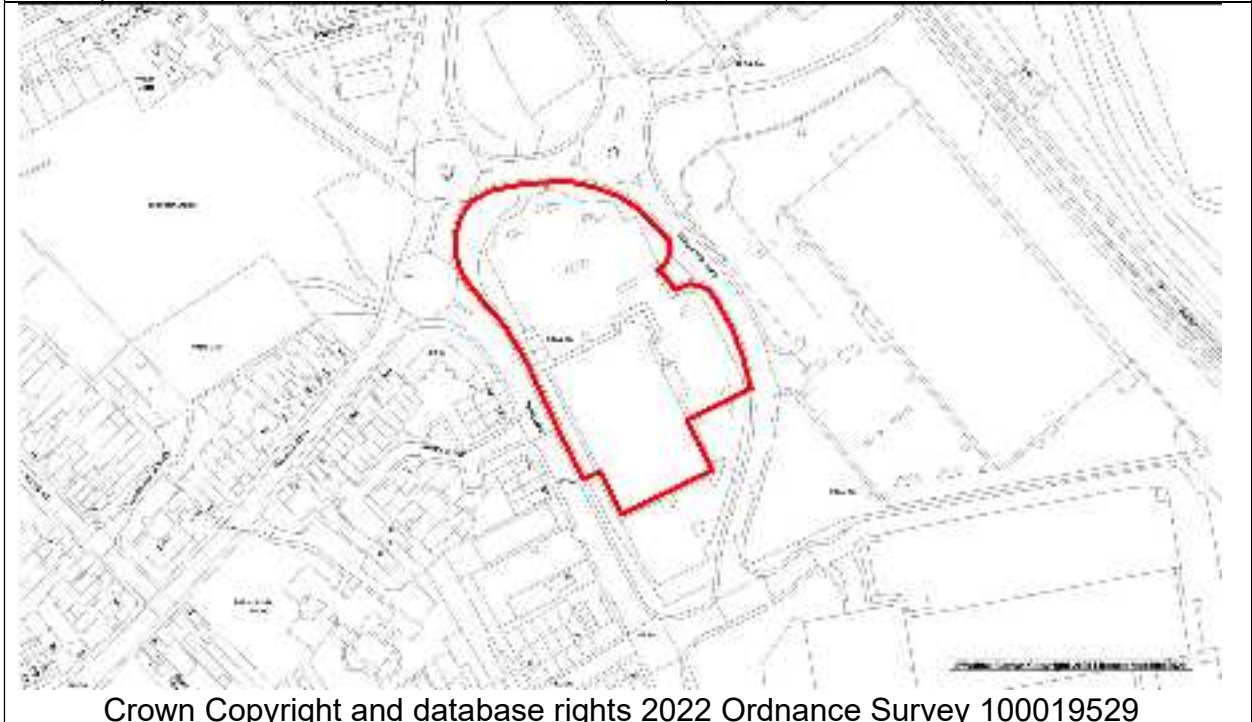
Ward: Bentley And Darlaston North

Agent: Rapleys LLP

Expired Date: 24-Jul-2023

Application Type: Full Application: Major Use Class E(a) (Display or Retail Sale of Goods)

Time Extension Expiry: 26-Jan-2024



Recommendation

Refuse

Proposal

This application is for a new discount foodstore with associated works on the site of the former Gala Bingo. This is a re-submission of application 22/0212 which was withdrawn prior to being considered by Planning Committee on 9th March 2023, where it was recommended for refusal. The changes within this current application include:

- The site area reduced, leaving a larger area to the south within the control of the applicant but outside the application boundary
- Alteration to the position of the vehicular access on Park Lane
- Car parking reconfiguration
- Internal store reconfiguration including pedestrian entrance doors re positioned on the front elevation
- Location of plant moved to the rear of the store
- Substation re located to the rear of the store

The redline boundary has altered since the submission of this application to include all of the existing building to be demolished. The area outlined in blue is within the control of the applicant, it is proposed to be hoarded off from the application site and disposed of for potential future development.

The proposal includes a new vehicular access from Park Lane, 133 car parking spaces including 8 accessible spaces, 9 parent and child spaces, 6 Electric Vehicle Charging spaces and 12 secure cycle parking spaces.

Pedestrian access would be provided from Park Lane via stairs and a pedestrian ramp which would take customers through the store car park to the store entrance which is on the southwestern corner of the building. Also, there is a pedestrian access to the North from Steelmans Road.

The proposal also includes an area of servicing to the southeast of the site which is also accessed from Park Lane. The existing access on Steelmans Road is proposed to be decommissioned.

Landscaping is proposed around the car parking areas to include a mixture of trees and shrubs.

The proposed development includes the demolition of the existing bingo centre which is a two-storey rectangular shaped building of brick and cladding with front elevation facing Steelmans Road. It is understood the building has been vacant since circa mid-2020.

The proposed site area is approximately 0.99 ha and other land being within occupants control approximately 0.38 ha with the total store being 1,895 sqm gross external floor space.

The proposed building is single storey and includes a sloping mono pitched roof. The height being approx. 56 metres at the highest point. The building is approx. 77 metres in width and approx. 33 metres in depth. The proposed design is modern with cladding and glazing as primary materials.

The proposed store opening times are 09:00-22:00 Monday to Saturday and 10:00-16:00 Sundays and bank holidays.

This application is supported by a number of documents which has informed the LPAs assessment of this application and forms the basis of this report content.

Site and Surroundings

The site is located on Park Lane approximately 1.2 km from Darlaston District Centre in an 'out of centre' retail park.

The site hosts a former bingo centre with associated car parking and landscaping.

To the north of the site is 'Blakemore Food Services' distribution centre, to the east is 'Lonestar Fasteners Europe' which is an industrial use, 'Ikea' retail and warehouse to the south east and residential to the west.

The site is located in proximity to M6 Junction 9. Park Lane (B4200) to the south west of the site is a Classified District Distributor. The site is served by an existing access from the A4038 Classified Walsall Road and Darlaston Road, along its own service road Steelmans Road.

Relevant Planning History

22/0392 – EIA screening opinion for the erection of a discount foodstore with access, parking, landscaping and other associated work. Screening opinion EIA not required – 27th March 2023.

22/0212 - Erection of a new discount foodstore (Use Class E) with access, car parking, landscaping and other associated works. Withdrawn – 6th March 2023.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed and beautiful places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act ’) sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon

those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- 5.4 to 5.8. The sequential approach
- Policy S7. Out-of-centre and edge-of-centre developments
- Policy GP2 Environmental Protection
- Policy GP6. Disabled People
- Policy ENV11. Light pollution
- Policy ENV32. Design and Development Proposals
- Policy ENV33. Landscape Design
- Policy ENV35. Appearance of Commercial Buildings
- Policy T1. Helping People to Get Around
- Policy T7. Car Parking
- Policy T13. Parking Provision

Black Country Core Strategy

- CEN5: District and Local Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- EMP5: Improving Access to the Labour Market

Walsall Site Allocation Document 2019

- RC1: The Regeneration Corridors
- T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species

- NE3 – Long Term Management of Mitigation and Compensatory Measures
Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures

- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment

- NE8 – Retained Trees, Woodlands or Hedgerows

- NE9 – Replacement Planting

- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability

- DW2 Safe and Welcoming Places

- DW3 Character

- DW4 Continuity

- DW5 Ease of Movement

- DW6 Legibility

- DW7 Diversity

- DW8 Adaptability

- DW9 High Quality Public Realm

- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**

- Type 1 – Electric Vehicle Charging Points

- Type 2 - Practical Mitigation Measures

- Type 3 – Additional Measures

- 5.12 - Emissions from Construction Sites

- 5.13 – Use of Conditions, Obligations and CIL

- 5.22 - Viability

Shop Front SPD

- SF1: Historic shop fronts

- SF2: Shop front proportions

- SF3: Materials in shop fronts

- SF4: Colour finishes

- SF5: Access to shops

- SF6: Advertisements

- SF7: Illumination

- SF8: Shop front security

Consultation Replies

The Coal Authority

No objection - Conditions recommended for intrusive site investigation works/remediation work to be undertaken.

Ecology Officer

Concerns raised – The habitat loss has not been replaced by a habitat of same value or greater. This issue can be resolved through the inclusion of native species in place of the ornamental planting proposed sought via condition.

Environmental Protection

No objection subject to conditions to address construction and demolition management and contaminated land.

Fire Officer

No objection subject to meeting the requirements of Approved Document B_Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England.

Lead Local Flood Authority

No objection subject to a condition for the implementation of the agreed drainage scheme.

Local Highway Authority

Objection due to the introduction of a new access which would create an unacceptable impact on highway safety, specific consideration has not been given to the needs of each of the different users of the network, including pedestrians, cyclists, public transport, cars, and service vehicles and insufficient parking to serve the proposed development, insufficient land to deliver a sustainable level of parking.

National Highways

No objection – National Highways are satisfied that there is unlikely to be a material impact on the operation or free flow of the strategic road network.

Police Architectural Liaison Officer

No objection – secured by design principles recommended.

Public Lighting

No objection – question raised regarding the technical specification of the lighting.

Sandwell Council

No objection –No further information or changes that alter highways comments from the previous application 22/0212.

Severn Trent Water

No objection subject to a condition for a drainage scheme to address the disposal of foul and surface water run off.

Strategic Planning Policy

No objection – on balance a retail food store is acceptable in this location on policy grounds.

Tree Officer

Objection – loss of trees on site is excessive, insufficient replacement tree planting proposed.

Representations

Two comments of support received in relation to:

- New store near homes and local bus services

One objection has been received with concerns relating to:

- Proposal would lead to an increase in traffic

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees
- Ground Conditions and Environment

Assessment of the Proposal

Principle of Development

The site itself has no allocation in the development plan except that SAD policy RC1 and the policies map shows it to lie in a regeneration corridor, to which BCCS policy CSP1 applies. The land immediately adjacent to the north, east and south is allocated by SAD policy IND1 as existing high quality employment land, site reference IN107.1.

BCCS policy CSP1 states that the network of Regeneration Corridors linking the Strategic Centres will [amongst other provisions] provide 1,564 ha of strategic high quality employment land concentrated within easy reach of the motorway network.

The site is 0.7 miles from Darlaston District Centre, 1.1 miles from Pleck Local Centre (by road) and 2 miles from Walsall Strategic Centre, so is out of centre for the purpose of retail policies.

NPPF paragraphs 91 and 92 state that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and

local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Development plan policies reflect this national policy. BCCS policy CEN7 states that there is a clear presumption in favour of focusing development in centres.

Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations of existing Centres appropriate to the hierarchy.

Saved UDP paragraphs 5.4 to 5.8, and policy S7, also provide tests for out of centre development, although some aspects of the latter are no longer compatible with national policy (policy S7 states that there must be evidence to demonstrate the need for the facility: need is not mentioned in the NPPF).

Planning Practice Guidance states that it is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission).

NPPF paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

The main strategic planning policy issues relevant to the proposal are the sequential test and whether the proposal represents effective use of the land in accordance with NPPF paragraph 123.

Sequential Test

The applicants provided a sequential test with the previous application and this demonstrated that there were no suitable sites available within nearby centres. Details have been resubmitted in the planning and retail statement provided with the current application.

Effective Use of Land

Walsall has a significant and growing shortfall of land for housing and employment needs to the extent that the draft Black Country Plan proposed the allocation of significant areas of Green Belt to contribute to meeting these needs. Convenience retail does not contribute to growth as spending power is limited to that available to existing residents. 'Deep discounters' such as Lidl and Aldi compete by taking spend from other existing retailers and their greater efficiency means that they are likely to provide fewer jobs compared with other stores.

Given these other land use requirements, it would be preferable if this brownfield site was used for class B2 or B8 employment purposes. However, given that the site has no allocation in the current development plan, it is not possible to defend the loss of this potential alternative use.

Summary

Given these other land use requirements, it would be preferable if this brownfield site was used for class B2 or B8 employment purposes. However, given that the site has no allocation in the current development plan, it is not possible to defend the loss of this potential alternative use.

On balance the principle of development is considered acceptable in this location in accordance with NPPF paragraph 115.

Design, Layout and Character

The application site comprises the Lidl store set towards Steelmans Road with car parking fronting Park Lane. A new access is proposed from Park Lane.

The pedestrian entrance to the store is located on the corner of the building fronting Park Lane with pedestrian entrance to the site from Park Lane and Steelmans Road.

The proposed store sits in an area of industrial style single and double storey buildings. The proposed store is low level to reflect the height of surroundings units. The palette of materials shown in elevation plans indicate a modern approach which fit with the 'Lidl' design brief. The proposed facing materials to construct the proposed development are considered acceptable, however further details regarding these materials and finishes will be sought by way of planning condition.

The glazing in the elevations provides an active frontage around the site as well as providing visual surveillance of the site and adjacent surrounding areas.

Submitted drawings include details of boundary treatments as part of the proposed development. Further details regarding the boundary treatments, heights and finishes will be sought by condition.

Amenity of Neighbours and Amenity of Future Occupiers

There are residential properties are located opposite the site accessed from Park Lane. The properties are located approximately 28 metres from the application site.

A 'Noise Impact Assessment', by Acoustic Consultants Limited, Ref. 9524/JL, 21 April 2023 has been submitted. The acoustic assessment has considered noise impacts from deliveries, customer arrival/departures, and noise from fixed plant (refrigeration). The predicted noise levels have been compared against existing background levels and it has been determined that there will be minimal impacts upon nearby sensitive receptors. Environmental Protection have no concerns with the above report.

The development would be seen in context of the existing industrial development in the area. It is considered the scale, mass and design would have a limited impact upon neighbouring amenity.

On balance, it is considered the proposed development would not unduly harm the amenities of the neighbouring occupiers in accordance with UDP Policy ENV32.

Highways

The proposal includes an access from Park Lane, the access has been repositioned within this application.

The principle of development is supported by Highways for the store building location, having existing safe and accessible highway links which serves the existing Former Gala Bingo Site. Lidl have not raised any concerns to the operation and use of these junctions.

Highways have been consistent and provided pre-application advice, and commented in relation to the proposed development and advised Lidl on the planning application requirement for firstly the removal of the proposal for direct access onto Park Lane, B4200 district distributor and secondly dealing with highways concerns associated with the operation and safe use of the proposed Lidl car park where currently there are issues with the conflict with the proposed access and the level of parking proposed.

The scp technical note dated 1 September 2022 submitted on behalf of the applicant did not address the highway authority concerns raised in the original highway comments and failed to address the planning refusal reasons.

Subsequent technical note TN03 dated 20 November 2023 ref: 210094/TN03 has again failed to answer the concerns raised by the highway authority. The subsequent technical note TN03 does not satisfy the issues raised by the highway authority. The highway authority has therefore submitted their original highway comments relating to application 23/0496 maintaining their objection to this proposal.

The Application fails to comply with the adopted development plan by the proposed introduction of a new access onto the B4200 Park Lane, a classified district distributor contrary to Unitary Development Plan Policy T4 and SAD Policy T4. There is no planning or highway reason for the justification of an unnecessary access onto a classified district distributor which the applicant puts forward for purely commercial advantage from passing trade.

The application also fails to meet national policy as the site is currently served by an existing purpose built and suitable access from the A4038 classified Walsall Road and Darlaston Road, off Steelmans Road that is designed to carry car and commercial traffic. The applicant proposes a new access onto Park Lane which would be contrary to NPPF paragraph 115 as it would create an unacceptable and unnecessary impact on highway safety.

The application has failed to meet the definition of the national design code for movement. Developments should create linked routes and connections for people and vehicles to go and move through places and spaces. Specific consideration has not been given to the needs of each of the different users of the network, including, pedestrians, cyclists, public transport, cars, and service vehicles.

National design guide M2 active travel M282 states; Prioritising pedestrians and cyclists mean creating routes that are safe, direct, convenient, and accessible for people of all abilities. The applicant looks to introduce conflict between non-motorised users from the residential side of Park Lane with customer car movements and hgv delivery

vehicles contrary to NPPF paragraph 116(c). This is considered wholly unnecessary given the existence of an existing purpose built access in Steelmans Road that meets the planning and highway requirements.

National design guide M3 states; well-considered parking, servicing, and utilities infrastructure for all users. The applicant has failed to demonstrate there is sufficient parking to meet its own needs and introduces service deliveries that creates unnecessary conflict.

National design guide M179 states; people move around in attractive streets and other public spaces. Wider, more generous spaces are well-suited to busier streets, including streets served by public transport. They have enough space to create an attractive place for all users.

The proposal for an access from Park Lane would be detrimental to the safe use of the highway and users of the proposed store. There is no planning requirement or justification for the closure of the existing access and the creation of a new one to serve the site. The applicant has raised no concerns in any respect to the safe use or operation of the existing Steelmans Road access.

National design guide M384 - How parking is arranged has a fundamental effect on the quality of a place or development. It must be safe and meets the needs of different users including occupants, visitors, and people with disabilities. The current proposal creates conflict and insufficient parking will be likely to cause queuing and restrict the free movement of traffic out onto the A4200 Park Lane, a district distributor.

There is insufficient parking to serve the proposed development, insufficient land to deliver a sustainable level of parking, and insufficient information to support the application.

UDP Policy T7 - Car Parking states; all development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Appropriate provision of parking for people with special needs must be included, as set out in Policy T13.

The applicant has failed to meet the policy and demonstrate that an appropriate level of parking has been provided. It is not acceptable for the applicant to state that if they are providing less than the maximum provision that is sufficient.

UDP Policy T13: Parking Provision for Cars, Cycles and Taxis C. Retail Development Food and convenience goods shops, 1 car park space per 14m² of gross floorspace. The applicant has failed to provide sufficient parking, and information to justify the proposed under-provision. Parking has been calculated to meet retail floor area which is not in accordance with local policy and delivers unacceptable parking provision.

Road safety audit: the applicant has conducted a stage 1 road safety audit which has identified 7 road safety concerns because of the proposed access. The Highway Authority disagrees with the designer's responses on all the recommendations proposed from the problems raised. The applicant suggests that these concerns can be dealt with at detailed design which infers this would be after planning permission is granted. This is considered unacceptable and merely demonstrates the unsuitability of the new access onto Park Lane to attract passing trade.

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.

Sandwell Council were consulted on the application due to the sites proximity to the boundary with the authority. They confirm no objections however advise their comments remain as per the 22/2012 application which are as follows, no junction analysis has been completed at the Axletree Way/ Park Lane traffic Island therefore they cannot confirm if the proposals would have a significant impact on its highway. It is advised the applicant to consider any mitigation measures necessary to ensure that the impact of the development offers a nil detriment to congestion/queue lights.

National highways who operate and maintain England's motorways and strategic road network were consulted on the application due to the proximity to the M6 motorway. They consider that there is unlikely to be a material impact on the operation or free flow of the strategic road network.

On balance it is considered the introduction of a new access onto the B4200 Park Lane classified district distributor would create conflict, with likely queuing on the highway which would be contrary to highway safety, and contrary to the safe use of the highway by others. The creation of a new access is contrary to the Councils' Site Allocation Document Policy T4 (The Highway Network) and NPPF Paragraphs 115 and 116c.

In addition, the proposal does not meet the required levels of car parking as set out in UDP Transport Policy T13 and insufficient parking to serve the proposed development. The proposal is contrary to the Council's UDP Unitary Development Plan Policy T13 (Parking Provision for Cars, Cycles and Taxis).

Ecology

The Council's Ecologist has reviewed the submitted Landscape Management Plan, Ecological Impact Assessment, and associated documents.

In relation to protected species, the existing building was found to be of low potential for bats however an Emergence Survey confirmed the likely absence of bats within the building B1.

To cover the additional mitigation measures outlined within the Ecological Impact Assessment report a planning condition would be required for an updated site visit and building inspection should work not commence prior to May 2024 to ensure conservation of local bat populations.

Should planning permission be granted a construction environmental management plan would need to include measures to preserve and enhance the natural environment and to safeguard any protected species.

The proposal looks replace the mixed native scrub with ornamental shrub planting. Whilst biodiversity net gain on the site has been achieved the habitat loss has not been replaced by a habitat of same value or greater which is why the submission shows the DEFRA metric trading rules in relation to biodiversity net gain on site have not been met. It is considered that this can be resolved through the inclusion of native species in place of the ornamental planting proposed which would need to be secured

via condition for a revised landscape plan, to incorporate further native planting, and revised biodiversity net gain metric to be submitted in writing to and approved in writing by the Local Planning Authority to ensure the proposal complies with UDP policy ENV23 (Nature Conservation and New Development) and paragraphs 180 and 186 of the National Planning Policy Framework.

Public lighting has reviewed the proposed lighting scheme. No objection has been raised however it is requested that clarification is required in relation to the correlated colour temperature (CCTs). It is considered the further details of the external lighting scheme could be sought via condition.

Flood Risk / Drainage

The site is located within Flood Zone 1. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The Lead Local Flood Authority have confirmed the documents are satisfactory. A condition is recommended to ensure that the drainage scheme is implemented and maintained in accordance with the approved documents.

Severn Trent Water advise no objection to the proposals subject to the inclusion of a condition relating to drainage plans for disposal of foul and surface water flows. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Trees

The applicant has submitted Landscape details drawing R/2571/1J along with an Arboricultural Impact Assessment Ref: P.1587.2. Rev C. The landscape details have incorporated the following as additions to the plan:

- Four (4) *Tilia cordata* (Small-Leaved Lime) in the area to the south of the Plant Slab.
- Two *Acer campestre* (Field Maple) adjacent to the relocated sub-station towards the south-east of the site
- Two *Betula albosinensis* 'Fascination' (Chinese Red Birch) adjacent the disable parking spaces towards the northeast corner.

It must be noted that there are no additional tree plantings along the west side of the site (the site frontage).

The frontage area has three *Carpinus betulus* 'Frans Fontaine' (Upright Hornbeam) and one *Betula albosinensis* 'Fascination' (Chinese Red Birch). It also shows the retention of two existing trees on the south side of the proposed access.

The existing trees are highly unlikely to survive in the long-term as the juxtaposition of the proposed parking area will sever a significant amount of root material leading to premature decline, death or instability. The proposal to retain them is simplistic but unattainable.

The proposed trees are cultivated varieties which tend to be more architectural in nature with less benefits than non-cultivated varieties of a native nature. The Tree officer considers there should be a greater number of trees planted along the frontage, and

those more of a native nature that would provide a greater level of amenity value, as well as being more beneficial to the local biodiversity.

The tree officer considers the concerns raised in the previous application in relation to the loss of the trees to the site frontage remain unaltered. There are a significant amount of trees located along this frontage. The proposal will result in the removal of all trees along this frontage.

The landscaping plan indicates a soft landscaped area approximately 2.3m in width along this frontage although this is insufficient for replacement planting of trees of any meaningful and eventual stature.

On balance, it is considered the removal of the trees within the site is excessive with little scope for replacement planting. This will have a detrimental effect on the amenity, aesthetic and landscape value of the locality and would fail to achieve a beautiful environment. This is contrary to saved policy ENV18 of the Walsall UDP, NE8 and NE9 of the Conserving Walsall's Natural Environment SPD and paragraph 135b of the NPPF.

Ground Conditions and Environment

Coal

The application site falls within the defined development high risk area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow protecting the public and the environment in mining areas 2 depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a geo-environmental desk study report (17 February 2022, prepared by obsidian geo-consulting). Based on a review of coal mining and geological information, the submitted report identifies at Section 5.3 that there exists the potential for shallow, unrecorded, worked coal seams to be present beneath the site. Accordingly, Section 5.4 of the report goes on to recommend the carrying out of intrusive ground investigations, in the form of the drilling of boreholes to depths of c.30m deep, in order to investigate the potential presence of shallow, worked seams and to inform any necessary remedial measures.

This recommendation is also included in Section 8 recommendations contained within the geo-environmental investigation report (April 2022, again prepared by obsidian geoconsulting) which has also been submitted in support of the application.

The Coal Authority concurs with the conclusions of the Geo-Environmental Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. A condition would be necessary to secure the above should planning permission be granted.

Ground Gas

The Applicant has undertaken an intrusive ground investigation to inform about geo-technical issues and contaminated land, 'geo-environmental investigation report', by obsidian geo-consulting limited, April 2022, ref. 21-1557-P-R2.

The report indicates that the development site will require ground stabilisation works, piling. The investigatory work has determined some asbestos within the ground. This needs to be brought to the attention of any demolition and groundworkers and need to be incorporated into any environmental construction management plan that may be produced.

Given the proposed end use, no significant contaminated land has been identified. The ground gas investigation has determined that elevated carbon dioxide levels are present, with the consultant advising the site needs to be treated as a characteristic 2 type of site, needing ground gas mitigation measures incorporating into the foundation design.

A planning condition would be required for the applicant to agree what ground gas mitigation measures are to be installed with the local planning authority, and thereafter implementing the agreed measures, and finally validating that the measures have been installed.

Asbestos

The age of the building to be demolished has not been confirmed. As a safeguard, the applicant will need to undertake an asbestos survey of the building prior to the demolition. If asbestos is identified within the building, then it needs to be removed and disposed in accordance with national legislation.

A construction environmental management plan would also be required, secured via condition due to the size of the development to minimise impacts upon the environment. As indicated above, the plan will need to include measures to control potential asbestos materials.

Air Quality

The applicant has submitted an air quality survey, 'air quality assessment', by NALO, tetra tech, Ref. 784-B042431 20 April 2023 to consider impacts that will result following the store operating. The consultants have determined that there will be negligible impacts upon nearby sensitive receptors because of the store, nonetheless, a travel plan is to be adopted, with responsibility to a person to monitor it on an on-going basis.

Conclusions and Reasons for Decision

On balance weighing up the merits of the scheme the proposal cannot be supported in relation to highway safety due to the introduction of a new access on Park Lane and inadequate car parking to serve the development. In addition, the proposal would result in an excessive loss of trees on site with limited scope for replacement planting. It is concluded that this application should be recommended for refusal.

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

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The introduction of a new access onto the B4200 Park Lane classified district distributor would create conflict, with likely queuing on the highway which would be contrary to highway safety, and contrary to the safe use of the highway by others. The creation of a new access is contrary to the council's Site Allocation Document Policy T4 (The Highway Network) and National Planning Policy Framework Paragraphs 115 (Unacceptable impact on highway safety) and 116c (Conflict between highway users).
2. The proposal fails to provide the required levels of car parking and there is insufficient parking to serve the proposed development. The proposal is contrary to saved Unitary Development Plan Policy T13 (Parking Provision for Cars, Cycles and Taxis).
3. The removal of a significant number of existing trees within the site and limited scope for necessary replacement planting would have a detrimental effect on the amenity, aesthetic, and landscape value of the locality and would fail to achieve a beautiful environment. The proposal is contrary to saved Unitary Development Plan Policy ENV18 (Existing Woodlands, Trees and Hedgerows), NE8 (Retained Trees, Woodlands or Hedgerows), NE9 (Replacement Planting) of the Conserving Walsall's Natural Environment Supplementary Planning Document and paragraph 135b (appropriate and effective landscaping) of the National Planning Policy Framework.

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 15 January 2024

Plans List Item Number: 2

Reason for bringing to committee

Called in by Councillor Ditta on the grounds that the proposal would have insufficient parking, lack of details around waste, lack of privacy in neighbouring properties and fear of crime.

Two public petitions against the proposal have also been received, with 73 signatures and 145 signatures respectively for the reasons stated above.

Application Details

Location: 59-61, WEDNESBURY ROAD, WALSALL, WS1 4JL

Proposal: CHANGE OF USE OF INDUSTRIAL (E) TO RESIDENTIAL (C3) TO DELIVER 11 SELF-CONTAINED APARTMENTS ASSISTED LIVING WITH 2 ROOMS FOR STAFF FOR 24/7 STAFFING.

Application Number: 22/0381

Case Officer: Sally Wagstaff

Applicant: Keystone Homes Ltd

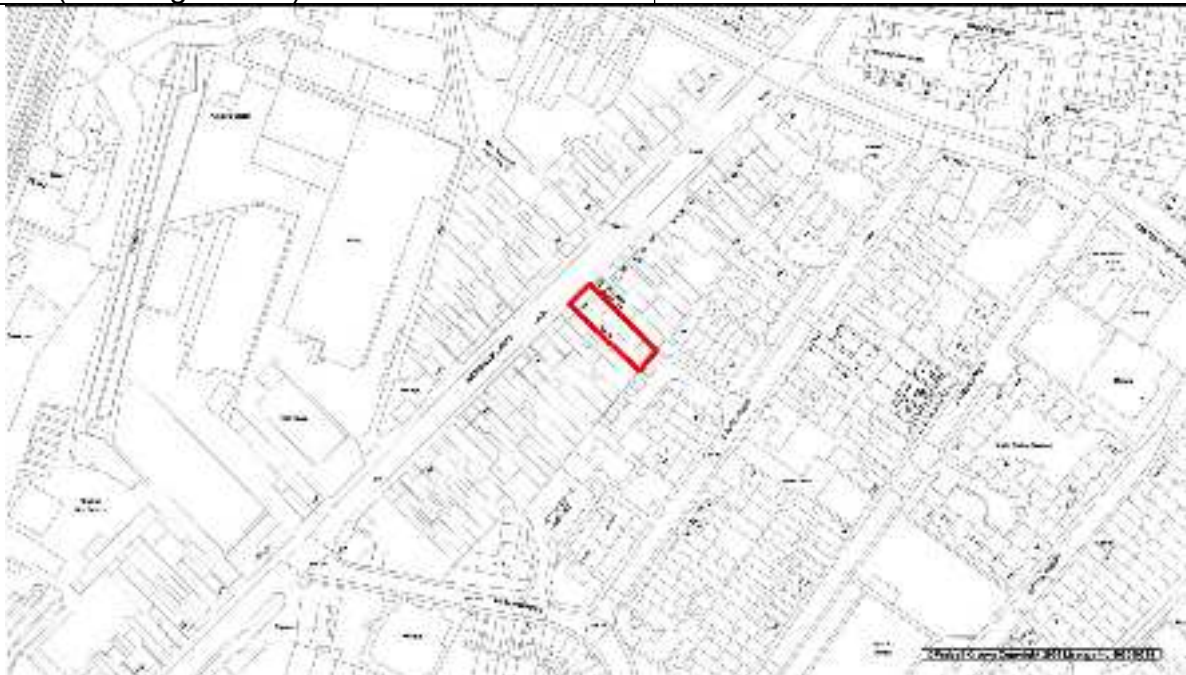
Ward: Palfrey

Agent: Architecture & Interior Design Ltd

Expired Date: 06-Oct-2022

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

Time Extension Expiry: 28-Jul-2023



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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 a legal agreement to secure an open space contribution and:

- Addressing concerns regarding flood risk/drainage;
- Providing an acceptable waste management strategy; and
- The amendment and finalising of conditions;

Proposal

The proposal relates to the change of use of 59-61 Wednesbury Road use class industrial (E) to residential (C3) to deliver 11 self-contained assisted living apartments with 2 rooms for staff to allow for 24/7 staffing.

The Ground floor plan includes:

- 1 x meeting room with access to a toilet
- 1 x reception
- 1 x 24 hour office
- Flat 1 is accessed from the front elevation of the property. With kitchen/living space with separate bedroom and shower room - 45.5 sqm
- Flat 2 is accessed from the front elevation of the property with kitchen/living space with separate bedroom and shower room - 42.1 sqm
- Flat 3 is accessed from the rear of the property with kitchen/living space with two separate bedrooms and shower room - 64.3 sqm
- Flat 4 is accessed from the rear of the property with kitchen/living space with separate bedroom and shower room – 56.0 sqm
- 47 sqm area of amenity space is included on the ground floor which is accessed via the rear of the property

The First-floor plan includes:

- Flat 5 - kitchen/living space/bedroom with sperate shower room - 37.0 sqm
- Flat 6 -kitchen/living space/bedroom with sperate shower room - 37.0 sqm
- Flat 7-kitchen/living space/bedroom with sperate shower room - 37.0 sqm
- Flat 8-kitchen/living space/bedroom with sperate shower room - 37.0 sqm
- Flat 9-kitchen/living space/bedroom with sperate shower room - 44.0 sqm
- Flat 10 - kitchen/living space with sperate bedroom and shower room - 33.0 sqm
- An external staircase is attached to the first floor providing access to serve the first floor flats.

The second-floor plan includes:

- Flat 11 - kitchen/living space with two sperate bedrooms and shower room - 45.5 sqm

The Design and Access Statement states that the concept relates to aiding people who have housing difficulties start a comfortable lifestyle, allowing them to become self-sufficient. The property would be managed by Aspire Supported Living CIC. The agent has confirmed in writing that that occupants are those that require support needs to retain their independence in physical and emotional needs.

The following information on the operation of the site has been provided:

- 1 Support Worker - Housing support workers' responsibilities include but not limited to providing housing related support to the tenants to enable them to maintain their tenancies and to achieve their aspirations for independent living. When it comes to elderly tenants they support and help with health care needs, including taking to their GPs for routine checks or collecting medication. They also provide emotional support for all tenants.
- 2 Security (12-hour increments) to cover during the night and weekend, 24 surveillance, full CCTV
- 2 part time cleaners Monday to Saturday between 10:00am to 1:00pm and 4pm to 10pm.

- 1 housing support worker 09:30 to 5:30pm Monday to Friday.
- 4 members of staff at one time
- There are emergency escape doors that have bush bar with alarm censor centrally linked to the security room.

To confirm the proposal is not for conversion to a HMO, which relates to at least 3 tenants living together sharing toilet, bathroom or kitchen facilities with other tenants. This proposal is for assisted living flats, in which occupiers would have their own kitchen and bathroom facilities within a self-contained unit.

Since submission of the application, the agent has submitted supporting information in response to consultee comments and resident concerns with regards to the proposed use and operation of the site.

The proposed plans have been amended on several occasions in response to officer advise and consultee comments. Amendments to the proposal include:

- reducing the number of apartments from 17 to 11 due to concerns regarding the sizes of the flats.
- The outdoor amenity area has being repositioned and a defensible space created between flat 1 and 2 to create additional privacy and security of those occupiers.
- The plans now show a cycle and bin store
- The windows to the rear of the building facing South Street are now high level fixed light blocks due to concerns the position of windows on the rear could stifle any future development of the garage block on South Street.
- The internal layout reconfigured to take into account comments from housing standards
- Car parking removed from the rear of the site to avoid noise/ disturbance and potential conflict between pedestrians and residents
- The existing gate to the side drive has been repositioned to be flush with the front of the site to ensure that the recess does not allow for potential non-residents to loiter around the gate.

The LPA are aware that internal alterations to the property have taken place however this does not mean that the proposal has been implemented without planning permission. The officer has carried out two site visits, the building was not being used for living accommodation at the time of the visit on 9 February 2023 and 29 August 2023.

Site and Surroundings

The application property is a two storey, detached dwelling house with a double frontage built around 100 years ago. The property has had several modern extensions to the rear which form a 'L' shape within the site. The property has been used as a Saddlery for a number of years and has an industrial use class.

The site is located on Wednesbury Road, a district distributor. There is off street parking available for two cars on the frontage and currently a tarmac courtyard area is used for parking to the rear, accessed from the drive at the side of the property.

The surrounding area is predominantly residential in character consisting of terraced properties. 63 Wednesbury Road which adjoins the site is a residential dwelling. Adjacent to the site is a church, Bethany Church of God. There is also a Church opposite the application site, New Testament Church of God.

The site does not lie within the Cannock Chase Special Area of Conservation (SAC) 15km Zone of influence. It is not within a Conservation Area and has no heritage or non-designated heritage status.

The site is located within a sustainable location, within walking distance to Walsall Town Centre and there are two bus stops within close proximity to the application site to access to regular bus services towards Walsall and around the borough.

Relevant Planning History

BC21521P -Rebuilding of and First Floor Extension to Existing Workshop. Granted Subject to Conditions 04/01/1988.

BC24457P - Extension to form Toilets With Store Over. Granted Permission Subject to Conditions. 02/11/1988.

BC33462P – Erection of Store – Granted Permission Subject to Conditions. 30/07/1991

BC53042P - Change of use of part of ground floor and part of first floor to leisure club. Permission Refused. 06/01/1999

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a *"presumption in favour of sustainable development"*.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 10 – Supporting high quality communications**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed and beautiful places**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve

the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities

- ENV32: Design and Development Proposals
- JP8: Bad Neighbour Industrial Uses
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing
- H5: Housing for People with Special Needs
- T4 - The Highway Network
- T5 - Highway Improvements
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T12: Access by Public Transport
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- LC1: Urban Open Spaces

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

HC3: Affordable Housing and Housing for People with Special Needs

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations

- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Archaeology

No objection - there are no below-ground archaeological implications for this proposal

Ecology Officer

No objection

Environmental Protection

No objection, acoustic mitigation required to be secured via condition.

Housing Standards

No objection however doors to bathrooms are opening directly into kitchens. Concerns regarding an oversupply of HMO accommodation in the Walsall Area.

Fire Officer

Concerns raised as the accessway does not comply with minimum requirements of 3.7m for fire appliance access.

Lead Local Flood Authority

Concerns raised in relation to drainage strategy

Local Highways Authority

No objection subject to the conditions relating to, controlling the use of site, implementation of the proposed car parking spaces and a covered cycle shelter.

Police Architectural Liaison Officer

No objection - concerns raised in relation to:

- Vehicle and pedestrian conflict due to car parking arrangements
- No access control at point of entry into the site
- Open access to the rear of the site, no access control to room at the rear - No requirement to go through reception or identify themselves. At a location requiring 24 hour staff.
- CCTV monitors does not prevent or restrict access.
- 24 hour staff suggested that effective monitoring of the site will be important
- Lighting on site should be continued LED lighting during pool light and darkness.

Public Health

Need for bike parking to be provided

Public Lighting

No objection

Severn Trent Water

Concerns raised in relation to drainage strategy

Strategic Planning Policy

No objection, the principle of residential accommodation can be supported.

Waste Management (Clean and Green)

Bins should be to the front of the property to allow for easy access and will require a trade waste contract with the council or an independent waste provider for the staff waste

Representations

141 objections have been received from local residents and those within the wider ward during 4 consultation periods. A number of residents have responded multiple times with same or similar comments with concerns regarding:

- Insufficient parking due to number of occupants and lack of on street parking provision in the area
- Problems with the vulnerable occupiers could occur outside of support worker hours which are 9.30 to 5.30pm Monday to Friday. This could result in impact upon neighbours and emergency services.
- Area currently has an issue with crime and anti social behaviour, this proposal would increase the problem of crime/anti social in the area. *No evidence has been put forward to substantiate this claim regarding the proposal)*
- Concerns over safeguarding of the occupiers of the premises in an area with high crime rates
- High number of HMO properties, assisted living and Hostels in the area (proposal is *not a HMO or a Hostel, it is assisted living - self-contained units*).
- Other multi occupied properties in the area have issues with anti-social behaviour
- The area suffers with fly tipping, there is no provision for waste on the plans or supported documents, (agent *has now provided a waste management strategy*)
- Proposal would put the safety of children, elderly and faith communities at risk
- Noise disturbance during the day

One comment of support has been received by a local resident in relation to:

- There is a shortage of supported accommodation, this type of accommodation is needed for young people

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage

- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

There are no policies in the development plan specifically assisted living accommodation.

However saved UDP policy H6 refers to nursing homes and rest homes for the elderly 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) states that the Council will take account of the accessibility of a property to local amenities and public transport.

SAD 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.

The proposal relates to the conversion of a detached property which was extended to the rear and used as a saddlery back to a residential property. Apart from adjacent church, the neighbouring uses are residential. The proposal would therefore revert the property back to its original use and remove the current non-conforming industrial use which has the potential to cause disturbance to neighbouring residents. The proposal can be supported on planning policy grounds however detailed issues relation to the amenity of occupiers and neighbouring residents will also need to be considered as detailed below.

Residents have raised concerns around the type of resident that would reside in this development. It must be noted that this is not a material planning consideration. The local planning authority is required to consider land use matters which in this application is for change from an industrial use to a form of residential use in a residential location. Like with any residential property, the planning legislation does not have control over who may or may not live in that property.

The housing standards team have requested planning officers have regard to a document relating to HMO's. This is not planning policy therefore note the LPA note its content but is it is not a material planning consideration. To add, this proposal is not a HMO it is for self-contained units with staffing in any case.

Design, Layout and Character

The principle of the design is to utilise the existing buildings on site for conversion into residential accommodation. The building frontage will have minimal design changes with entrances retained and utilised with improvements to the ground floor windows.

The first-floor windows to flat 10 would face out onto the garage block serving properties of South Street. The windows to flat 9 and 10 have both been changed to be glass blocks to allow for sun light but are non-opening, it is unfeasible to install an outward opening window to flat 9 due to its relationship to the existing garage block. To add, the glass blocks have been added to limit overlooking to the garage block as this could potentially stifle any future development of

the garage block on South Street. Whilst the rear glass blocks to flat 10 do not provide quality outlook to the rear of the flat, there is a primary large window serving the habitable rooms allowing outlook and light. Again, whilst the bedroom to flat 9 would have glass blocks, the flat does have a window to the kitchen/living room which on balance would allow for natural light, to ensure the occupants quality of life is sufficient. All other flats have at least two windows.

The proposal includes an area of communal green amenity space which is 47.7 sqm in total. It is significantly below the 20 sqm per unit as set out in the amenity space guidelines within Appendix of Designing Walsall SPD. Due to the apartments being majority no. 1 bedroom it is very unlikely that the development would attract those with families who are more likely to want larger outdoor space. The proposal is a 10 minute walk to Bath Street Gardens and is within a sustainable location due to the proximity to Walsall Town Centre and public transport routes. On balance, in this instance it is considered the proposed shortfall is acceptable and would not have a detrimental impact upon the amenity of future occupiers of the site.

Local residents have raised concerns relating to insufficient information regarding waste collection. A bin store has been included to ensure that bins are not left on the highway before and after collection. The applicant has provided a waste management strategy and the waste management team have specified the site will need 1x 660L domestic waste bin emptied on a weekly collection and 1x 1100L recycling (green bin) fortnightly collection. For the 2 members of staff on site the company will need to take a trade waste contract out with the council or another waste provider for the staff waste as they may not be council tax-paying residents.

The waste management team have not currently commented on the submitted waste management strategy. However, this can be concluded prior to determination and a condition attached to ensure waste collection is carried out with the agreed strategy.

A cycle store and bike parking has been added to the plans. This is in response to both the highway department request for covered cycle storage and public health request for bike parking. It is considered in this instance secured cycle storage is the most appropriate means of bike parking therefore prior to determination the bike parking could be removed from the plans. A condition would be necessary for full details of the cycle storage to be submitted to ensure that it will cater to the number of residents and would be sufficiently secure.

The gate to the side drive has been repositioned to the front elevation to ensure safety and security to residents due to concerns that a recessed entrance to the rear of the site could allow for non-residents to loiter. This also alleviates concern from the police in relation to site security for access to the rear of the site. The applicant has confirmed the security details for the site within the 'Aspire supported living letter' submitted in response to local residents concerns regarding the proposal. The site is proposed to have staff 24 hours a day and external cctv. The Police architectural liaison officer has raised the need for controlled access to the site, it is considered to ensure that only permitted residents can access the premises full details of the security measures to be implemented could be conditioned.

The fire service has raised concerns the driveway to the side of the premises does not comply with the 3.7 metres width for fire appliance access. This is part of a Building regulations requirement under Building Regulations 2010 Approved Document B, Volume 1: Dwelling (2019 edition), Requirement B5: Access and facilities for the fire service. The applicant would need to liaise with either Local Authority Building Control or an Approved Inspector as to whether plans meet fire safety legislation and guidance and signify approval of the plans if appropriate.

Car parking for two cars is proposed to the front of the site off road as is the current situation, the introduction of car parking in this area would not have a detrimental impact upon the character of the street scene. A condition is recommended for the two car parking spaces to be demarcated prior to occupation of the development.

On balance, it is considered the layout of the site is acceptable. It would have very minimal impact on the character of the area due to limited external changes to the building. With the use of planning conditions, the LPA can ensure that the proposal has the adequate security features, waste disposal and cycle storage.

Amenity of Neighbours and Amenity of Future Occupiers

The number of units within the property have been reduced from 17 to 11 after concerns were raised by officers in relation to the room sizes. The flat sizes within the development now vary between 33.0 - 64.3 sqm. Walsall Council do not have adopted space standards in which to assess the appropriateness of flat sizes, nevertheless, National Minimum Space Standards are used as a guide for residential development. All of the units except flat 10 are above the prescribed of 37.0 sqm for a one bed, one person flat. The 2 x two bedroom flats are 45.5 and 64.3 sqm. The National prescribed standard for upto 4 persons is 70 sqm. It is acknowledged that 3 out of the 11 are smaller than the space standards prescribe however on balance, it is considered the flats would get sufficient natural light and have appropriate amenities to ensure sufficient quality of life for the occupants.

The property shares a party wall with 63 Wednesbury Road which is a residential property. The proposed use has the potential to give rise to noise emissions that could have an impact on the occupiers of the adjoining dwelling due to the intensification of people within the property compared to the number of people in a 'standard dwelling'. Whilst it is acknowledged that the proposal could result in increased noise emissions, the site has been used for industrial use since pre 1988 and is known to have been a saddlery since at least 2009. It is considered that the number of occupants which is likely to be up to 13 due to 9 x 1 bed and 2 x 2 bed would not result in an unacceptable noise impact in comparison to the existing industrial use. Environmental Protection have not raised concerns in relation to the potential for noise and disturbance from occupants of the development on the adjoining/adjacent premises however it is considered that a scheme which achieves a suitable degree of noise insulation between adjoining dwelling could mitigate concerns raised by local residents in relation to noise emissions from the property.

Environmental protection have advised a mitigation scheme is necessary due to road traffic noise which is to safeguard occupants of the property. A noise insulation scheme will be secured by way of condition.

The relationship between the building and no. 63 Wednesbury Road means the proposed amenity space is set on the inside of the site against the backdrop of existing building, away from the boundary of this property. It is acknowledged that the use of the outdoor amenity area by occupants could give rise to increase in noise. It is considered that due to the existing building being built to the boundary the noise heard from within the courtyard amenity area would not be unduly detrimental to the amenity of no. 63 Wednesbury Road. To add, it is unlikely all occupants would use the outdoor space at the same time.

There are no windows proposed within the side elevation of the property facing no. 63. It is considered there would be limited overlooking of the garden area of no. 63 Wednesbury Road.

There is currently a gap in the boundary treatment between the courtyard area and the adjacent church no. 57. A condition could be secured for full details of boundary treatment to protect the privacy of both the users of the church and the occupiers of the site.

Concerns have been raised by local residents in relation to the intensification of coming and goings from the property due to the proposed use. It is acknowledged that in comparison with a 'standard' dwelling house the proposal could result in more activity on the site however it is likely that the previous use of the site would have meant that employees would have come and gone albeit, most likely, during daytime hours. The site is also located adjacent and opposite to two churches; it is expected the congregation would visit in higher numbers than what is the 'normal' level for a dwellinghouse. On balance it is considered the proposed use is acceptable in a residential area and would not result in noise and disturbance over and above the established use.

A significant number of residents have expressed concerns that the proposal could lead to an increase in crime and antisocial behaviour on the site. Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is often limited unless there is sufficient evidence to show that the increased fear of crime would actually occur in relation to this specific proposal. While the police architectural liaison officer expressed some concerns regarding lack of details about site security they have not raised an objection to the principle of the use nor raised any concerns around crime/ anti-social behaviour. Furthermore, no evidence has been submitted to substantiate this concern. The suggested principles of secured by design would be included as an informative note. To add, the behaviour of people in the street and safeguarding are all matters outside the scope of the planning legislation to consider.

On balance, it is considered that the proposal would not result in an undue impact upon residential amenity due to noise and disturbance as to warrant refusal of the application for this reason.

Highways

Wednesbury Road is a District Distributor Road. There are two managed parking spaces available on the small forecourt and one additional car parking space can be provided over the dropped kerb to serve the property. There are on street parking bays along Wednesbury Road for residents of the area. On the opposite side there are double yellow lines, a number of properties have drives for off road car parking.

The residents of the development are unlikely to be car owners, the spaces being for the use of the predicted 4 members of staff on shifts and visitors. The local highway authority consider the level of parking provision is considered acceptable.

There have been a number of objections made in relation to the level of parking provision on site and the potential for the proposal to lead to discriminate parking. The local highway authority have assessed the proposal and 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 paragraph 115. The proposal is therefore considered acceptable.

The highway authority are concerned that the storage of bins to the front of the property could impact the parking provision on site which may result in bins left on the highway therefore suggest a waste management strategy is finalised. As referenced above this can be agreed prior to the decision being issued.

Ecology

The proposal relates to the conversion of an existing property. No demolition of the current building is proposed. It is therefore considered not necessary to carry out any protected species reports. The existing site has no areas of landscaping. The proposal does include an area of grass for residents and a small area of landscaping which would be secured by condition.

Flood Risk / Drainage

The LLFA have confirmed they are satisfied a condition can cover party/-ies responsible for the maintenance of the proposed surface water system however have requested that details regarding exceedance and water quality are finalised prior to a decision being issued. The applicant has provided a revised drainage strategy to deal with these matters, the LLFA have not yet responded on the acceptance of this. It is considered prior to a decision being issued confirmation from the LLFA is required.

Severn Trent Water request further clarification in relation to the suitability of the proposed drainage strategy. The applicant has responded to correspondence from Severn Trent Water, the LPA are waiting on confirmation this information is satisfactory.

Planning Obligations

The proposal proposes a total of 11 apartments. An Urban Open Space contribution of £8,489 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP. The applicant has agreed this figure.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 11 new units.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the proposal would be an acceptable use of this previously developed site within an existing residential area.

There is no significant evidence that the proposal would increase crime and anti-social behaviour in the area or give rise to an unacceptable level of noise and disturbance. The proposal is considered would not result in a significant loss of amenity for adjoining neighbours.

The application has sufficient off-street parking to meet policy requirements.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised in respect of the design and layout of the proposal. Amended plans have been submitted which enable full support to be given to the scheme.

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:
 - Addressing concerns regarding flood risk/drainage;
 - Providing an acceptable waste management strategy; and
 - The amendment and finalising of conditions;

Conditions and reasons

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

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

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

Aspire Supporting Letter dated 19/01/2023

Noise Impact Assessment dated 20 February 2022

Proposed Ground Floor Plan 2022-066-055 Rev B dated 17/11/23

Proposed First and Second Floor 2022-066-066 Rev B dated 17/11/23

Proposed Front, Rear and Side Elevation 2022-066-077 Rev B 17/11/23

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

3. Notwithstanding the details submitted, the development hereby permitted shall not be operated or used otherwise than for assisted living accommodation.

Reason: To define the planning permission, and to control the parking demand at the site in accordance with UDP Policy T7 and T13.

4i. Prior to the commencement of the development hereby permitted details of acoustic glazing and acoustic passive and mechanical ventilation in accordance with the minimum sound reduction performance (DnTw) specified in the 'Noise Impact Assessment dated 20 February 2022' shall be submitted in writing to and approved in writing by the Local Planning Authority.

ii. The Applicant shall implement the agreed acoustic mitigation measures.

iii. Prior to the occupation of the development hereby permitted a written validation document that confirms implementation of the agreed mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: To protect the health and amenity of future occupiers/users in line with saved UDP policies GP2 and ENV14.

5a. Prior to the commencement of development hereby permitted details of the party/-ies responsible for the maintenance of the proposed surface water system including:

- i. contact details and address details
- ii. details of planned activities and frequencies of required maintenance
- iii. maintenance of the permeable amenity space

shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development shall not be carried out otherwise than in accordance with the approved maintenance details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6. Prior to the commencement of building operations above damp-proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

7a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

8. Prior to the first occupation of the development hereby permitted the two parking spaces to forecourt shall be fully implemented, being clearly demarcated on the ground and shall thereafter retained and used for no other purpose.

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

9a. Prior to the development first coming into operation, details of a covered and illuminated cycle shelter with facilities for locking shall be submitted to and approved in writing by the Local Planning Authority.

b. The cycle shelter shall be fully implemented in accordance with the approved details.

c. The cycle shelter shall thereafter be retained and used for no other purpose for the lifetime of development.

Reason: To encourage sustainable modes of travel and in accordance with Saved UDP Policy and the Black Country Core Strategy Policy TRAN4.

10a. Notwithstanding the details submitted and prior to the development first coming into operation full details of site security measures shall be submitted to and approved in writing by the Local Planning Authority.

b. The security measures shall be fully implemented in accordance with the approved details.

c. The security measures shall thereafter be retained for the lifetime of the development.

Reason: To ensure the safety and security of the development and its occupiers in compliance with saved UDP policy ENV32 and H1.

Notes for Applicant

West Midlands Police The applicant may consider the following: Construction site security. https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf I would recommend security using the principles of Secured By Design. The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes. Please see : https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf

For flats / apartments. Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2023 page 73 2b.45). SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2023 page 73, 45.3). 'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2023 page 74, 45.4-5). Suitable lighting will provide some security. External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas. This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2). I would recommend 24 hour lighting using a daylight sensor to communal areas. Good quality LED lighting. Providing security to residents as they make their way within the building. (SBD Homes 2023 page 77 49.8). Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/> Advice on alarms and CCTV <https://www.policesecuritysystems.com/> Consider for communal shared entrances doors and visitor door entry systems to standard SBD Homes 2023 S48. In the interests of safety, security and crime prevention. Door sets fitted with TS 007 3 star rated cylinders to each of the individual rooms. Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9). All doors to a minimum PAS 24: 2022 standard doors for houses and apartments. Particularly external doors. PAS 24 2022 for all new windows. Controlled fittings – Building Regulations etc. This includes combined fire resistance with security.(See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf
Any entry and to each room would be an individual victim of dwelling burglary.

If required cycle stores, approved products, are recommended (SBD Homes 2023 page 60, 32 and 85, 64). Located in a clearly visible area.

West Midlands Fire Service

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application

Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.
- e. A facility to store building information for firefighters to complete their tasks.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

For flats, either of the following provisions should be made.

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building. Door(s) should be provided such that there is no more than 60m

between each door and/or the end of that elevation (e.g. a 150m elevation would need at least two doors).

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and meet the provisions in Section 8 of BS 9990.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Section 14: Fire mains and hydrants – flats

Provision of fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

a. The firefighting stairs.

b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

Wayfinding signage for the fire service

15.13 To assist the fire service to identify each floor in a block of flats with a top storey more than 11m above ground level (see Diagram D6), floor identification signs and flat indicator signs should be provided.

15.14 The floor identification signs should meet all of the following conditions.

- a. The signs should be located on every landing of a protected stairway and every protected corridor/lobby (or open access balcony) into which a firefighting lift opens.
- b. The text should be in sans serif typeface with a letter height of at least 50mm. The height of the numeral that designates the floor number should be at least 75mm.
- c. The signs should be visible from the top step of a firefighting stair and, where possible, from inside a firefighting lift when the lift car doors open.
- d. The signs should be mounted between 1.7m and 2m above floor level and, as far as practicable, all the signs should be mounted at the same height.
- e. The text should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch.

15.15 The wording used on each floor identification sign should take the form Floor X, with X designating the number of the storey, as intended for reference by residents. The floor number designations should meet all of the following conditions.

- a. The floor closest to the mean ground level (see Diagram D4) should be designated as either Floor 0 or Ground Floor.
- b. Each floor above the ground floor should be numbered sequentially beginning with Floor 1.
- c. A lower ground floor should be designated as either Floor -1 or Lower Ground Floor.
- d. Each floor below the ground floor should be numbered sequentially beginning with Floor -1 or Basement 1.

15.16 All floor identification signs should be supplemented by flat indicator signs, which provide information relating to the flats accessed on each storey. The flat indicator signs should meet all of the following conditions.

- a. The signs should be sited immediately below the floor identification signs, such that the top edge of the sign is no more than 50mm below the bottom edge of the floor identification sign.
- b. The wording should take the form Flats X-Y, with the lowest flat number first.
- c. The text should be in sans serif typeface with a letter height of at least half that of the floor indicator sign.

- d. The wording should be supplemented by arrows when flats are in more than one direction.
- e. The text and arrows should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch. NOTE: In the case of multi-storey flats with two or more entrances, the flat number should only be indicated on the normal access storey.

Evacuation alert systems

15.17 In blocks of flats (purpose group 1(a)) with a top storey over 18m above ground level (see Diagram D6 in Appendix D) an evacuation alert system should be provided in accordance with BS 8629. Secure information boxes

15.18 A secure information box provides a secure facility to store information about a building for use by the fire service during an incident.

15.19 Blocks of flats (purpose group 1(a)) with a top storey more than 11m above ground level (see Diagram D6 in Appendix D) should be provided with a secure information box. NOTE: Consideration should also be given to other buildings with large, complex or uncommon layouts where the provision of a secure information box may be beneficial.

15.20 The box should meet all of the following conditions.

- a. Sized to accommodate all necessary information.
- b. Easily located and identified by firefighters.
- c. Secured to resist unauthorised access but readily accessible by firefighters.
- d. Protected from the weather.

15.21 Best practice guidance can be found in Sections 2 to 4 of the Code of Practice for the Provision of Premises Information Boxes in Residential Buildings published by the Fire Industry Association (FIA).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey **more than 11m** above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be

provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

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 (ADB Vol 2, Section 7)

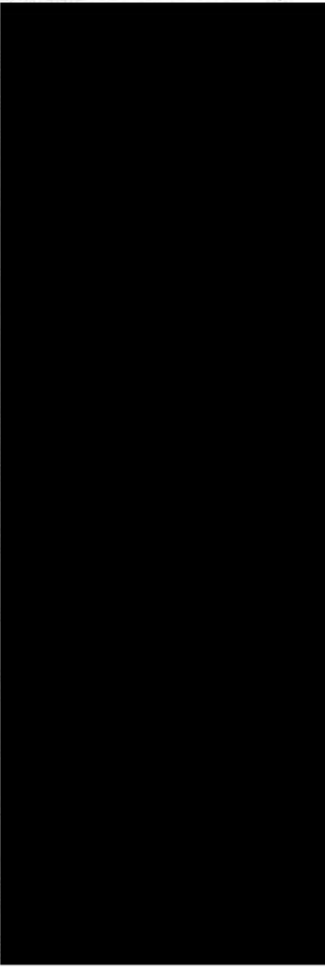
The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Appendix

Petition 1

We the undersigned and residents of Wednesbury Road object to the application 22/0381 of building 17 self-contained apartments at 59-61 Wednesbury Road. The objection is based on:

- Adequacy of parking- there is not enough parking for the occupants of the proposed application as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.
- Traffic- it will affect the flow of traffic in an area inundated with traffic issues
- Anti-social behaviour
- Impact on the amenity of the area- this area already has a number of social housing buildings and HMO's that is impacting the area

Name	Address	Signature
Mahmud Ravat	78E Wednesbury Road	
ANISA RAHAT	78E WEDNESBURY RD	
SABIRA RAHAT	78C WEDNESBURY RD	
HARON KAVAT	78B WEDNESBURY RD	
Saleem Ravat	78B Wednesbury Road	
ALI RAVAT	78B WEDNESBURY ROAD	
HI RAHAT	78C WEDNESBURY RD	
Y Ravat	78 WEDNESBURY RD	
FARJAN AKHTAR	76 WHITEHALL RD	
Rebeka Begum	94 Wednesbury RD	
KOUSOR MIAH	1 Grange St	
Mohammed Rahman	62 Corporation St West	
Najifa Begum	53A Wednesbury	
Ashfa Begum	5.3A Wednesbury R	

Petition 2

We the undersigned and residents of Wednesbury Road object to the application 22/0381 of building 17 self-contained apartments at 59-61 Wednesbury Road. The objection is based on:

- Adequacy of parking - there is not enough parking for the occupants of the proposed application as well as loading, due to being on a main busy road with traffic lights and a roundabout right in front.
- Traffic - it will affect the flow of traffic in an area inundated with traffic issues
- Anti-social behaviour
- Impact on the amenity of the area - this area already has a number of social housing buildings and HMO's that is impacting the area

Name	Address	Signature
Bilal Rawat	75n wednesday road wednesbury road	[Redacted]
A. Rawat	78 wednesday rd 59-61 wednesbury rd	[Redacted]
P. B. B. I	52 wednesday rd	[Redacted]
A. Hase	55 wednesday rd	[Redacted]
Hussain	87 wednesday rd	[Redacted]
Kenneth Akkimen	85B wednesday rd	[Redacted]
M. SALLAO	91 WEDNESBURY RD	[Redacted]
[Redacted]	110 wednesday rd	[Redacted]
S. CHANGU	93 WEDNESBURY RD	[Redacted]
RAKIBU	97 WEDNESBURY RD	[Redacted]
B. [Redacted]	95 wednesday rd	[Redacted]
[Redacted]	99 wednesday rd	[Redacted]
[Redacted]	101 wednesday rd	[Redacted]
[Redacted]	103 wednesday rd	[Redacted]

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 15 January 2024

Plans List Item Number: 3

Reason for bringing to committee

Council owned land - Applications on Council owned land or Council assets where the Council intends to develop or dispose of that land or asset with the benefit of planning permission and where the value of the land or asset would be increased by more than £100,000.

Application Details

Location: 414, BOSTY LANE, ALDRIDGE, WALSALL, WS9 0QF

Proposal: PROPOSED TAKING DOWN OF AGRICULTURAL OUTBUILDINGS, PARTIAL DISMANTLING OF FIRE DAMAGED GRADE II LISTED BARN TO PROVIDE 4 NO. BEDROOMS, RENOVATION OF GRADE II LISTED FARMHOUSE TO PROVIDE 6 NO. BEDROOMS, CONVERSION OF BARN INTO A DWELLING HOUSE WITH 5 NO. BEDROOMS, AND CONVERSION OF DUTCH BARN INTO A DWELLING HOUSE (3 DWELLING HOUSES IN TOTAL) ALONG WITH A PAVED COURTYARD, OPEN SIDED PARKING AREA, VERANDAS/TERRACES AND THE ADJACENT PADDOCKS CONVERTED TO PROVIDE A THERAPEUTIC CHILDREN'S FARM. PROPOSED 30KW PHOTOVOLTAIC SOLAR PANEL ARRAY.

Application Number: 22/0976 & 22/0977 (LISTED BUILDING CONSENT)

Case Officer: Helen Smith

Applicant: Adecyn Properties Ltd

Ward: Aldridge Central And South

Agent: Baart Harries Newall Architects

Expired Date: 08-Sep-2022 and 07-Sep-2022

Application Type: Full Application: Minor Use Class C3 (Dwellinghouses) and Listed Building Consent: Alter/Extend

Time Extension Expiry: 31-Jan-2023



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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.
 - 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.
 - No further comments from a statutory consultee raising material planning considerations not previously addressed.

The planning application (reference no. 22/0976) and Listed Building Consent (reference no. 22/0977) application proposes the taking down of agricultural outbuildings, the partial dismantling of fire damaged Grade II Listed barn, and the conversion of the barn into a dwelling house. It also proposes the renovation of the Grade II Listed farmhouse and conversion of the existing Dutch barn into a dwelling house. The proposal would therefore result in the development of 3 dwelling houses in total, along with a paved courtyard, open sided parking area, verandas and terraces. The adjacent paddocks would be converted to provide a therapeutic children's farm for the applicant's own family and fostered children. The proposal includes the installation of a photovoltaic solar panel array. No agricultural use is included.

The submission states that the building form and materials of the listed farmhouse and barn will remain as existing, and the submission is made by Adecyn Homes which is a family run organisation who provide foster care for children. The site would be occupied by the same family.

The existing access and driveway along the eastern boundary of the application site would be utilised to provide a 4.1 metre wide vehicular access to the three proposed properties. Farm access is available to the to the adjacent field to the east, which is tenanted to another farmer.

The submission states that the properties would be occupied by close family members. Off-street parking would be provided for each dwelling and the existing farmyard would be paved converted courtyard and the existing outbuildings would be re-constructed as an open sided parking area. The proposal includes the following:

Farmhouse

This two-storey building would be restored and converted into a single dwellinghouse with a kitchen, dining room, living room, reception room, conservatory, 6 bedrooms, 3 bathrooms and WC. The attic would be used as storage space with a roof light installed.

Listed Barn

This would be restored and converted to provide open sided parking areas, storage, study, wet room, reception and sitting rooms, dining room, gym/cinema room with a spiral staircase installed to access the first floor. One bedroom would be provided at ground floor and three bedrooms at first floor with two bathrooms.

Dutch Barn

This would be restored and converted to a two-storey building to provide residential accommodation. At ground floor there would be a living room, kitchen, dining area, reception room, utility and cloakroom, a bedroom, and a bathroom. Stairs would be installed centrally to access the first floor where 4 further bedrooms each served by a bathroom and study would be provided.

Solar Panel Array

The proposal includes the installation of a 30KW solar panel array which would be located within the orchard area to the south of the site and surrounded by hedgerow planting. The array would cover an area of 192 sq. metres and would be 1 metre high, above ground level.

Therapeutic Farm

The Design and Access Statement states that the proposal will include a therapeutic children's farm with a horticulture bed and small farm animals such as sheep, goats, alpaca and hens. The planning agent has advised that the therapeutic farm is for the sole use of the applicants and foster children who live on site along with children from other foster homes within the group.

The initial plans have been revised to ensure that the agricultural character of the existing listed buildings and their wider setting are retained and are sensitively restored. Two orchard areas are proposed along with gardens to serve the dwellinghouses which would be sub-divided within the application site by 1.2 high post and wire fencing.

The same boundary treatment is proposed to the northern boundary of the application site fronting Bosty Lane and to the western and southern site boundaries along with accompanying improved hedgerow boundaries.

The planning application and listed building consent applications are supported by the following documents:

- Preliminary Ecological appraisal
- Reptile report
- Bat Activity Survey
- Preliminary Ecological Appraisal Report
- Farmhouse Structural Inspection Report
- Listed Barn Structural Assessment Report
- Heritage Assessment
- Tree report
- Design and Access Statement
- Green Belt Statement
- Statement of Heritage Significance
- Biodiversity Net Gain Report
- Biodiversity Net Gain Calculation

Site and Surroundings

Bosty Lane Farm is located on the southern side of Bosty Lane, a range of farm buildings set back from the highway. The farmhouse and farm building adjoining to the east, Bosty Lane, and the barn southwest of Bosty Lane Farmhouse, Bosty Lane, are both Grade II listed. The farmhouse is early 18th century and the farm building mid-19th century, and both are constructed from brick with slate roofs.

Access to the site is via a track adjacent the Listed Farmhouse and barn. There is an area of hardstanding to the rear of the Farmhouse, the side of the Listed barn and to the front of the Listed barn to the south-west of the site. A small area of hardstanding is formed in front of the Dutch barn.

The farmhouse is two storeys high with three bays, the casement windows have glazing bars, and the ground floor window of the second bay has segmental head. The first bay door is a mid-19th century timber doorcase. A chimney stack protrudes to the right of the second bay. The gable of the adjoining farm building projects forwards and has a pitching hole on the first floor with segmental arch. The left-hand return wall has a five-bay arcade with segmental arches and brick piers, opening into a cart shed. The interior of the farmhouse includes a sunken diary in the right-hand bay. The middle room has a chamfered axial main beam and exposed common joists. The left room has a boxed axial beam, and the inglenook recess has a boxed bressummer.

The barn south west of Bosty Lane Farmhouse, Bosty Lane is Grade II. The barn is mid-18th century constructed in brick with a tiled roof. The north wall accommodates a two-storey porch with hardwood truss exposed in gable. This has a kingpost with straight braces to the principals. Each side of the porch are single storey leaning structures against the front wall of the barn. The southern wall includes a design feature called breathers, and a cart entrance that includes a segmental arch formed from blue brick voussoirs. The barn includes a first-floor pitching door.

The interior includes brick cross walls with central openings which supports the roof to the entrances, the roof structure includes hardwood purlins. The western part of the barn includes a visible truss which is similar to the one in the exposed gable of the porch and has at least one curved wind brace.

The listed barn has recent fire damage and a section of roof and side elevation wall part damaged due to this fire.

To the west of the listed barn are four stables constructed in brick. To the rear of this barn is a Dutch barn that is open on all sides constructed out of metal with a small row bow roof. To the west and south of the Dutch barn are modern agricultural buildings.

The Farmhouse, barns and ancillary buildings sit within the open rural countryside. The site has fallen out of active farming use.

The last tenants vacated the farm in 2017. The buildings on the application site are in a poor condition having suffered damage from arson, vandalism and rainwater ingress. The adjacent farmland is currently occupied by a farmer and the farmland agreements are currently separate from the proposed development.

The application site falls within character area WL09 – Barr Beacon and Aldridge Fields and the Historic Environment Record. This site is within an Area of High Historic Landscape Value contains the remains of Aldridge Lodge (now Lodge Farm) and the Grade II listed buildings Bosty Lane Farmhouse and its associated barn. Both shown on the 1817 OSD map of the area. Earthwork ridge and furrow and parkland features are also present.

The application site is located within designated Green Belt and the boundary of the Cannock Chase Special Area of Conservation crosses the northern tip of the application site. There are a number of trees within the site, in particular to the west of the Listed Farmhouse.

The application site is broadly level in character and falls within the Coal Development Low Risk Area. The Environment Agency identify the application site as being within Flood Zone 1 with a low probability of flooding.

There are residential properties opposite the application site to the north on Bosty Lane and to the northwest of the site. The nearest dwelling house to the site is 398 Bosty Lane which shares its eastern boundary with the application site. This neighbouring property has protected trees within its curtilage. To the south of the application site is Aldridge Airport.

Relevant Planning History

414 Bosty Lane

19/0916 - Listed Building Consent to undertake: 1) removal of roof coverings and fire damaged timbers. 2) take down dislodged brickwork. 3) removal of loose and precarious material. 4) dismantling of wall heads. 5) removal of any loose masonry. 6) walls to be propped and shored – granted listed building consent 10/9/19.

398 Bosty Lane

23/0857 - Replacement roof with increase to ridge height and hip to gable extensions to form new first floor habitable space – under assessment.

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- 3.6 to 3.8 Environmental Improvement
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting

- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T6: Traffic Calming
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

GB1: Green Belt Boundary and Control of Development in the Green Belt

EN1: Natural Environment Protection, Management and Enhancement

T4: The Highway Network

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings
- Appendix D

Historic England Guidance

- Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015).
- Good Practice Advice Note 3: The Setting of Heritage Assets (2017).
- Advice Note 2: Making Changes to Heritage Assets (2016).
- Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019).
- Understanding Historic Buildings: A Guide to Good Recording Practice (2016).
- Advice Note 9: The Adaptive Reuse of Traditional Farm Buildings (2017).
- Best Practice Guidelines for Adaptive Re-use: Adapting Traditional Farm Buildings (2017).
- A Guide to Good Practice: The Maintenance and Repair of Traditional Farm Buildings (2017).

Consultation Replies

Archaeology – No objections as there are no below ground archaeological implications.

Community Protection – No objections subject to secure boundary treatment, defensive planting, and the inclusion of the principles of Secured by Design.

Conservation (Heritage) Officer – Support subject to conditions, see Listed Building and Heritage Assessment section of this report

Ecology – No objections subject to the inclusion of planning conditions in respect of bats, small mammals, and biodiversity net gain requirements.

Environmental Protection – No objections subject to conditions relating to the installation of solid fuel appliances, asbestos removal, and the provision of a Construction Environmental Demolition Plan.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England. An informative note can be included for the applicant.

Highways England – No objections

Historic England – No objections and recommend the involvement of local conservation and archaeological specialists.

Housing Standards – initial concerns raised are considered to have been addressed by the amended plans.

Local Highway Authority – No objection subject to an amended layout to show an access road of minimum 4.8m and amended surfacing arrangements for the access road.

Police Architectural Officer – No objections to the proposal subject to the implementation of the principles of Secure by Design. An informative note can be included for the applicant.

Severn Trent Water – No objections subject to the inclusion of a drainage condition and informative note for the applicant in respect of sewage.

Strategic Planning Policy – No objections subject to appropriate boundary fencing for this sensitive historic and Green Belt location.

Tree Officer – no objections subject to the inclusion of a planning condition in respect of tree protection.

Representations

Two neighbours have commented on the planning proposal and made comments on the following grounds:

- Objects to the proposed 2.1 metres high security fencing close to neighbouring windows.
- Tree preservation orders on 398 Bosty Lane not considered in the tree report.
- Supportive of the proposal as it will enhance the land and stop illegal fly tipping.
- Would like the existing hedge to remain fronting Bosty Lane to retain existing privacy opposite the application site.

Determining Issues

- Heritage and Listed Building Assessment
- Principle of Development
- Green Belt
- Character and Appearance of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Ecology
- Protected Trees
- Air Quality
- Ground Conditions
- Cannock Chase Special Area of Conservation
- Parking and Access
- Local Finance Considerations

Assessment of the Proposal

Heritage and Listed Building Assessment

Paragraph 200 of the NPPF (December 2023) requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and the submission includes a Heritage Statement in support of this proposal.

The farmhouse and farm building adjoining to East, Bosty Lane, and the barn southwest of Bosty Lane Farmhouse, Bosty Lane, are both Grade II listed. The farmhouse is early 18th century and the farm building mid-19th century. The Farmhouse, barns and ancillary buildings sit within the open rural countryside.

The Council's Conservation (Heritage) Officer has advised that the proposal to bring back the Listed Farmhouse and Listed Barn and associated curtilage listed buildings back into re-use is welcomed subject to a sensitive restoration and conversion of the existing buildings on this site.

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 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 asset.

Listed Farmhouse and Farm Building

The planning agent has worked with the Council's Conservation (Heritage) Officer to ensure that concerns regarding the design and the retention of the farm character of the site is retained are addressed.

The plans retain original historic fabric and existing openings within the Listed farmhouse and farm building, as such these proposed works are supported. Internal new openings would be half height only, which will retain original historic fabric, including the boxed axial beam, and the boxed bressummer in the inglenook recess.

Fire damage has resulted in part of the roof of the Listed farm building having been lost. As a result of this fire part of the side wall of the Listed farm building was also damaged and lost. After the fire listed building consent was granted for a couple of brick courses to be removed to make the farm building safe. Policy ENV27 of the UDP states "the Council considers demolition of a listed building as a last resort". 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. The farmhouse and farm building will be utilised as a single six-bedroom dwelling.

Three new openings and two conservation rooflights will be inserted into the original fabric of the Listed farmhouse and farm building, these minimal alterations will retain the historic and architectural significance and agricultural character of the Listed farmhouse and farm building. The existing openings at ground floor of the farm building will be infilled with glazing, enabling an enclosed habitable space to be provided, details of the timber window construction including glazing details will be sought by way of a planning condition.

A small single storey extension is proposed, a modern addition to the original design and character of the Listed farmhouse and farm building, the modern element would clearly distinguish between the original historic buildings and the modern extension. This relatively small extension would be supported, as it would not significantly alter the character or value of the Listed Farmhouse or farm building. This small extension would not have a detrimental impact on the character and appearance of the Listed farmhouse and farm building, the extension is fully glazed allowing direct views of the original farmhouse and farm building and fully reversible, where the fully glazed extension can be removed, and the original farmhouse openings reinstated with reclaimed brickwork and new timber doors.

Details of all repair and refurbishments works to the historic fabric to both the Listed farmhouse and farm building, including survey work of the existing windows, details of repair work to existing windows, details of new windows, details of new doors (internal and external), details of new joinery, facing and roofing materials, new glazing for the extension, details of new plasterwork, mechanical, electrical, plumbing works and fire, sound and thermal insulation details will be sought by way of a planning condition.

The retention of the Listed farmhouse and farm building and the minor works proposed would not significantly alter the internal and external appearance, character or values of the Listed farmhouse and farm building, it would still be read as a farmhouse and farm building. The proposed works would seek to retain and preserve the internal and external form of the Listed farmhouse and farm building. The change of use of the farm building will not have a detrimental impact on the character and appearance of the farm building, as it would still read as a farm building. The proposal would comply with Policies ENV27, ENV32, ENV2 and ENV3 of the Development Plan and DW3 of Designing Walsall SPD.

Prior to the any works commencing a full building recording survey in accordance with Historic England Guidance: Understanding Historic Buildings: A Guide to Good Recording Practice (2016) shall be undertaken and this shall be secure by way of a planning condition.

The proposed works to convert the Listed farmhouse and farm building would have less than substantial harm to the significance of the Listed Bosty Lane Farmhouse and farm building. The scale of harm would be weighed as low. The proposal would need to be weighed against public benefits and optimum viable use. The proposed conversion and works to the Listed farmhouse and farm building would preserve the setting of the Listed Barn southwest of the Listed Bosty Lane farmhouse.

The barn southwest of Bosty Lane Farmhouse

The proposal seeks to retain and convert the original threshing barn into a single dwelling. Through negotiations original historic fabric within the threshing barn will be retained, including the Kingpost with straight braces, breather design detailing, interior walls with half height openings, cart entrances, pitching door at first floor, purlins and trusses. The proposed conversion of the threshing barn seeks the retention of existing openings with minimal new openings to retain the historic and architectural significance and agricultural character of the threshing barn. A new spiral staircase will be fitted, and a new floor inserted into the threshing barn to provide habitable space within the double height space of the threshing barn. The full glazed elements inserted into the original threshing barn doors would retain the original entrance features of the threshing barn, still allowing its historical use associated with the farm to be understood.

The single lean-to construction will be refurbished with metal cladding and fully glazed elevation facing the courtyard. The existing lean to is clad in metal with full glazing on one elevation, the contrast between traditional materials and modern metal cladding would add character and would not unduly detract from the external character and value of the Listed barn. It is however important to ensure the proposed metal cladding and full glazed elements are constructed from high quality materials, details of which will be sought by planning condition. Furthermore, this lean to is reversible, where it can be fully removed without having significant impact upon the Listed barn.

The proposed works would include a new roof turret to existing open structure to the rear of the threshing barn, there are no conservation objections to this additional feature. The open structures to the rear of the threshing barn will be utilised as open parking areas and a storage area, which will include timber doors. The existing cross walls within this structure will be repaired, this is welcomed, and details of these repair works will be sought by way of a planning condition.

New gates are to be installed into the rear courtyard of the threshing barn; details of these gates will be sought by way of a planning condition.

Details of all repair and refurbishments works to the historic fabric to the Listed barn, including survey work of the existing windows, details of repair work to existing windows, details of new windows, details of new doors (internal and external), details of new joinery, facing and roofing materials, new glazing for the extension, details of new plasterwork, new partitions, rooflights, mechanical, electrical, plumbing works and fire, sound and thermal insulation details and details of the roof turret will be sought by way of a planning condition.

Prior to the any works commencing a full building recording survey in accordance with Historic England Guidance: Understanding Historic Buildings: A Guide to Good Recording Practice (2016) shall be undertaken and this shall be secure by way of a planning condition.

The retention and change of use of the Listed barn and the minor works proposed would alter the interior of the threshing barn, however, the proposed works would not have a significant detrimental impact on the character and appearance of the Listed barn, as the externally appearance, character or value of the Listed barn would still read as a former threshing barn.

The proposal would comply with Policies ENV27, ENV32, ENV2 and ENV3 of the Development Plan and DW3 of Designing Walsall SPD.

The proposed works to convert the Listed barn would have less than substantial harm to the significance of the Listed Barn. The scale of harm would be weighed as low. The proposal would need to be weighed against public benefits and optimum viable use. The proposed conversion and works to the Listed barn would preserve the setting of the Listed Farmhouse and farm building.

Dutch Barn

The existing open plan Dutch barn will be converted into a 5 bedroom dwelling. The Dutch barn will be infilled with brickwork with design features called 'breathers' replicated from the threshing barn. The front and rear of the Dutch barn would include an extended full glazed feature with minimal side window openings. The fully glazed elements, the design features and the design of the roof are similar to the proposed glazed elements proposed in the Listed farm building and listed barn and whilst its overall design will read as a modern dwelling, the roof form would still read as a Dutch barn which would be reflective of the agricultural character of the site. The proposed conversion of the Dutch barn would have minimal harm to the setting of the Listed Farmhouse and farm building and the Listed barn.

The works to convert the Dutch Barn 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.

Paved Courtyard, Parking Area, Verandas and Terraces

The works 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.

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

The works 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.

Photovoltaic Storage and Air Source Heat Pumps

Along the southern boundary of the site, to the southwest of the Dutch barn, a 30kv photovoltaic storage area will be included as part of the scheme. The photovoltaics have been stored in this location, further away from the Listed Farmhouse and farm building and the Listed barn southwest of Bosty Lane Farmhouse. The photovoltaic storage area will be screened by a hedgerow around it. The propose photovoltaic storage area will have an element of harm to the setting of the above referenced Listed buildings. The scale of harm to the setting of these Listed buildings would be low to medium, however, on balance, the proposal to include energy efficient measures should be supported to meet the Government's carbon zero emissions. The photovoltaic storage area is fully reversible, the panels would sit on the ground and can be removed with minimal damage to the ground where the ground could be made good with grass seed and a wildflower meadow.

Air source heat pumps will provide heating to the Listed farmhouse and farm building, Listed barn and Dutch barn, details of these air source heat pumps will need to be submitted by way of a planning condition.

Modern Farm Buildings

The application proposes the demolition of the modern agricultural buildings on the site, the demolition of these modern agricultural buildings is welcomed, their removal would enhance the setting of the Listed Farmhouse and farm building and the Listed barn.

In conclusion, the principle of residential development on the site is supported, as it seeks to bring a vacant designated heritage assets back into re-use. The Listed Building Consent application is considered to be acceptable subject to the inclusion of planning conditions that meet the 6 tests as set out in the NPPF.

Principle of Development

The application site is considered to be in a sustainable location close to local amenities and services. Aldridge Primary Shopping Centre is located 1.2 km to the north-east of the site and access to the no. 997 bus service between Walsall and Birmingham is within walking distance of the application site.

The NPPF seeks to deliver a wide choice of quality homes to create sustainable, inclusive and mixed communities. The NPPF and SAD policy HC2 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations.

The proposal seeks to introduce residential use to the former farm site. Whilst the character and uses in the surrounding area have changed since the building was first constructed, residential development is considered an appropriate use for this location. The property is in an area with residential uses, and it is considered that bringing this derelict site back into use will enhance the vitality of the area.

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 January 2022 based on low levels of delivery over the preceding 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect. Consequently, as there is a housing supply shortfall in Walsall the delivery of housing is considered welcome subject to all other matters being satisfactory.

The application site is not in agricultural use and land to the south of the site is classified as Agricultural Land.

The proposed use can be supported on planning policy grounds by SAD policy HC2 subject to the provision of satisfactory amenity for existing and future occupiers and the potential impact on heritage assets.

Green Belt

The application site sits within designated Green Belt and the proposal aims to restore and convert the existing dilapidated listed farm buildings on the site. The planning proposal includes a Green Belt statement which comments upon the existing semi-derelict condition of the existing buildings, large quantities of rusting farm machinery and extensive fly-tipping on the current site being considered.

The proposal would retain the built form of the existing buildings and whilst the proposal would convert the use to residential in its entirety which could result in increased domestic paraphernalia around the converted farm buildings it is considered that the potential impacts would be less than the visual impacts of the existing large quantity of rusting farm equipment and fly tipping on the site. It is considered that the openness of the Green Belt would not change as a result of this revision as the existing scale and mass of the buildings would be unchanged and the farm character of the buildings would be retained.

The proposed photovoltaic solar array would be low-level at 1 metre high and as this would be screened by hedgerows it is considered that this development would not have a significant impact on the character or openness of the Green Belt.

There would be no further spread of buildings on the site and no further encroachment onto the Green Belt other than the installation of a photovoltaic solar array which in this instance is considered would only have a limited additional impact on the surroundings.

This part of the site is not in agricultural use. The removal of permitted development rights is considered would retain the openness of the Green Belt and a planning condition that meets the 6 tests to restrict any further associated householder developments on this site.

Character and Appearance of the Area

The surrounding area is residential in character and houses are located next to open countryside and farmland.

The proposal would restore and convert the existing farm buildings on this sensitive site, bringing them back into active use rather than risk their potential future complete loss. The planning agent has worked with the Council's Conservation (Heritage) Officer and the original scheme proposed has been amended to ensure that the existing distinctive farming, heritage, character of the site is retained notwithstanding the farm falling out of present-day farming use.

The retention and restoration of these listed farm buildings is considered will contribute positively to the landscape character of the surrounding area and preserve the special interest of the buildings and their historic setting. Based on the aforementioned, it is considered that the limited change in character of this heritage asset to residential use will not harm the character and appearance of the surrounding area.

The proposed 2.1 metres high security boundary fencing has been removed from the scheme and the provision of boundary treatment details could be conditioned if approved.

Amenity of Neighbours and Amenity of Future Occupiers

The existing built form on the application would not change however the proposed change of use would provide three residential dwellings which would intensify the use of the existing site. There are no new buildings proposed and the relationship between the existing buildings on the application site and neighbouring properties to the north and west would be unchanged.

There would be separation distances of 52 and 62 metres between proposed residential buildings on the application site and 277 and 398 Bosty Lane respectively would exceed the recommended minimum habitable room window to window separation distances referred to in Appendix D of Designing Walsall SPD. It is considered that neighbours' existing privacy would be maintained.

The proposed habitable room window to window separation distances within the application site and between the proposed three dwelling houses would be less than recommended between the Dutch and the Listed Barns at 17 metres. Whilst this would be 7 metres less than the recommended separation distance of 24 metres referred to in Appendix D it is considered that in this instance as the proposal relates to a historic building which would be brought back into use, the shortfall would be, on balance, be acceptable particularly as the same family would occupy the entire site.

The amenity proposed for future occupiers is considered would be acceptable and each dwelling house would have internal floor space in excess of guidance provided within the nationally described space standards and access to large areas of private amenity space.

There would be some disturbance for residents during any development works however it is considered that this would be for a limited time period and any potential environmental impacts could be managed by the provision and implementation of a construction environmental management plan as required by Environmental Protection officers.

Details of bin storage and a waste management strategy has not been provided however this can be conditioned if approved.

Ecology

The planning application is supported by a Preliminary Ecological Appraisal, a Reptile Survey, Bat Activity Survey and a Preliminary Ecological Appraisal Report.

The site contains a number of habitats, and the buildings measure a total of 307m². These habitats include bare ground, broad-leaved scattered trees, dense scrub, fences, poor semi-improved grassland, species-poor hedges, tall ruderal, and walls, with additional areas of rubble and assorted building materials. Therefore, the site is considered to contain potential to support the local bat and bird populations by offering roosting/nesting, commuting and foraging opportunities.

The Preliminary Ecological Report dated July 2022 advises that the proposed re-development of the site will have no impact on any local designated sites and no habitats of conservation concern were located on the site. Recommendations for biodiversity net gain and protection of hedgehogs, reptiles and nesting birds are provided and planning conditions can be included if the proposal is approved.

The Council's Ecologist raised initial concerns regarding the proposal and to address these concerns the following reports were provided:

- Preliminary Ecological Appraisal dated November 2023.
- Bat Activity Survey report dated November 2023.
- Reptile Survey report dated November 2023.
- Biodiversity Net Gain report dated November 2023.

Bats

The bat activity survey report outlines the further survey work previously requested and identifies that several common pipistrelle day roosts found within the existing stable block and the northern building. As these roosts will be lost as part of the proposed work, the applicant has provided detailed mitigation measures that will be provided as part of the necessary Natural England bat Mitigation Licence, should approval of the application be granted. From this information planning conditions have been recommended by the Council's Ecologist.

The Council's Ecologist has advised that it should be noted, however, due to the proposed locations of the integrated bat boxes on the two buildings, it is likely that there will be some competing requirements in terms of heritage, in respect to maintaining the historical setting of the site. As such further consultation, which can be undertaken at condition discharge stage, will be required with Natural England, the Council's Conservation (heritage) officer and the Council's Ecologist to determine the optimum location of the bat boxes. It would be the recommendation of the Council's Ecologist that the bat boxes are located, as suggested by the report, in close proximity to the identified bat roosts.

As part of determining the application, due to the presence of the bat roost, the LPA is legally obliged to consider the 'three tests' set out in the Habitat Regulations and ensure that the application has submitted information to address them. This ensures that the LPA with approving the application has a measure of confidence that Natural England will grant a mitigation licence based on the information submitted.

The three tests under the Habitat Regulations are set out below, together with a summary of the justifications put forward by the applicant.

Test 1: the 'Purpose' Test.

Is the development for the purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'?

In summary, the applicant has stated the development is to create a Therapeutic Children's Farm to benefit the foster children within a number of family groups.

While the proposal will not preserve public health or safety, it will improve the resident's living quality through the increase in living space and quality of life for the families and foster children. This statement justifies the development as it will provide social benefits and improved quality of life for the residents while providing environmental benefits.

Test 2: the 'No Satisfactory Alternative' Test.

Is there a satisfactory alternative?

Due to the specific plans of the applicants and the status of the existing building on site, there is no other alternative to the proposals that would allow for the works to be undertaken without impacting the bat roost.

At this stage it would be difficult for the owners to find an alternative site which would suit their needs, due to the specific nature of the proposals. Doing nothing would result in dwellings that would be unsuitable for the residents.

Test 3: the 'Maintenance of Favourable Conservation Status' Test.

Will populations of the species be adversely affected?

The applicant has provided thorough and detailed information on the mitigation to be provided under a Natural England Licence, should it be granted. This includes:

- Works on the structure should only take place in conditions that are deemed suitable for bat activity.
- Soft demolition / strip of the roof tiles will be needed under the supervision of a licenced ecologist.
- One 1FS Schwegler Large Colony Bat Box or similar will be required to be installed on the morning of the supervision.
- Five Integrated Eco Bat Boxes to be installed as close to the existing roosts as possible – these must avoid artificial lighting.
- No artificial light is to be shone on the building.

This information supplied by the applicant addresses the requirements of the 'three tests'. Planning conditions as set out below should be put in place to ensure that the mitigation is followed unless superseded by a Natural England licence.

Reptiles

Since the Council's Ecologist's previous comments, the applicant has submitted a Reptile survey report dated November 2023. The report and survey findings found no evidence of reptiles within the application site. With the submission of the report, previous concerns have been addressed, however, residual measures as stated within the Preliminary Ecological Appraisal report would be included within a Construction and Ecological Management Plan.

Biodiversity Net Gain

The Biodiversity Net Gain report dated 2023 provides information on the habitats within the existing site and post development and concludes that the site will achieve a Biodiversity net gain as a result of the development and proposed management schedule. From an assessment of the report and its findings, the Council's Ecologist is in agreement, and should the management proposals be secured for the 30-year period, the proposal would be likely to meet a net gain in biodiversity, in accordance with para 180 and 186 of the National Planning Policy Framework. The required 30-year monitoring and securing the net gain would require a planning obligation and/or legal agreement.

Protected Trees

There is a protected Oak tree on the western boundary and protected trees on the adjacent residential plot at 398 Bosty Lane.

The planning application is supported by a tree report which has assessed 12 individual trees, three hedges and three tree groups. The report states that trees identified as T1 to T8 are Oaks except for T4 which is a small Ash. The trees are considered to likely be the remains of a boundary line planted at around the same time. The report advises that the Oaks are mature in age with ivy growing up their stems and lower crown area.

Trees T11, a Sycamore and T12, an Ash, are located on the northern boundary of the site. Both trees have ivy growing up their trunk which can obscure defects.

The report states that G1 is a linear feature of Holly and the tree next to the barn may have been affected by a fire in 2019. There are considered to be no outstanding trees in this group.

The report comments on three hedges, H1 located on the eastern boundary and divides the access drive from the neighbouring field. H2 is considered by the report to be a well-maintained hedge fronting onto Bosty Lane and H3 is a small feature that is considered probably divided the farm buildings from the barns.

The tree report was prepared to inform the design of the proposed development and includes recommendations for tree protection zones.

The Design and Access Statement advises that the mature native trees would be retained, subject to tree health but a row of self-seeded holly trees growing partly beneath the canopy of the Dutch Barn would be removed. T

The Council's Tree Officer has advised that it seems that trees to the south of the solar array are likely to be lost however a replacement planting scheme has been provided which can be

conditioned The Tree Officer has no objections to the proposal on arboricultural grounds and recommends the inclusion of a tree protection condition.

Air Quality

Environmental Protection (EP) have commented that the planning application does not contain details or state whether a solid fuel heating appliance (e.g., stove, open grate, multi-fuel burner) will be installed within the proposed development. The planning agent has advised that there will be no installation of solid fuel heating appliances in the proposed development. The installation of solid fuel stoves is covered by the Building Regulations 2010 (as per Approved Document J)

Ground Conditions and Environment

Prior to any demolition works, EP advise that an asbestos survey shall be undertaken, and a report produced identifying any asbestos containing material and measures to remove it. Thereafter, a Demolition Management Plan needs to be implemented to control local environmental impacts (noise, vibration, dust, and debris), including consideration of working hours. These can be conditioned if approved.

Cannock Chase Special Area of Conservation

The top corner of the application site falls within the 15km zone of influence for Cannock Chase Special Area of Conservation (SAC), an internationally protected site. The site was designated in 2005 under the European Habitats Directive primarily for its dry heathland, an Annex I habitat.

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports, to assess impacts upon the SAC and how they arise. The evidence indicates that development, which would increase visitors within 15km of the SAC may have a significant impact from recreational disturbance, this includes development that will lead to a net increase in dwellings.

Walsall Council, acting as the Competent Authority, must ensure that planning decisions do not have any negative impact on the SAC. Should a planning application be found to do so the Council must either refuse permission or ensure that the applicant secures the appropriate mitigation measures.

While a portion of the application site lies within the 'Zone of Influence' of Cannock Chase SAC, the development footprint lies outside. As such, upon review it has been determined should the proposed design not be amended to include development within the top corner of the site. The development is therefore regarded as being outside the 'Zone of Influence' and would not be required to undertake mitigation for recreational disturbance to the protected site.

Parking and Access

The Local Highway Authority (LHA) objected to the initial proposed layout and detailed amendments to the proposal that were required along with additional information. Amended plans were submitted to address these concerns and the LHA has advised that the amended layout had improved pedestrian accessibility and access improvements however their detailed updated response is awaited.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 3 new homes.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposal would put this heritage asset into a viable use, consistent with its conservation, by re-purposing it which will allow the full re-use of this heritage asset. It is considered that with sensitive restoration and conversion the proposal would have a positive contribution to the local character and distinction as the property is an important local building.

It is considered that the proposed residential use would, with a sympathetic renovation make a positive impact to the immediate location and assist with preventing anti-social behaviour such as fly-tipping. The proposed new dwellings are considered would provide adequate self-contained amenities for future occupiers with sufficient private amenity space for future occupiers.

It is considered that on planning grounds, subject to safeguarding conditions regarding works to the listed building, the proposal is considered on balance to be acceptable. The use of safeguarding conditions that meet the 6 tests: necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have liaised with the applicant's agent and in response to concerns raised amended plans have been submitted which enable full support to be given to the scheme.

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:
 - 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.
 - No further comments from a statutory consultee raising material planning considerations not previously addressed.

Conditions and Reasons

Planning Conditions and Informative Notes are separated below for the Planning and Listed Building Consent applications respectively.

Planning Application Conditions – Reference no. 22/0976

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

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

2: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Location and Block Plan, drawing no. 2761.01, deposited 14/07/23.
- Site Plan as Existing, drawing no. 2761.13, deposited 14/07/22.
- Existing Elevations and Plan of Dutch Barn, drawing no. 2761.10, deposited 14/07/22.
- Existing Elevations of Farmhouse, drawing no. 2761.04, deposited 14/07/23.
- Existing Floor Plans of Farmhouse, drawing no. 2761.02, deposited 14/07/23.
- Existing Elevations of Listed Barn, drawing no. 2761.08, deposited 14/07/23.
- Site Plan as Proposed, drawing no. 2761.14E, deposited 22/11/23.
- Proposed Elevations of Dutch Barn, drawing no. 2761.12C, deposited 22/11/23.
- Proposed Elevations of Farmhouse, drawing no. 2761.05C, deposited 22/11/23.
- Proposed Elevations of Listed Barn, drawing no. 2761.09C, deposited 22/11/23.
- Proposed Floor Plans of Dutch Barn, drawing no. 2761.11C, deposited 22/11/23.
- Proposed Floor Plans of Farmhouse, drawing no. 2761.03C, deposited 22/11/23.
- Proposed Floor Plans of Listed Barn, drawing no. 2761.07C, deposited 22/11/23.

- Ecology Bat Activity Survey deposited 08/11/23.
- Biodiversity Net Gain Report deposited 06/12/23.
- Design and Access Statement, Rev. A deposited 21/07/22.
- Site Plan as Proposed, Drainage and Calculations, deposited 21/07/22.
- Structural Inspection of Brick Barn and Farmhouse, reference S-21-519 Document No. RP2, deposited 14/07/23.
- Structural Inspection of Red Brick Barn, reference S-21-519 Document No. RP1, deposited 14/07/23.
- Reptile Survey Report deposited 06/12/23.
- Green Belt Statement deposited 28/07/23.
- Heritage Impact Assessment deposited 06/12/23.
- New Habitat Map deposited 06/12/23.
- Preliminary Ecological Appraisal Report deposited 06/12/23.
- Proposed Drainage Scheme, Job no. S-21-519, drawing 001 issue P01, deposited 21/07/23.
- Statement of Significance deposited 13/2/23.
- Tree Report deposited 14/07/23.

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

3: a) Prior to the commencement of any works to the stable block and the northern building as part of the development hereby permitted and prior to the submission of the Natural England Mitigation License, the alternative locations of the 5 bat boxes be submitted in writing to and approved in writing by the Local Planning Authority.

3: b) Prior to the commencement of any works to the stable block and the northern building as part of the development hereby permitted the local planning authority shall be provided with either:

- a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead or
- b) A statement in writing from the Natural England to the effect that it does not consider that the development will require a licence.

3 c) The development hereby permitted shall be carried out strictly in accordance with the approved details provided under Bat Activity report dated November 2023, unless superseded by the Natural England licence, and shall be retained in that manner thereafter.

3 d) In the event work has not commencement by November 2025, the bat surveys undertaken to support the application, will be considered to have expired, and a comprehensive bat survey would need to be carried out.

Reason: to conserve local bat populations and to be in accordance with National legislation; Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994 and to comply with NPPF15, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

4: Prior to the commencement of the development hereby permitted, a building recording survey to Level 3 in accordance with Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) shall be undertaken. The building recording survey shall be

submitted in writing and approved in writing by the local planning authority prior to any development works commencing. For the avoidance of doubt the recording shall be undertaken by an accredited archaeologist.

Reason: To ensure there is a written and photographic record of the designated heritage asset prior to the conversion of the building into residential accommodation in accordance with Saved Policy ENV27 of the UDP and Para 205 of the NPPF.

5: a) Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours (*please refer to the Environmental Protection Informative note referring to hours of working*).
- ii. Measures to prevent site drag-out.
- iii. Measures to prevent flying debris.
- iv. Dust mitigation measures.
- v. Measures to control noise and vibration (*please refer to the Environmental Protection Informative note referring to stabilisation/piling work*).
- vi. management of any materials arising from the works
- vii. Precautionary working practices in respect to badgers, bats, reptiles, birds and hedgehogs
- viii. Tree Protection Plan
- ix. Vegetation removal outside bird nesting season (Sept to Feb)
- x. Sensitive Lighting scheme to avoid light spill to protect bats, detailing the provision of lighting across the site, in accordance with guidance outlined in Note 08/18 bats and artificial lighting in the UK, Bats and the Built Environment Series, BCT, 2018

5: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement including the requirements of the Biodiversity Report (revised August 2023) and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties, to control the environmental impacts of the development and to safeguard the significance, setting and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

6: i) Prior to commencement of any works on the site, a pre-demolition asbestos survey shall be undertaken in accordance with HSG264 and the report shall be submitted in writing to and approved in writing by the Local Planning Authority.

6: ii) The scheme shall

- a. be written by a suitably qualified person
- b. demonstrably identify potential sources of asbestos contamination, and
- c. detail recommendation for removal.

6: iii) Prior to demolition activities commencing a written validation report shall be provided to the Local Planning Authority that demonstrates all identified asbestos containing material has been removed from the site by a licensed waste carrier to a facility that is licensed to accept it.

Reason: To safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development

7: a) Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority (*please refer to the Severn Trent Water Informative Note*).

7: b) The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels,

8: a) Prior to the commencement of development:

- i. details of protective fencing and ground protection to be installed around all retained trees and hedgerows shall be submitted in writing to and approved in writing by the Local Planning Authority;
- ii. The approved protective fencing and ground protection shall be installed;
- iii. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection;

8: b) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

8: c) Nothing shall be stored or placed, nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

8: d) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

9: a) Prior to the commencement of the development hereby permitted, details of materials for the exterior phase of development shall be submitted in writing to and approved by the Local Planning Authority. The materials details shall include:

- i. Masonry; Including all facing materials and stone
- ii. Windows.
- iii. Joinery (soffits, eaves, bargeboards, canopies).
- iv. Rainwater goods.
- v. Roofing; Including all roofing materials.
- vi. Flashing.

9: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved materials.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

10: a) Prior to the commencement of the development hereby permitted, details of an external lighting strategy shall be submitted in writing and approved in writing by the Local Planning Authority.

10: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting strategy.

Reason: To safeguard the significance of the historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

11: a) Prior to the commencement of the development hereby permitted an amended site plan shall be submitted in writing to and approved in writing by the Local Planning Authority. The amended plan shall show:

- i. An access roadway of a minimum of 4.8m in width
- ii. Removal of reference to gravel surfacing and confirmation that the access roadway will be hard surfaced and drained

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved amended site plan

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan

12: a) Prior to the commencement of building operations above damp-proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

12: b) The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

13: a) Prior to the commencement of building operations above damp-proof course of the development hereby permitted, details of the proposed bin storage areas including their locations on the site shall be submitted in writing to and approved in writing by the Local Planning Authority.

13: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

14: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house including the following:

- Class A (enlargement, improvement or other alterations),
 - Class AA enlargement of a dwellinghouse by construction of additional storeys
 - Class B (additions to the roof),
 - Class C (other alterations to the roof),
 - Class D (porches),
 - Class E (building incidental to the enjoyment of a dwelling house),
 - Class F (hard surfaces incidental to the enjoyment of a dwelling house),
 - Class G (chimneys, flues),
 - Class H (microwave antenna),
- shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

15: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 2 minor operations including the following:

- Class A (gates, fences, walls),
- Class B (means of access to a highway),
- Class C (exterior painting),
- Class D (electrical outlet for recharging vehicles),
- Class E (electrical upstand for recharging vehicles),

-Class F (closed circuit television cameras)]
shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

16: There shall at no time be any advertisement(s) displayed to the frontage of the property.

Reason: In the interests of maintaining the character of the area and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

17: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Biodiversity Net Gain report dated November 2023.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23, National Planning Policy Framework and Supplementary Planning Document Conserving Walsall's Natural Environment.

18. Notwithstanding the details submitted, the therapeutic children's farm hereby permitted shall not be used otherwise than by foster children and their carers in the care of the applicants.

Reason: To define the planning permission, safeguard the amenities of adjoining dwellings and to comply with the NPPF, Walsall's Unitary Development Plan saved policy GP2 and Designing Walsall SPD appendix D.

Listed Building Application Conditions – Reference No. 22/0977

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

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

2: This development shall not be carried out other than in conformity with the following approved plans: -

- Location and Block Plan, drawing no. 2761.01, deposited 14/07/23.
- Site Plan as Existing, drawing no. 2761.13, deposited 14/07/22.
- Existing Elevations and Plan of Dutch Barn, drawing no. 2761.10, deposited 14/07/22.
- Existing Elevations of Farmhouse, drawing no. 2761.04, deposited 14/07/23.
- Existing Floor Plans of Farmhouse, drawing no. 2761.02, deposited 14/07/23.
- Existing Elevations of Listed Barn, drawing no. 2761.08, deposited 14/07/23.
- Site Plan as Proposed, drawing no. 2761.14E, deposited 22/11/23.
- Proposed Elevations of Dutch Barn, drawing no. 2761.12C, deposited 22/11/23.
- Proposed Elevations of Farmhouse, drawing no. 2761.05C, deposited 22/11/23.
- Proposed Elevations of Listed Barn, drawing no. 2761.09C, deposited 22/11/23.
- Proposed Floor Plans of Dutch Barn, drawing no. 2761.11C, deposited 22/11/23.

- Proposed Floor Plans of Farmhouse, drawing no. 2761.03C, deposited 22/11/23.
- Proposed Floor Plans of Listed Barn, drawing no. 2761.07C, deposited 22/11/23.
- Ecology Bat Activity Survey deposited 08/11/23.
- Biodiversity Net Gain Report deposited 06/12/23.
- Design and Access Statement, Rev. A deposited 21/07/22.
- Site Plan as Proposed, Drainage and Calculations, deposited 21/07/22.
- Structural Inspection of Brick Barn and Farmhouse, reference S-21-519 Document No. RP2, deposited 14/07/23.
- Structural Inspection of Red Brick Barn, reference S-21-519 Document No. RP1, deposited 14/07/23.
- Reptile Survey Report deposited 06/12/23.
- Green Belt Statement deposited 28/07/23.
- Heritage Impact Assessment deposited 06/12/23.
- New Habitat Map deposited 06/12/23.
- Preliminary Ecological Appraisal Report deposited 06/12/23.
- Proposed Drainage Scheme, Job no. S-21-519, drawing 001 issue P01, deposited 21/07/23.
- Statement of Significance deposited 13/2/23.
- Tree Report deposited 14/07/23.

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

3. Prior to the commencement of the development hereby permitted, a building recording survey to Level 3 in accordance with Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) shall be undertaken of the Listed Farmhouse and farm building and the Listed Barn to the south west of Bosty Lane Farmhouse. The building recording survey shall be submitted in writing and approved in writing by the local planning authority prior to any development works commencing. For the avoidance of doubt the recording shall be undertaken by an accredited archaeologist or qualified heritage specialist.

Reason: To ensure there is a written and photographic record of the designated heritage asset in accordance with Saved Policy ENV27 of the UDP and Para 211 of the NPPF.

4a. Prior to the commencement of the development hereby permitted, a full phasing plan shall be submitted in writing and approved in writing by the local planning authority.

4b. The development shall not commence other than in accordance with the agreed phasing plan.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

5a. Prior to the commencement of the development hereby permitted including demolition, a written and photographic inventory outlining the retention of significant internal and external fixtures, which contribute to the special architectural interest and historic interest of the listed building shall be submitted in writing and approved in writing by the local planning authority.

5b. The development shall not commence other than in accordance with the agreed inventory approved under part A of this condition and the internal and external fixtures specified in the inventory shall be retained in perpetuity.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

6a. Prior to the commencement of the development hereby permitted a method statement for the implementation of the proposed works shall be submitted in writing and approved in writing by the local planning authority. The method statement shall be structured to reflect the works of the various trades that will be instructed during the implementation of the development and shall be set out in the following order, as are relevant:

- i. Investigative works required.
- ii. Protective measures to be put in place to preserve features to be retained.
- iii. Tools and equipment to be used and how they will be used.
- iv. Method of demolition and dismantling to be undertaken.
- v. Strategy, extent, form and fixing of scaffolding.
- vi. All temporary works.
- vii. Location and form of temporary storage of historic materials removed and to be reinstated.
- viii. Type and fixing of safeguarding measures to historic fabric during implementation of works including shoring, protective packing and screening.
- ix. Measures for repair and remediation.

6b. The method statement approved shall be shared with and made available to all contractors instructed during implementation of the approved development.

6c. The development shall not commence other than in accordance with the agreed method statement approved under part A of this condition and the agreed method statement adhered to throughout the implementation of the development.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

7a. Prior to the commencement of the development hereby approved, a window survey of the existing windows in the Listed farmhouse and farm building and the Listed Barn south-west of Bosty Lane Farmhouse shall be undertaken and shall be submitted to and approved in writing by the local planning authority. The window survey shall be undertaken by a qualified window specialist or joiner and shall outline the method of repair of the existing windows to be retained within the above reference Listed buildings and materials to be used for repair works.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the window survey approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and

Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

8a. Prior to the commencement of the development hereby permitted, a strategy for repair of the historic fabric of the listed buildings shall be submitted in writing and approved in writing by the Local Planning Authority. The repair strategy shall include the following:

- i. Repair to ceramic bricks and tiles (including floor tiles): Including the type and density, bonding and fixing, stitching together and or surface finishing.
- ii. Repair to timber (including skirting boards, dado panelling, dado rails, picture rails, staircase, balusters): Including the type and density, joints of joinery/carpentry, fixing (nails, pegs and/or adhesives) and finish.
- iii. Repair to glass: Including the type, fixture and finish.
- iv. Repair to ironmongery and metal: Including the type of metal, form, structural integrity, composition, fixing, joints and finish.
- v. Repair to plasterwork: Including the plaster mix, application (coats), substructure, decoration and finish.
- vi. Repair to stone: Including the type and density, bedding, fixing, surface finishing and arrangement.
- vii. Repair to terracotta: Including materials, mortar mix, colour matching.
- viii. Repair to chimney and capping (if relevant)

8b. The development shall not commence other than in accordance with the agreed repair strategy approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

9a. Prior to the commencement of the development hereby permitted full architectural and specification details at a scale of 1:10 shall be submitted in writing and approved in writing by the Local Planning Authority. The details shall be referenced in accordance with the phasing plan. The details shall include:

- i. Windows: Overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches, locks and finish
- ii. Secondary glazing: Overall design and how it relates to the principal window, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, the methodology to fix / attach the secondary glazing to the historic fabric and the type of tools to be used.
- iii. Doors (new and altered, internal and external): Overall design, dimension of frames/architraves, arrangement of materials and individual components and members, materials, reveal, opening mechanism, handles, latches and locks.
- iv. Rainwater goods: Design, location, materials, finish and fixing.
- v. New masonry: The position, form and bonding.
- vi. New staircases (internal and external): Materials, colour and finish, design of tread and riser, balustrade and rail, structural form and fixing to principal structure.
- vii. New stud walling: Exact position and relationship to adjacent and affected historic fabric, scribing round historic joinery and plasterwork and architectural features.
- viii. New internal joiners (skirting, ducting, and architraves): Design, materials, position, fixing and colour finish.
- ix. New plasterwork (ceilings, walling and decoration): Form, composition and application, plaster mix, location of application, number and type of coats and decorative use.

9b. The development shall not commence other than in accordance with the agreed architectural and specification details approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

10a. Prior to the commencement of the development hereby permitted full details showing new half-height openings within the Listed buildings shall be submitted in writing and approved in writing by the Local Planning Authority.

10b. The development shall not commence other than in accordance with the agreed half height opening details approved under part A of this condition. The half height openings shall be retained for the lifetime of the development.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

11a. Prior to the commencement of the development hereby permitted full mechanical and electrical systems strategy and water utilities strategy for the implementation of the scheme shall be submitted in writing and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the phasing plan. The strategy shall include:

- i. Type and location of heating services to be installed, including fixing.
- ii. Electrical services: including the routing of cables and wires, light fixings / switches, and electrical sockets and any trunking measures including material and method of fixing.
- iii. Emergency lighting and signage: type, location, position, material of signage, level of illumination, fixing, tools to be used.
- iv. Plumbing services, including routing of pipework, location of soil ventilation pipes and kitchen and bathroom vents including material and fixing

11b. The development shall not commence other than in accordance with the agreed mechanical and electrical systems strategy and water utilities strategy details approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

12a. Prior to the commencement of the development hereby permitted, details of fire and sound separation measures, and thermal and noise insulation measures shall be submitted in writing and approved in writing by the local planning authority. The details shall include a section drawing at a scale of 1:50 showing how the insulation will be fitted / installed between ceilings and floors, type, location, and method of installation.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

13a. Prior to the commencement of the development hereby permitted a full schedule of materials to be used for the exterior works shall be submitted in writing and approved in writing by the Local Planning Authority. The schedule of materials shall include the colour, size, texture and finish where relevant of the following:

- i. Masonry (bricks, stone).
- ii. Windows.
- iii. Joinery (soffits, eaves, bargeboards, canopies).
- iv. Rainwater goods.
- v. Roofing; Including all roofing materials
- vi. Flashing.

13b. The development shall not be carried out otherwise than in accordance with the details approved under Part A of this condition. The approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

14a. Prior to the commencement of the development hereby permitted a lime mortar mix for external masonry work shall be submitted in writing and approved in writing by the Local Planning Authority. All works affecting historic fabric shall use Naturally Hydraulic Lime (NHL) to a specified ratio with sand in accordance with its use and location.

14b. The development shall not be carried out otherwise than in accordance with the details approved under Part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

15a. Prior to the commencement of the development hereby permitted, details of the type of conservation rooflights to be installed and fitted into the roof of the Listed building shall be submitted in writing and approved in writing by the local planning authority.

15b. The development hereby permitted shall not be carried out otherwise than in accordance with the conservation roof light/s approved under part A of this condition. The approved conservation roof lights shall thereafter be retained for the lifetime of the development.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and

Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

16a. Prior to commencement of the development hereby permitted a landscape strategy shall be submitted to and approved in writing by the local planning authority. The landscape strategy shall be referenced in accordance with the phasing plan for that phase of development. The landscape strategy shall include:

- i. details of all hard and soft landscaped areas, including any earthworks.
- ii. the composition and form of the car parking areas.
- iii. the physical relationship with the adjacent listed buildings.
- iv. Drainage.
- v. access into the building/s.

16b. The development shall not be carried out otherwise than in accordance with the details approved under Part A of this condition.

16c. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

17a. Prior to commencement of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions.

17b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Policies GP2, ENV27, and ENV32 of the UDP, Policy ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

18a. Prior to commencement of the development hereby permitted a details of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The details shall include the location of the bat and bird boxes, material and the method of fixing to the historic fabric.

18b. The development shall not be carried out otherwise than in accordance with the details approved under Part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 of the Town and

Notes for Applicant

Informative Notes for Planning Application Reference no. 22/0976

1. Environmental Protection

Construction, demolition, or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), should not take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Where stabilisation/piling works are included in the agreed Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings from the stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Electric vehicle charging points, which are now a requirement under Building Regulations Part S and the Applicant should be advised to speak to their Building Regulations Officer to ensure compliance

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points: The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit. Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

Ultra-low NO_x boilers discharge NO_x at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NO_x levels. At the same

time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

2. Severn Trent Water (STW) Informative

The submitted 'Drainage Layout' shows all foul sewage is proposed to discharge to the public combined sewer, and all surface water is proposed to discharge to the public surface water sewer, at a proposed discharge rate of 3.5litres/second. For your information, before STW would consider a connection to the public sewer for surface water discharge STW would request that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) we would consider a connection to the public surface water sewer with flows restricted to the proposed discharge rate of 3.5 litres/second.

Please note if you wish to respond please send it to Planning.apwest@severntrent.co.uk where STW will look to respond within 10 working days. If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

3. Police Informative

The Police advise that Document Q would apply.

Door-sets and windows to PAS 24 standard or higher, currently PAS24:2016.

'For apartments or multi-occupancy buildings, this access point designation also covers any door intended to provide privacy or security to the occupant.'

<https://www.securedbydesign.com/guidance/building-regulations#part-q-home-types->

Security is sometimes forgotten when buildings are built, extended or added and this will be installed more easily if included during construction.

The applicant may consider the following.

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

Compliance with SBD Homes Guide including below.

Fencing and gates to the front building lines.

(SBD Homes 2019 Page 19 10.4)

Clear boundary demarcation.

Particularly corners preventing cut across desire lines access.

(SBD Homes 2019 Page 18 10.)

All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.

Laminated glass meeting the requirements of BS EN 356:2000 class P1A is required in the following areas:

- any window located within 400mm of a door-set (to ensure the integrity of the locking system)
- easily accessible emergency egress windows with non-lockable hardware (a requirement of PAS 24:2016)
- easily accessible roof lights with non-lockable hardware. SBD Homes 2019 page 38 22.

Security such as alarms and cctv are sometimes forgotten. More easily included during construction.

The applicant may consider the following.

Suitable lighting will provide some security. External LED lights with daylight sensors to walls, particularly by entrances and lighting to parking areas.

Alarm and CCTV installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

The Police recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.

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

Combined fire resistance with security.(See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

Door-sets and windows to PAS 24 standard or higher, currently PAS24:2022.

The applicant to refer to crime prevention and home security advice contained within SBD New Homes. Please see : [HOMES_GUIDE_2023_web.pdf](#) (securedbydesign.com)

The Police recommend security using the principles of Secured By Design.

Below is a link to secured by design commercial, police approved crime reduction information guidance.

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

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

If required cycle stores, approved products, are recommended (SBD Homes 2023 page 85, 64). Located in a clearly visible area.

3. Advertisement Consent

This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.

5. Fire Officer Informative

Please see below comments from West Midlands Fire Service on Application No: 22/0977.

Due to the site having listed buildings, it is recommended that advice be sought from the local authority conservation officer prior to any commencement of works.

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.
- e. A facility to store building information for firefighters to complete their tasks.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Vehicle Access

Dead end/cul de sac access routes must not exceed 180 metres in length unless.

a) an emergency vehicle access is provided which complies with item 3.8.2, or b) the carriageway width is increased to 7.3 metres and complies with the requirements of item 3.8.3. The provision of an emergency vehicle access is preferred to the alternative of increasing the carriage width to 7.3 metres.

3.8.2 Emergency Vehicle Access

a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.

b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.

c) Neither end is obstructed by parked cars.

d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

3.8.3 Increased Carriageway Widths

a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.

b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

3.8.4 General

a) There is no maximum length to a dead end/cul-de sac access route, however, it should accommodate no more than 150 dwellings.

b) A turning circle or hammer head should be provided in any dead end greater than 20 metres in length. It should be provided either at the end or within 25 metres of the end please see Approved Document B – Volume 2.

c) When inspecting plans with regard to access it may be necessary to accept a temporary situation or phased approach until the matter can best be resolved.

Water Supplies

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

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 (ADB Vol 1, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14).

Informative Notes for Listed Building Consent application Reference no. 22/0977

No tv aerials or satellite dishes may be fixed / attached to the exterior of the listed buildings

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 15 January 2024

Plans List Item Number: 4

Reason for bringing to committee

Called in by Councillor Sohal on the grounds that redevelopment offers an improvement to the character/amenities of the surrounding area to outweigh any potential harm and the planning application requires careful judgement.

Application Details

Location: 89, BELVIDERE ROAD, WALSALL, WS1 3AU

Proposal: PROPOSED 6 NO. BEDROOM DETACHED DWELLING WITH LOFT ROOMS AND A DETACHED TRIPLE CAR/STORAGE GARAGE TO FRONT. RAILINGS, 1.8 METRES HIGH GATES AND A 1.5 METRES HIGH FRONT BRICK BOUNDARY WALL, , A NEW DRIVEWAY AND NEW DROPPED KERB ALONG BELVIDERE ROAD AND EXTENDED EXISTING DROPPED KERB ALONG HIGHGATE AVENUE BY 1M ON EACH SIDE (RE-SUBMISSION OF PLANNING APPLICATION REFERENCE NO. 22/1651).

Application Number: 23/1097

Case Officer: Helen Smith

Applicant: Aneet Khambay

Ward: St Matthews

Agent: My Arch1tect Ltd

Expired Date: 27-Dec-2023

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

Time Extension Expiry:



Recommendation

Refuse

Proposal

This is an amended planning application following an earlier refusal of planning consent. (re-submission of planning application reference no. 22/1651).

The current proposal is for a proposed 6 no. bedroom detached dwelling with loft rooms and a detached triple car/storage garage to the front. The proposal includes railings, 1.8 metres high gates and a 1.5 metres high front brick boundary wall, a proposed new driveway and new dropped kerb along Belvidere Road and an extended existing dropped kerb along Highgate Avenue by 1 metre on each side.

The proposed new dwelling would be:

- 8.9 metres high
- 2.5 storeys high
- Ground floor area of 179.8m².
- Includes 3 no. 2.5 storeys front gable features with a large area of glazing installed in the centre gable.
- Includes 2 no. 2.5 storeys rear gable features.
- Part gable, part hipped and part flat main roof design.
- Red colour facing brick with smooth grey plain roof tiles.
- Side gaps of 0.4 metres and 0.6 metres wide between the new dwelling and the side elevations of 88 Belvidere Road and 22 Highgate Avenue respectively.

The proposed new dwelling would be 1.8 metres further forward than the neighbouring dwellings at 88 Belvidere Road and 22 Highgate Avenue, and existing building line in both streets. It would also be 2.3m higher than the ridgeline of 88 Belvidere Road.

The proposed detached 3 vehicle garage would sit on the front corner of the application site fronting Highgate Avenue and Belvidere Road. No elevation drawings of this have been provided with the submission. No chimneys are proposed.

An in-out driveway from each of these two roads is proposed and new dropped kerbs would be required at the proposed access off Belvidere Road. The garage building would be 3.9 metres high with an angled and hipped roof design. The floor area of the garages would be 68m².

The design of the initial proposal has been revised to include 3 no. 2.5 storeys high gable features fronting Belvidere Road with a gable roof to the rear of these and the elevation fronting Highgate Road would have 2 no. wider 2.5 storeys high gable features.

The proposal includes new front 1.5 metres high walls around the front garden topped with 0.3 metres high railings and two sets of 1.8 metres high gates.

The private amenity space for the new dwelling would be a 24m² paved patio area at the rear. The landscaping and planting on the existing front garden area has already mostly been cleared and the proposal includes a small front lawn area and a front hedgerow to the rear of the new front boundary wall.

The planning application is supported by the following:

- Bat survey
- Design and Access Statement
- Heritage and Impact Assessment

Site and Surroundings

The existing house that would be replaced is a two-storey detached dwelling, built in the 1930s and occupying a corner position at the road junction with Belvidere Road and Highgate Avenue. The dwelling is set back into the site.

The front garden sits parallel with both Belvidere Road and Highgate Avenue. The front boundary of the site is defined by a low red brick wall with blue coping bricks along the site perimeter along both Highgate Avenue and Belvidere Road with hedge behind. The side garden included a number of trees, both evergreen and deciduous, most of which have been removed and a laurel hedge adjacent the vehicular driveway on Highgate Avenue. Pedestrian access to the property is from Belvidere Road. The existing private rear amenity space serving the existing house is 22m².

The current dwelling sits within a row of other 1930s two storey dwellings along both Highgate Avenue and Belvidere Road with common building lines on the two frontages. The dwellings along southern side of Belvidere Road vary in design and character and are set back within plots and have soft landscaped large front gardens. The application site is in close proximity to the Highgate Conservation Area and the area is covered by an Article 4 Direction restricting development.

There are Locally Listed Buildings at 6 and 8 Belvidere Road. The application site is within a Coal Development Low Risk Area and is not within Flood Zones 2 or 3. The application site does not fall within the Cannock Chase Special Area of Conservation 15km Zone of Influence.

Access to the site is currently available via Highgate Avenue, on the west boundary of the site, and benefits from existing dropped kerbs which are proposed to be extended as part of the development. The existing access provides access to a driveway and off-street parking area to the front of the dwelling. There is currently a low brick wall along the front boundary and a set of inset vehicle access gates leading off Highgate Avenue.

No. 88 Belvidere Road sits to the east of the application plot and has front and rear facing habitable room windows. 22 Highgate Avenue sits to the south of the application plot and has front and rear facing habitable room windows.

Houses on the opposite side of Belvidere Road and Highgate Avenue would have habitable room window to window separation distances of 35 metres.

Relevant Planning History

22/1651 - Proposed 6-bedroom detached dwelling with loft rooms and a detached triple car/storage garage to front. Railings to be added to existing brick boundary wall, a new driveway and new dropped kerb along Belvidere Road and extended existing dropped kerb along Highgate Avenue by 1m on each side – refused permission on 27/4/23 on the following grounds:

- 1. The proposed scheme fails to reflect, enhance and respect the local historic character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The proposal would fail to reflect the existing character of the area where pockets of open space are retained between dwellings. Furthermore, the proposal would have an element of harm to the immediate setting of Highgate Conservation Area. The proposal would be contrary to Paras. 130, 134 [now para 135] of the NPPF, 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*
- 2. No Statement of Heritage Significance has been submitted, therefore the proposal would fail to meet Unitary Development Plan Policies ENV27, ENV28, ENV32, together with Chapter 16 of the NPPF Conserving and enhancing the historic environment.*
- 3. Insufficient information has been submitted which accurately describes the overall appearance and design of the proposal and specifically the appearance of the boundary treatment which do not have their own set of plans. The application form relates to a Design and Access statement to describe the materials schedule, but this has not been submitted. The lack of clarity and information therefore renders the LPA unable to make an accurate and judgement over the materials and finish of the proposal and appearance of the boundary treatment and its visual impact on the character and appearance of the locality. The proposal would be contrary to Paras. 130, 134 [now para 135] of the NPPF, 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.*
- 4. Insufficient information has been submitted that demonstrates that vehicles can manoeuvre on site and leave the site in a forward gear, and that the proposed garage will not cause detrimental harm to other road users, given its location and bulk/scale causing potential visibility issue and highway safety impacts. The proposal is therefore contrary to Policy T7 Car Parking and Policy T13: Parking Provision for Cars, Cycles and Taxis of the UDP.*
- 5. The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment, and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and*

6. *The proposal would introduce three side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in direct overlooking and loss of privacy that would be detrimental to the residential amenity of occupiers of 88 Belvidere Road and would be contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*
7. *The proposal would only offer 24sqm of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68sqm requirement. The proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*
8. *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, setting of the Conservation Area, offered significant amenity value to local residents whilst contributing to the mitigation of the impacts of climate change. Any plans would have sought their retention and the proposal in its current form is therefore contrary to Paras. 130, 134 [now para 135] of the NPPF, 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.*
9. *The applicant has not submitted a bat survey to support the application. The demolition of the existing building has the potential to detrimentally harm roosting bats which is contrary to SPD; Conserving Walsall's Natural Environment, and Section 15 of the NPPF.*

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "presumption in favour of sustainable development".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act’) sets out 9 protected characteristics which should be taken into account in all decision making.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

EN5: Development in Conservation Areas

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting

Designing Walsall

- DW1 Sustainability
- DW3 Character

- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points

Consultation Replies

Strategic Planning Policy – No objections on strategic planning policy terms however design concerns have been raised.

Conservation (Heritage) Officer – No objections

Ecology Officer – Objects to the proposal. The additional landscaping proposed is not deemed adequate to compensate for the loss of mature and semi-mature trees.

Accept the Internal / External Bat Survey report dated October 2023 - existing building is of negligible roosting potential for bats and no evidence of birds nesting was found. Therefore, no further survey work is required but conditions relating to the discovery of bats and a requirement for bat and bird boxes would be required in the case of an approval.

Environmental Protection – No objections subject to the inclusion of a planning condition requiring the submission of a Construction Environmental Management Plan, desktop contaminated land investigation and noise survey as the house would be closer to the road than the existing dwelling.

Fire Officer – No objections subject to the inclusion of an informative note requiring the implementation of Approved Document B.

Local Highways Authority – Objects to the proposal on Highway grounds, including lack of visibility due to position of gates and boundary treatment, and location of garage building.

Severn Trent Water – No objections subject to the inclusion of a planning condition in respect of drainage

Representations

(Local Planning Authority comments in italics and brackets)

Objections have been received from 7 neighbours on the following grounds:

- No material difference to previous refused planning application (*the proposed design has been revised*).
- Parking and highway safety at a busy corner and near to a corner and school.
- Impact on and erosion of the character of the adjacent Conservation Area.
- Does not reflect local historic character of area.

- Oversized and cramped on a small plot.
- Removal of existing mature trees and vegetation
- Loss of Privacy and overlooking
- Over dominant and out of proportion to existing dwellings.
- Significant eyesore on three sides of the property.
- Concerns that the frontage would be hard surfaced (*the submitted plans indicate that there would be some soft landscaping*).
- Separate garages out of character and obtrusive
- Retain and modernise existing dwelling house.
- Forward of the natural lines of houses
- Loss of light and shading.
- Shared boundary impinges on neighbour (*the proposed new dwelling would sit 0.4 and 0.6 metres from the shared boundaries with immediate neighbours*).
- Neighbouring house would become more like a semi-detached property (*the proposal includes gaps to the side*).
- Concerned the decision may be unduly influenced to get it over the line (*the Local Planning Authority remains neutral in its assessment of planning applications*).
- 45-degree code breached.
- Terracing effect.
- Excessive height, scale and bulk.
- Fails to provide a healthy and optimal living environment.
- Disruption during building works (*all development involves some disruption for neighbours however as this proposal is for a single dwelling only the impacts are considered likely to be limited*)
- Position of garages and ability to manoeuvre three vehicles optimistic.

Determining Issues

Whether the application has addressed the reasons for refusal:

- Reason 1: Appearance and heritage
- Reason 2: Lack of heritage assessment
- Reason 3: Insufficient details to adequately assess appearance and design
- Reason 4: Highway safety
- Reason 5: Overshadowing of surrounding properties
- Reason 6: Overlooking into and loss of privacy for surrounding properties
- Reason 7: Unacceptable residential amenity for proposed dwelling
- Reason 8: Removal of trees and vegetation
- Reason 9: Lack of a bat survey

Additional considerations:

- Principle of the Development
- Ground Conditions and Environment
- Parking and Access
- Neighbour Comments

Whether the application has addressed the reasons for refusal of the previous application

Refusal Reason no. 1

The proposed scheme fails to reflect, enhance, and respect the local historic character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The proposal would fail to reflect the existing character of the area where pockets of open space are retained between dwellings. Furthermore, the proposal would have an element of harm to the immediate setting of Highgate Conservation Area.

The proposed footprint of the new dwelling is unchanged from the previous refused planning application however the proposed design of the dwelling has been revised. Saved Policy ENV32 of the UDP states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The proposal includes 3 no. 2.5 storey high gable features fronting Belvidere Road and two similar, but wider gable features fronting Highgate Road. Whilst houses along Belvidere Road and Highgate Road have an Arts and Crafts style with gable features, these are generally fewer in number and less prominent in the street scene. The introduction of three competing front gable features on one elevation and two wider but further spaced gable features is considered would introduce 5 no. competing gables to a single dwelling house which would have a jarring impact in the street scene.

The excessive height of the proposed dwelling house when combined with the increased bulk and mass considerably over and above that of the original dwelling is considered would be an over dominant and incongruous addition to the existing street scenes fronting both Belvidere Road and Highgate Avenue.

The design of the proposed new dwelling fails to include characteristic design features along both Belvidere Road and Highgate Road. Chimneys add character to a dwelling, evidenced along both Belvidere Road and Highgate Avenue and the proposal fails to include chimneys in the proposed design. Additionally, the proposed large windows and the solid to void ratio is considered to be poor design and fails to consider the character of the local area.

The proposal fails to respect the existing building lines fronting both Belvidere Road and Highgate Avenue on this prominent corner. The new dwelling would be 1.8 metres further forward than the dwellings at 88 Belvidere Road and 22 Highgate Avenue which fails to respect the character of the area resulting in an oversized and incongruous dwelling house for the plot.

The proposal seeks to squeeze in as much built development within the plot as possible, to the point where the plot is dominated by built form and two large areas of hard surfacing with very little soft landscaping is proposed. Trees have been removed from the site and the proposal includes limited soft landscaping. Policy ENV33 of the UDP states landscaping is integral to urban design and requires developments to include planting schemes and Policy ENV17 seeks new planting. The amended

scheme indicates that hedgerow planting is proposed or would be retained along the front garden boundary and UDP saved policy ENV18, seeks to retain hedgerows.

No elevation plans of the proposed garage structure have been submitted. The streetscape along both Belvidere Road and Highgate Avenue are not dominated by built structures that sit further forward of dwellings. Existing single storey garages along both Belvidere Road and Highgate Avenue are set back from the main elevation, as subservient features. This proposed triple garage structure would be visually prominent and visually detrimental when viewed from the public realm and street scene along both Belvidere Road and Highgate Avenue. The proposal fails to enhance and respect the local character of the area. The applicant has advised that the proposed three garages are to assist disabled residents and their scooters and wheelchairs. Whilst this is noted the Local Planning Authority is unable to take into account personal circumstances when assessing planning applications.

Policy DW3 of the designing Walsall SPD states that new development to [should] be informed by the surrounding character and respond in a positive way to it by reflecting local urban design characteristics. The revised proposal is considered to have an over-complicated design and with three garages in the street scene at a prominent and visually important corner is considered fails to reflect or include architectural features from the existing dwellings along Belvidere Road and Highgate Avenue. The new front 1.5 metres high boundary wall with 0.3 metres high railings above and 1.8 metres high gates are considered would appear incongruous in a street scene which consists largely of low brick walls and planting. The character of the area is one of openness where fronts of plots are open or secured with low level walls or soft landscaping. The proposed boundary treatment would be visually detrimental and would fail to reflect, respect and enhance the existing character of the area.

The applicant has confirmed that the proposed new dwelling is the same height as the existing dwelling. This is at the highest point of the existing dwelling however the proposal would increase the scale, bulk and mass of the dwelling at this height which is considered unacceptable. The applicant has advised that they have revised the design to a more contemporary design however this design fails to take any design cues from neighbouring properties.

With regards to the design concerns referred to in refusal reason no. 1 it is considered that the revised proposal continues to fail to reflect and respect the local character of the area and townscape quality. The development would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The proposal would be contrary to Para. 135 of the NPPF, Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

The current planning application is supported by a Heritage and Impact Assessment dated August 2023. This has been reviewed by the Council's Conservation (Heritage) Officer who is of the opinion that whilst the application site does not sit within Highgate Conservation Area it is in close proximity to it and therefore assessment of the proposal's impact on it is warranted. The conservation (Heritage) Officer is however also of the opinion that the proposed development would have no harm on heritage grounds to the setting of the Highgate Conservation Area.

The submitted Heritage and Impact Assessment concludes the statement that “proposal does not adversely affect the heritage and non-designated heritage assets, the conservation area of the surrounding listed buildings in the proximity”.

To the north of the site beyond numbers 4 to 15a Belvidere Road is Highgate Brewery, a Grade II listed building, which is also a designated heritage asset, as defined in the NPPF. The proposed development would no harm to the setting of Highgate Brewery.

Near the site are numbers 6 and 8 Belvidere Road are locally listed buildings of local importance. The proposal is considered would have no harm to the significance of these locally listed buildings. The Council’s Conservation Officer has no objections on heritage grounds. Previous heritage concerns are considered to have been satisfactorily addressed in respect of refusal reason no. 1

Refusal Reason no. 2

No Statement of Heritage Significance has been submitted.

A Heritage and Impact Assessment dated August 2023 has been submitted in support of the current planning application being considered so refusal reason no. 2 has been satisfactorily addressed.

Refusal Reason no. 3

Insufficient information has been submitted which accurately describes the overall appearance and design of the proposal and specifically the appearance of the boundary treatment which do not have their own set of plans. The application form relates to a Design and Access statement to describe the materials schedule, but this has not been submitted. The lack of clarity and information therefore renders the LPA unable to make an accurate and judgement over the materials and finish of the proposal and appearance of the boundary treatment and its visual impact on the character and appearance of the locality.

The above missing materials information could be addressed by planning conditions if the planning applications receives approval. A Design and Access Statement has been provided in support of this application which states that materials will include reddish/brown imperial brick with contrasting mortar colour, white render, wooden joinery on windows and decorative “mathematical” clay tiles on facades, clay, slate and plain roof tiles grey/brown in colour. Specific material details could be required by condition if the proposal receives consent.

Saved Policy ENV33 of the UDP expands on the need for good landscape design, it states that landscaping includes inter alia hard surfacing, walls, fencing, and that it should enhance the visual appearance of the urban and rural environment through a combination of creating new landscapes and retaining or reinforcing the existing visual character of a neighbourhood. Policy ENV3 of the BCCS states that all new development has regard to key design principles, but which need to interpret and reflect both the overall character of the Black Country and local distinctiveness. It highlights that High quality design relates to buildings and architecture, but also the spaces within which buildings sit. While details of the boundary treatment are shown on the proposed street elevation drawing, it is considered that the proposed heights of the gates, walls

and railings at 1.8 metres high (combined wall and railing height) is excessive and overbearing in this prominent location to the detriment of the existing street scene which currently predominantly consists of low walls and planting behind these. The character of the area is one of openness where fronts of plots are open or secured with low level walls or soft landscaping. The proposed boundary treatment would be visually detrimental and would fail to reflect, respect and enhance the existing character of the area. It is therefore considered that this reason for refusal has been overcome but new reason for refusal no 2 is required based on the appearance of the boundary treatment.

In addition, the re-submission fails to include 2.4 x 3.4 metres pedestrian visibility splays at each access and the Local Highway Authority have objected to the proposed boundary treatment on highway safety grounds, as detailed in the discussion on highway safety later in this report.

Refusal Reason no. 4

Insufficient information has been submitted that demonstrates that vehicles can manoeuvre on site and leave the site in a forward gear, and that the proposed garage will not cause detrimental harm to other road users, given its location and bulk/scale causing potential visibility issue and highway safety impacts.

The Local Highway Authority have objected to the proposal on highway safety grounds detailed below in this report however the above concern has been addressed by the amended plans and this refusal reason has been overcome.

Refusal Reason no. 5

The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment.

The proposed revised design which would occupy the same footprint as the previous proposal is considered would be similar in bulk and mass to the initial proposal. The excessive scale, height and mass in relation to the neighbouring houses 88 Belvidere Road and 22 Highgate Avenue is considered would be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment.

The increased height and scale of the property would result in significant shading to 88 Belvidere Road and also 22 Highgate Avenue in the late afternoon as the sun moves West. This would be over and above that which is already experienced and would be detrimental to the amenity of the occupiers of 88 Belvidere Road and 22 Highgate Avenue.

The first-floor eaves height of the proposed new dwelling would be higher than those of both neighbouring houses and the proposed roof 2.3 metres higher than the ridge line of 88 Belvidere Road.

Refusal reason no. 5 is considered to have not been overcome by the revised proposal.

Refusal Reason no. 6

The proposal would introduce three side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in direct overlooking and loss of privacy that would be detrimental to the residential amenity of occupiers of 88 Belvidere Road.

The proposal includes three first floor side facing windows overlooking the private rear garden of 88 Belvidere Road however these windows would serve a landing, en-suite and walk in wardrobe, all of which are non-habitable room windows. Whilst these could be conditioned to be obscurely glazed it is considered that the addition of three large windows would create a feeling of being overlooked by neighbours and are considered to be excessive in number and size. High-level narrow, obscurely glazed windows are considered may be more acceptable.

It is considered that refusal reason no. 6 has not been satisfactorily overcome.

Refusal Reason no. 7

The proposal would only offer 24sqm of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68sqm requirement. The proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment.

The existing private rear amenity space at the dwelling currently measures 24 sq. metres and the proposal being considered is for the same area of 24 sq. metres because of the constraints of the existing site with the house set well back into the application site. To compensate the original dwelling appears to have been laid out with a compensatory large front garden which was screened by mature trees and a hedgerow which have recently been mostly removed, exposing the garden area. The proposed three garages would reduce the size of this amenity area further and it is considered that the proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment. It is considered that refusal reason no. 7 has not been satisfactorily addressed.

Refusal Reason no. 8

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, setting of the Conservation Area, offered significant amenity value to local residents whilst contributing to the mitigation of the impacts of climate change. Any plans would have sought their retention.

Before the initial proposal was submitted, it is disappointing that the applicant has decided to clear the front curtilage of all trees and soft landscaping. The LPA would

have conditioned the retention of the trees and hedgerow on the front curtilage due to the significant amenity value and carbon mitigation they bring.

The existing biodiversity value of a development site is usually taken from point that planning permission is applied for, as per the Natural Environment Government Planning Guidance, however, there is stipulation to consider where any deliberate harm to this biodiversity value has taken place in the recent past and is so whether there are grounds for this accounted for in assessing the underlying value of the site. As the reason for refusal of previous application picked up the loss of mature and semi-mature trees which were not compensated for and were part of the application, it is appropriate to account for these trees within the biodiversity assessment of achieving net gain as part of the current application to ensure compensation for their loss is achieved.

Saved Policy ENV33 of the UDP states that landscape design is an integral part of good design and the Council will ensure that development proposals take account of opportunities to create and enhance environmental quality. The resubmitted application has included boundary planting along the curtilage. The Environmental Officer has commented that while limited information has been provided on the planting, the sketch plan provided shows the planting to be ornamental in nature and limited in size. Due to this restricted space given for the planting, along the northern and western site boundary between the fencing and the proposed garage it is unlikely that given the current layout that this planting will be viable.

Therefore, with the planting behind the garage discounted, it can be deemed that the compensation for the loss of the mature and semi-mature trees will be the small areas of planting adjacent to the two driveways, dominated by short ornamental planting. As a result of the additional landscaping proposed is not deemed adequate to compensate for the loss of mature and semi-mature trees. Refusal reason no 8 has therefore been amended to include both the loss of the trees and the inadequacy of the proposed replacement planting and landscaping. The proposal remains contrary to paragraph 135 of the NPPF, 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.

Refusal Reason no. 9

The applicant has not submitted a bat survey to support the application. The demolition of the existing building has the potential to detrimentally harm roosting bats.

The resubmission is supported by an Internal/External Bat Survey dated October 2023, which concludes that the buildings have negligible opportunities for bats, and negligible opportunities for roost formation. No further surveys are required and the report states that the proposed development would have no impacts on protected species, specifically bats or breeding birds and no requirement for mitigation or compensation is recommended. The Ecology Officer has supported this position. Refusal reason no. 9 has therefore been satisfactorily addressed.

Principle of the Development

This application is for a replacement dwelling of an existing residential property, which is further surrounded by other residential uses. The principle of a residential dwelling within this setting is reasonable subject to meeting all other material planning

considerations with no objections to the principle received from Strategic Planning Policy.

Ground Conditions and Environment

Environmental Protection have advised that the application site is not located in an area that is affected by significant noise, nor poor air quality nor any historical land contamination issues based upon historical land contamination records. Environmental Protection advise that this should be confirmed by undertaking a suitable desktop contaminated land investigation and the inclusion of a planning condition requiring the submission of a Construction Environmental Management Plan if approved.

Parking and Access

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 116 of the NPPF confirms that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. The Local Highway Authority has objected to the revised proposal on highway safety grounds. The proposed fencing along the boundary of the site exceeds 600mm in height above footway level and adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety.

The proposed access gates are not set back 5 metres from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway and creating conflict between pedestrians and other road users and vehicles entering and exiting the site. Furthermore, evidence has not been provided to demonstrate the proposed garages would not impact visibility at the Highgate Avenue / Belvidere Road priority-controlled junction. The proposal is recommended for refusal.

Neighbour Comments

The proposed new dwelling would have gaps to the side of 0.4 and 0.6 metres to the neighbouring houses, which is less than the 0.9 metres recommended by Appendix D of Designing Walsall SPD to avoid terracing.

However, as the existing gaps between houses in the immediate area vary in width, including the existing narrow gap between 88 and 89 Belvidere Road, and the existing terraced dwellings between 15 to 19 Belvidere Road (odds) and it is considered that the proposed width of the gaps in this location are acceptable.

The Council's 45-degree code is met in relation to the habitable room windows in the neighbouring house no. 22 Highgate Avenue. The 45-degree code would be marginally breached in relation to front habitable room windows in 88 Belvidere Road due to the location of the proposal forward of the building line on Highgate Road.

Conclusions and Reasons for Decision

The scale, height, positioning and discordant design of the proposed new dwelling house is considered would be an incongruous and detrimental addition to the existing street scene. The impacts on adjoining neighbours have been considered and in this instance the impacts are considered would be detrimental to neighbours' out-look, light and amenity. Consequently, the proposal is recommended for refusal.

This proposal is therefore considered to be unacceptable and contrary to the local and national planning policies and guidance set out in this report. Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Following a previous refusal of planning permission, it is considered that the previous concerns raised have not been fully overcome and additional concerns have been raised as outlined in the committee report.

Recommendation

Refuse

1. The proposed scheme fails to reflect, enhance and respect the local character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The excessive height when combined with the increased bulk and mass of the proposal along with its position forwards of the building lines on Belvidere Road and Highgate Avenue would introduce an incongruous house of poor design and detached garages to the street scene to the detriment of the character of the area. The proposal would be contrary to Paras. 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.
2. The proposed front 1.5 metres high boundary wall with 0.3 metres high railings above and 1.8 metres high gates are considered would appear incongruous in a street scene which consists largely of low brick walls and planting. The character of the area is one of openness where fronts of plots are open or secured with low level walls or soft landscaping. The proposed boundary treatment would be visually detrimental and would fail to reflect, respect and enhance the existing character of the area. The proposal would be contrary to Paras. 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.
3. The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the

Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.

4. The proposal would introduce three large obscurely glazed, first floor side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in overlooking and a sense of loss of privacy that would be detrimental to the residential amenity of occupiers of 88 Belvidere Road and would be contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.
5. The proposed new dwelling would only offer 24sqm of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68sqm requirement. The original dwelling appears to have been laid out with a compensatory large front garden which was screened by mature trees and a hedgerow which have recently been mostly removed, exposing the garden area. The proposed three garages would reduce the size of this amenity area further and it is considered that the proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment. The proposal is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.
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 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.
7. The proposed wall along the front boundary of the site exceeds 600mm in height above footway level and adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety. The proposed access gates are not set back 5 metres from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway and no evidence has been provided to demonstrate the proposed garages would not impact visibility at the Highgate Avenue / Belvidere Road priority-controlled junction. The proposal is therefore contrary to saved UDP polices GP2, ENV32, BCCS policy TRAN2 and paragraph 115 and 116 of the NPPF (December 2023).

END OF OFFICERS REPORT