



Walsall Council

Development Management

PLANNING COMMITTEE

Report to the Head of Planning and Building Control

Agenda Items

Agenda Item number 1: Sandwell Local Plan Duty to Cooperate

Supplemental Information	Officer Comments
<p>Recommendation amendment: 2.1 To agree the response set out in appendix 1 and refer it to the Executive Director for Economy, Environment & Communities to submit the response to Sandwell MBC in consultation with the Portfolio Holder for Regeneration. (with the second recommendation at 2.2. remaining as set out within report)</p>	<p>To make it clear that referral is sought to the Executive Director EEC to submit a response rather than Director as per delegations in the constitution.</p>
<p>Recommendation:</p>	

- 2.1 To agree the response set out in appendix 1 and refer it to the Executive Director for Economy, Environment & Communities to submit the response to Sandwell MBC in consultation with the Portfolio Holder for Regeneration.
- 2.2 To grant delegated authority to the Head of Planning & Building Control to make amendments to the response to Sandwell MBC following consultation with the Portfolio Holder for Regeneration as necessary.

30th October 2023

Plans List Supplementary Paper

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

Plans list item number: 1	
Application site address: 25 & 27 Little Aston Road, Aldridge	
Supplemental Information	Officer Comments
Councillor Comment	
<p>Councillor P Kaur re-submitted a committee call in pro forma on 16/10/23 as the original form was not received advising that the application requires careful consideration due to the impacts and objecting to the proposal on the following grounds</p> <ul style="list-style-type: none"> • Inadequate parking/access arrangements that could lead to cars being parked on street detrimental to amenity/highway safety. • Increased traffic in the area over and above that which the existing road network could cope with detrimental to highway safety. 	<p>Objections noted and considered in the committee report. The site is not within designated Green Belt land.</p>

<ul style="list-style-type: none"> • Detrimental to the character and visual amenities of the area due to poor design. • Inappropriate development in the Green Belt detrimental to the openness of the area. • Results in a loss of TPO trees or trees that have a high amenity value. • Design/layout/siting/appearance detrimental to the character of the surrounding area 	
Additional objections from residents	
<p>A further petition, the first page of which is appended to this paper, objecting to the proposal, has been provided by residents in response to the re-notification of amended plans and information with 52 signatories on the following grounds and additional neighbour comments:</p>	
<ul style="list-style-type: none"> • Road width insufficient and should be 5.5 metres wide with highway safety concerns for taking wheelie bins to the collection area. 	<p>The Local Highway Authority has raised no objections and have advised that this is a driveway rather than a street with low speed, low volume usage and is not a through route. Trips made will generally be from the proposed 4 dwellings and is acceptable for 2 vehicles to pass with a carriageway width of 5 metres.</p>
<ul style="list-style-type: none"> • Visibility splay does not meet requirements and is near to a school and on a busy road. 	<p>Noted and referred to in the committee report as this can be addressed by planning condition if supported.</p>
<ul style="list-style-type: none"> • Sycamore Tree T2 which would be retained does not benefit from any legal protection 	<p>This would be a matter for the Council's Tree Officer and a condition could be included to secure its retention if the application is supported.</p>
<ul style="list-style-type: none"> • Dashed line for new dwelling at 29 Little Aston Road is incorrect as the owner has advised they will not implement this due to the financial impact of this planning proposal 	<p>Financial impacts are not a material planning consideration in this instance. The planning permission for 29 Little Aston Road could be implemented until 05/10/24 and the planning permission runs with the land rather than the owner.</p>
<ul style="list-style-type: none"> • Out of character with area 	<p>Noted and referred to in the committee report.</p>

<ul style="list-style-type: none"> • Previous systematic and wanton destruction of garden habitats and likely detrimental impact on bats and birds 	Noted and referred to in the committee report.
<ul style="list-style-type: none"> • Noise and acoustic fencing should be installed right around the boundary of 29 Little Aston Road 	Noted and noise and appropriate boundary treatment measures referred to in the committee report.
<ul style="list-style-type: none"> • Separation distances referred to in Appendix D of Designing Walsall SPD not met between plot 6 and the orangery at 9 Branton Hill Lane 	A condition restricting the design of the proposed study window in plot no 6 should be imposed (to be obscurely glazed to Pilkington Level 4 privacy standard (or equivalent) with any opening parts positioned 1.7 metres above the floor level of the room they serve) if the planning application is supported.
<ul style="list-style-type: none"> • Separation distances referred to in Appendix D of Designing Walsall SPD not met between plot 4 as it is only 21.9 metres from the back of 74 Hallcroft Way 	Noted and referred to in the committee report
<ul style="list-style-type: none"> • Garage converted to a playroom and now unusable for parking 	Three off-street parking spaces would be provided to meet the requirements of saved UDP Policy T13 for a house with 4 or more bedrooms.
<ul style="list-style-type: none"> • Endorse the requirements of the Landscape Enhancement and Biodiversity Enhancement Strategy Plan 	Noted
<ul style="list-style-type: none"> • Visibility splays at the entrance and does not meet the requirements of Manual for Streets 	Noted and referred to in the committee report as this can be addressed by planning condition if supported.
<ul style="list-style-type: none"> • Bin drag distance exceeds 30 metres at 87m for plot 4 and 90m for plot 6 meaning a total return journey of 540m which would be too much for a frail or elderly person. This is greater than the 30 metres referred to in Building Regulations. 	Noted. the bin collection point has been relocated next to plot 1 although the bin drag distance from plot 6 remains in excess of 30 metres.
<ul style="list-style-type: none"> • Council has refused to investigate the pre-determination of planning application 23/0613 because of irregularities arising from the granting of permission to remove trees in connection with TPO 06 of 2022 and planning application 21/1345. A complaint to the Ombudsman has been made 	Planning application reference 23/0613 has not been pre-determined and is put forward with a recommendation of refusal. The information put before the LPA relates to planning application no. 23/0613 and each application is determined on its own merits.

<ul style="list-style-type: none"> Original objections apply and the amended plans do not make the scheme acceptable particularly on highway safety grounds and the school nearby. 	Noted. The Local Highway Authority has no objections subject to the inclusion of planning conditions as advised in the committee report.
<ul style="list-style-type: none"> Out of character with street scene and would be oversized compared to neighbouring dwellings 	Noted and referred to in the committee report.
<ul style="list-style-type: none"> Previous concerns of the presence of bats proven right, and wanton destruction of the habitat has occurred. Undemocratic tactic employed by developers and referred to MP to make this illegal. 	Noted and bats and site clearance referred to in the committee report.
<ul style="list-style-type: none"> Separation distances referred to in Designing Walsall SPD not met between plot 4 and 74 Hallcroft Way. 	Noted and referred to in the committee report.
<ul style="list-style-type: none"> Moved here to enjoy natural views, low building lines, trees and privacy, tranquillity and the sounds of nature 	The character of an area evolves over time. Views are not a material planning consideration and all other matters referred to in the committee report.
<ul style="list-style-type: none"> Increased noise, pollution, lawn cutting, shouting, general maintenance and disturbance 	Noted and referred to in the committee report.
<ul style="list-style-type: none"> Habitat for Great Crested Newts (GCN) in a neighbour's pond 	The application site sits outside the GCN Buffer Zone, and their presence was not mentioned in the ecological report and no evidence of their presence has been provided.
Additional support from resident	
<p>One resident supports the amendments which are considered positive changes to the scheme and their previous comments stand.</p> <p>This resident stated there were no bats in the loft of no. 27 Little Aston Road as confirmed by the bat consultant when they last visited and seeing a bat near the eaves isn't the same as seeing it in the house.</p>	<p>Noted</p> <p>The Bat and Bird Survey dated 2/10/23 which advises that a single brown long eared bat was seen to emerge from the tiles or flashings around the eastern chimney on 6/9/23 of 27 Little Aston Road. It states that a brown long eared bat is using the roof space of 27 Little Aston Road as a Day roost. This is sufficient information for requiring the submission of further survey work.</p>

Additional Comment from West Midlands Fire Service	
The West Midlands Fire Officer has no objections to the amended plans and advises that consideration should be given to the functional requirements of Approved Document B. Strategic Planning Policy have no objections to the revised plans and their previous comments stand.	Noted and this would form part of any Buildings Regulations application, if approved. Noted
Additional Comment from West Midlands Police	
The Police has no objections to the amended plans but comment that frontage parking is recommended for crime reduction, position of parking for plot 5 increases vulnerability however a small close and residents will notice visitors immediately.	Noted
Amended submissions and comments from the planning agent	
The Planning agent has provided an amended Proposed Site Plan and further Bat and Bird Survey dated 24/10/23 along with the following comments:	Refusal reason no. 6 can be deleted as these concerns have been addressed by the amended Proposed Site Plan.
<ul style="list-style-type: none"> An amended Proposed Site Plan drawing no. 1450/02 Rev H has been submitted re-locating the proposed bin collection point adjacent to the dwelling on Plot 1 and revising the boundary wall to the rear of plot 1 to allow pedestrian visibility splays at the parking for plot 3. 	<p>Refusal reason no. 6 can be removed as the Local Highway Authority are satisfied with the changes to the fence between plots 1 and 3.</p> <p>Refusal reason no. 3 has been amended to reflect the amended position of the bin store.as follows;</p> <p>3. The proposed bin collection point is considered would result in excessive distances for future residents to drag their bins to and its proposed position against the boundary of proposed plot 1 is considered to be an unacceptable detrimental impact to the amenities of the future residents at plot 1 from potential noise, odour and amenity. No details of future waste management strategy have been provided and the proposal is</p>

	contrary to saved UDP policies GP2 and ENV32 and policy ENV3 of the Black Country Core Strategy.
<ul style="list-style-type: none"> Clarification that the reference to a condition is around the obtaining of a Natural England Licence and that this is governed by separate legislation so could be covered by a note to the applicant. 	Noted. The Natural England Licence is conditional but the provision of the surveys to meet the three tests and best practice guidelines are not conditional.
<ul style="list-style-type: none"> Clarification that additional bat surveys are only required to obtain the license and are not required for planning permission. 	Bats are a material consideration for planning and all baseline information needs to be provided prior to any planning consent.
<ul style="list-style-type: none"> The three tests are discussed in the latest bat survey dated 24/10/23 which provides the necessary details to discharge LPAs legal duty in respect of bats. There is no planning reason to withhold planning permission on the basis of bats. A DNA test of bat droppings is in progress, and which should have a 2-3 week turnaround. Agent states that Members could, if they wish, defer the item to allow the DNA tests to be returned which would confirm the findings made in the Bat Survey. Two emergence bat surveys have taken place rather than one as reported which provide sufficient evidence for roost characterisation as a Day Roost. 	<p>The applicants have provided information on the three tests and upon review these meet the requirements of this. However, the additional surveys and potential further mitigation required, should further bat roosts be found has not been met.</p> <p>Noted.</p> <p>A Bat and Bird survey was deposited 02/10/23 and a Preliminary Ecological Appraisal deposited 23/5/23 was referred to in the committee report. A third Bat and Bird Survey has been provided on 24/10/23.</p>
<ul style="list-style-type: none"> A lighting evaluation can be conditioned. 	Noted. This could be covered accordingly if the application is supported.
<ul style="list-style-type: none"> Agent considers that the following neighbour comments in the report “Agent has allegedly treated neighbours with disrespect” should not be included in the report and is a false accusation. 	The LPA is required to include neighbours’ representations when assessing a planning application. To clarify, the received neighbour comments refer to the agent’s correspondence of 10/8/23. The report makes it clear that these are residents’

	views and confirms that this viewpoint is not a material planning consideration.
Agent requests progress of the Cannock Chase SAC Unilateral Undertaking	The committee report is required to explain that although the developer is willing to enter into a Unilateral Undertaking (UU) for the Cannock Chase SAC, the LPA is not able to complete that UU where it is recommended for refusal, and it has to be included as a reason for refusal.
<p>Recommendation: Remains as set out in the committee report with the deletion of refusal reason no. 6 and the amendment of refusal reason no. 3 as set out below, refuse permission.</p> <p>3. The proposed bin collection point is considered would result in excessive distances for future residents to drag their bins to and its proposed position against the boundary of proposed plot 1 is considered to be an unacceptable detrimental impact to the amenities of the future residents at plot 1 from potential noise, odour and amenity. No details of future waste management strategy have been provided and the proposal is contrary to saved UDP policies GP2 and ENV32 and policy ENV3 of the Black Country Core Strategy.</p>	

Plans list Item number: 2	
Application site address: land to the rear 107 and 109 Lichfield Road, Bloxwich, Walsall. WS3 3LU	
Supplemental Information	Officer Comments
Since the publishing of the report, further objections have been submitted, these are set out below:	
109, 111 & 113 did not receive letters notifying them about the application – concern that other neighbours and school also were not notified.	Adjacent properties were notified according to national requirements
- Overlooking to the rear	See Committee Report
- Security risk	Noted, poor backland developments can increase the fear of crime by opening up the rears of other properties giving public access to new development
- Insufficient parking if 4-beds are created	See Committee Report
- Width of road quoted as being 5.3M (on page 2), 5.385M (on page 11) but 5.5M on drawings- this needs to be checked on site	See Committee Report

- No lighting proposed on access road thus increasing 'risk'	Comment noted
- Examples of similar access roads referenced in highways report are not comparable	Comment noted – examples given were approved when design guidance was different
- Vehicle movements will increase and insufficient space for a refuse vehicle or fire truck and a car to pass each other	See Committee Report
- Potential for refuse bins to be positioned outside No.109 of bin day	Comment noted
- visibility to the Brownhills direction will still be greatly impaired by the boundary wall to 111, especially when making a right turn out of the access road	See Committee Report
- significant road safety threat given the high daily number of school students	See Committee Report
- no priority for pedestrians on the access road. Is this safe?	See Committee Report
- many occurrences of emergency vehicles passing the proposed access road at speed	Comment noted
- risk of vehicles reversing onto Lichfield Road especially when meeting other vehicles moving up/down the access road	See Committee Report
- A street lamp (currently situated in front of No. 109) would need to be removed and re-sited with the latest plan	If this application is approved this matter could be addressed
- challenge the accuracy of the incidents/accidents reported by Frischman	Comment noted
- Detrimental impact on existing trees, shrubs and in the main grassed areas	See Committee Report
- Frischman has not responded to the concerns of the Headmaster regarding the safeguarding of children raised at the previous hearing	See Committee Report
- planning team check with the refuse collection team and the fire brigade the actual dimensions of vehicles that	The Local Highway Authority have assessed the proposal – there are standardised sized for different vehicle sizes

would need to access via the roadway? It is strongly recommended for the planning team to have one or more of these commercial vehicles visit the site to validate the sweep path analysis.	
- Can the fire brigade check for proximity of the nearest hydrant for use in the event of a fire in any of the proposed dwellings	See Committee Report
- Impact on sunlight	Loss of light not so significant to justify a reason for refusal in this instance
- Impact on property value	Not a material planning consideration
Recommendation: Remains as set out in the committee report, Refuse permission	

Plans list item number: 3	
Application site address: 120, FOLEY ROAD WEST, STREETLY, WALSALL, B74 3NS	
Supplemental Information	Officer Comments
26/10/2023 applicant's agent requested that the planning application be withdrawn to consider alternatives	Noted and actioned.
Recommendation: n/a Application Withdrawn	

24 August 2023

Development Management
The Civic Centre
Zone 2B
Darwall Street
Walsall
WS1 1DG



Objection to Planning Application 23/0613

In his letter of 10/8/23, Mr Brearley, who represents Vista Planning on behalf of Levison Rose Homes has written to the Council stating, 'That is to say that development should be approved unless, "any adverse impacts of doing so would **significantly and demonstrably outweigh the benefits**, when assessed against the policies in this Framework taken as a whole." He goes on to state that 'Only if the adverse impacts of approving development significantly and demonstrably outweigh these benefits should permission be refused.'

Please find below a list of 21 Harms, three quarters of which highlight the appalling way in which the character of our beautiful suburb will be destroyed by this thoughtless development proposal put forward by one owner who lives in Enfield and the other who has told the newspaper that they want to move away from Aldridge. This is highlighted by the fact the directly affected residents have never been consulted over the development, presumably because they knew that we would be very angry at what they planned to do. In addition, there are also Harms which demonstrate that regulatory requirements have not been met and therefore the development has to be dismissed.

Harms 1 – This development is an inappropriate backland development as it is behind the building line of both Little Aston Road, Branton Hill Lane and Hallcroft Way. The Council dismissed application 22/0011 stating that 'This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies'. As this development is 'backland' to three roads and not just one then it is even more reason why this development should be dismissed.

Harms 2 - Appeal Ref: APP/V4630/A/05/1184341, which was heard by Mr P H Bentham-Hill BA MRTPI, an Inspector appointed by the First Secretary of State who dismissed the appeal on 28/10/05 in relation to the previous owner of 25 Little Aston Road who tried to build a house in the back garden. The Inspector dismissed the appeal stating that 'I consider that the proposed development would have an adverse effect on the character and appearance of the surrounding area in terms of its intrusive relationship to the existing pattern of development and the loss of mature trees. As such, it would be contrary to the policies of the development plan.' Mr Bentham-Hill's comments echo the Council's comments entirely particularly when you consider that he was only referring to one extra house and now we are talking about 4 which will have a much bigger impact.

WALSALL COUNCIL
POST ROOM

20 OCT 2023

RECEIVED
The Development Management Team

10 October 2023

We are writing in response to the re-notification letter that we received on 9/10/23 for planning application 23/0613 for 25 & 27 Little Aston Road.

Inspection of Site Plan 1450/02 Rev G shows that the access road for Plots 3 to 6 has been slightly narrowed to make way for a pavement running down the western side. Whilst the provision of a pavement is necessary to provide safe passage for pedestrians wanting to reach Little Aston Road as well as residents needing to push their wheelie bins down to the collection area, it does create another problem. The Highways Authority sets the minimum width for the safe passage of two-way traffic at 5.5m when restricted to cars and light vehicles such as Amazon delivery vans, but the access road is only 4.6m wide.

The net effect will be that one vehicle will need to mount the pavement should two vehicles need to pass each other, or, if there are pedestrians in the way then one vehicle will need to stop and block Little Aston Road whilst it waits for the other vehicle to exit the access road. This will create a road safety issue resulting from a visibility splay which doesn't meet the requirements as set out below.

Secondly, we can see that Plots 5 and 6 have been moved away from the trees in answer to the concerns about tree root damage. Importantly, the root circle of the historic sycamore tree, T2, is now red rather than yellow, indicating that it is to be retained, although of course it does not benefit from any legal protection unlike the other trees which are protected by TPO's. This change is supported by Andrew Cooke's report which highlights the importance of the tree when judged under the TEMPO system.

A Street Scene has been prepared by the architect, however it includes a dashed line denoting the proposed replacement of 29 Little Aston Road. That is incorrect because the owner of 29 Little Aston Road has confirmed that as a direct result of the significant detrimental financial impact on the value of the property that this development would cause, that there would be no point in going ahead with the proposed replacement of the property.

So in reality the actual street scene would show that these two huge houses are completely out of character and dwarf the rest of the houses along Little Aston Road which blend in naturally with their surroundings as opposed to plots 1 and 2 which stick out like a sore thumb bearing in mind that the Street Scene does not show the hedgerows and trees which are a wonderful characteristic of Little Aston Lane and help to camouflage the buildings.

With regards to the Preliminary Bat Roost Assessment and Bird Survey, it confirms that bats are indeed roosting in the roof space of 27 Little Aston Road. The site was the scene of the premeditated, systematic and wanton destruction by the owners of the habitat that was formed by the gardens of 25 and 27 Little Aston Road, and which had existed for over 70 years.

The Preliminary Ecological Appraisal Document No. 1096PEA of 25/4/23 stated that 'The generous garden, which has recently been cleared would provide habitat for 'garden' birds for nesting and foraging. The removal of trees and shrubs have reduced this potential.' It then moved on to Bats and stated that 'The site offers negligible potential for roosting bats within the onsite buildings but cannot be completely ruled out. The site is large suburban gardens with potential for foraging bats. Common