



Walsall Council

Development Management

PLANNING COMMITTEE

Report to the Head of Planning and Building Control

10th February 2022

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: Euro Foods Group Ltd, Heath Road, Darlaston, Wednesbury, WS10 8XL	
Supplemental Information	Officer Comments
Condition 1 to be amended increase the standard three years to commence to five years to commence to assist in the delivery of development.	To note - No change to the officer's recommendation.
Conditions 6a and 8a – to be amended to include the requirement for the submission of a development timetable.	To note - No change to the officer's recommendation.

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Condition 22 wording amended from “care should be taken to avoid disturbance” and replaced with “works shall cease to avoid disturbance.	To note - No change to the officer’s recommendation.
<p>A further planning condition to be included to define the area of development:</p> <p><u>Land Exclusion Draft Condition</u></p> <p>1: Notwithstanding the development hereby permitted, no development shall be constructed within, nor shall it encroach at any time, the 3m easement area shown as a green dotted line to the eastern boundary of the site, and shall not encroach any of the land shaded yellow to the east of the application site at any time as shown on the hereby approved ‘Proposed Site Layout With Former Planning Layout Overlay 1946-PL-19’, received 20th January 2022.</p> <p>Reason: To define the permission, and to ensure the future delivery of the adjacent potential high quality industrial site, site reference IN98.1, is not prejudiced in accordance with Policy IND2 of Walsall’s Site Allocation Document, Black Country Core Strategy policy EMP2, Saved Unitary Development Plan Policy JP8, and the NPPF.</p>	To note - No change to the officer’s recommendation.
Network Rail – They note that the green line boundary for the warehouse is located away from the proposed station however the red line still includes land that WMCA requires.	To note – No change to the officer’s recommendation.
Local Highways Authority - recommend an additional planning condition requiring that the gate on the proposed pedestrian/cycle link onto Kendricks Road shall open inwards and not outwards across the public highway.	To note - No change to the officer’s recommendation.

Highways England – No objections	To note - No change to the officer's recommendation.
Sport England – No objection	To note - No change to the officer's recommendation.
Fire Service – Objects and previous comments are still applicable including previous objection -The proposal does not appear to meet the requirement for the provision of water for firefighting in respect of access (See Approved Document B, Volume 2, Buildings other than dwellings, 2019 edition incorporating 2020 amendments – for use in England, Section 16.8 a & b) Section 15: Vehicle access.	To note - No change to the officer's recommendation.
Environment Agency – recommend the inclusion of a planning condition in respect of contamination and risks to controlled waters	Noted and planning condition no. 4 of the committee report addresses this concern. No change to the officer's recommendation.
Severn Trent Water – advise that before they consider an indirect or direct discharge to public surface water sewers the require the use of soakaways and SUDs techniques to be investigated. If these are not feasible, they require the calculations on how the 18.9 litres/second discharge rate was achieved	Noted and planning condition no. 7 of the committee report addresses this concern. No change to the officer's recommendation.
Strategic Planning Policy – No new strategic planning policy issues raised	To note - No change to the officer's recommendation.
The Coal Authority – No change to their previous comments included in the committee report	To note - No change to the officer's recommendation.
Natural England – No objection	To note - No change to the officer's recommendation.
Historic England – No comments	To note - No change to the officer's recommendation.

Pollution Control – No change to their previous comments included in the committee report	To note - No change to the officer's recommendation.
Designing Out Crime - police recommend security using the principles of Secured By Design	To note - No change to the officer's recommendation.
West Midlands Rail Programme – additional comments received confirming the revised design of this proposal would not hinder delivery of the adjacent railway proposal subject to them gaining access to construct a retaining wall prior to construction of the proposed warehouse.	<p>Conditions have been recommended to secure a timetable of development of the warehouse and for an extended commencement timeframe of 5 years to assist Eurofoods in bringing their site forward for development. The LPA is unable to prevent commencement of this development by condition and there are no material planning reasons to require that Eurofoods enter into a Section 106 Agreement to deal with such a provision.</p> <p>No change to officer's recommendation.</p>
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to;</p> <ul style="list-style-type: none"> • No new material considerations being received within the current consultation period; • The amendment and finalising of conditions; • No further comments from a statutory consultee raising material planning considerations not previously addressed; • Overcoming the outstanding objections raised by the Fire Officer 	

Plans list Item number: 2 Application site address: FORMER JABEZ CLIFF AND CO LTD, LOWER FORSTER STREET, WALSALL, WS1 1X	
Supplemental Information	Officer Comments
Description of development altered to: Outline application for the erection of a part 5, part 2 storey building to form a mixed	No change to officer recommendation.

use commercial and leisure development (Class E) including details of access, appearance, layout and scale. This reflects the change made from 3 storeys to 2 storeys on Lower Forster Street elevation. Neighbours have been reconsulted on the change, comments due by 16 th Feb 2022.	
Recommendation: Refuse Planning Permission	

Plans list Item number: 3 Application site address: Land at Wood Street and Lower Lichfield Street, Willenhall.	
Supplemental Information	Officer Comments
<p>Amendment to condition 6:</p> <p>a. Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.</p> <p>b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.</p> <p>c. Following removal or clearance of any materials but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and to verify that the approved Method Statement has been carried out in full.</p>	<p>To note. No change to the Officer's Recommendation.</p>

Recommendation: Delegate to Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions.

Plans list item number: 4

Application site address: Great Barr Hall and Registered Park

Supplemental Information	Officer Comments
Archaeology and Historic Environment Officer - Wish to see an Archaeological Condition recommended to record any unknown archaeology in the most archaeologically sensitive areas of the site if the application is approved.	To note. No change to the Officer's Recommendation.
Valerie Vaz MP – February 2022 - Objection wishes to see the application refused, the proposal is in clear breach of the NPPF, Local Plan and BCCS. No special circumstances have been demonstrated to overcome policy concerns to allow building on Green Belt Land. The parkland and gardens are of regional importance unlike the listed hall which is not. The grounds for refusal are clear. The recommendation should not be overruled.	To note. No change to the Officer's Recommendation.
Valerie Vaz MP – Objection June 2018 Opposed to building on Green Belt where there is sufficient land to build elsewhere.	To note. No change to the Officer's Recommendation.
<p>Planning Policy - Amendment to Housing Need section of the report:</p> <p>The Council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test as a result of low housing delivery over the last three years. However, the NPPF paragraph 11 and footnote 7 state that policies in the NPPF that protect land designated as Green Belt and designated heritage assets continue to apply in such circumstances."</p> <p>The report also refers to NPPF paragraph 79 (isolated homes in the countryside). This should now state paragraph 80.</p>	To note. No change to the Officer's Recommendation.

<p>Updated Refusal Reasons:</p> <p>Planning Reasons:</p> <ol style="list-style-type: none"> 1. This proposal is of poor design and layout which fails to preserve or enhance the character of the Great Barr Conservation Area, of The Grade II Listed Building or of the Grade II Registered Park and Garden and fails to demonstrate that the development would not result in substantial harm or other harm to the historic landscape and heritage assets: a. The proposal by means of its design, materials, massing, siting, scale, and layout would result in substantial harm to the designated heritage asset of Great Barr Conservation Area through the loss and alteration of existing buildings and features which make a positive contribution to the character and significance of the Conservation Area resulting in the erosion of its special characteristics. The proposal fails to preserve or enhance the character, appearance, and setting of the Great Barr Conservation Area and there are no substantial public benefits arising from the proposal which would outweigh the identified harm. The nature of the heritage asset does not prevent reasonable use of the site. This application is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and ENV33 (Landscape Design), Black Country Core Strategy Policy ENV2 (Historic Character and Local Distinctiveness), Site Allocation Document Policies HC2 (Development of Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), 	<p>Recommendation updated to specify the refusal of the separate planning application and listed building consent and to enable final revisions to the refusal reasons.</p>
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DW3 (Character) of the Designing Walsall SPD and the National Planning Policy Framework.

- b. The proposal by means of its design, materials, massing, siting, scale and layout would result in substantial harm to the designated heritage assets of the Grade II Registered Park and Garden, resulting in the loss of its special character and features. The proposal fails to protect the registered park and garden from insensitive alteration and inappropriate built development and it fails to have regard for the landscape, its flora, fauna and environmental quality. The proposal fails to protect the importance of the design and historic value of the landscaped park and garden. There are no substantial public benefits arising from the proposal which would outweigh the identified harm. The proposal fails to preserve or enhance the Grade II Registered Park and Garden. This application is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and ENV33 (Landscape Design), Black Country Core Strategy Policy ENV2 (Historic Character and Local Distinctiveness), Site Allocation Document Policies HC2 (Development of Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), DW3 (Character) of the Designing Walsall SPD, saved policies, ENV27 Buildings of Architectural or Historic Interest and ENV30 Registered Parks and Gardens, and the National Planning Policy Framework.
- c. The proposal by means of its design, materials, massing, siting, scale and layout would result in

substantial harm to the designated heritage assets of the Grade II Listed Great Barr Hall, resulting in irreparable harm and damage to the fabric, internal and external appearance, and character, value and setting of the building. There are no substantial public benefits arising from the proposal which would outweigh the identified harm. The proposed use of the building will have a detrimental impact upon its character, appearance and setting. The nature of the heritage asset does not prevent reasonable use of the site and it has not been demonstrated that there is no alternative viable use of the heritage asset through marketing of the site and the building cannot be preserved through the obtaining of grant funding or other charitable means. The harm is not outweighed by the benefit of the proposal or by the benefit of bringing the site back into use. The proposal fails to preserve or enhance the Grade II Listed Great Barr Hall. This application is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and ENV33 (Landscape Design), Black Country Core Strategy Policy ENV2 (Historic Character and Local Distinctiveness), Site Allocation Document Policies HC2 (Development of Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), DW3 (Character) of the Designing Walsall SPD, saved policies, ENV27 Buildings of Architectural or Historic Interest and the National Planning Policy Framework.

2. The proposed development and works are not considered to preserve or enhance the historic interest and significance of the heritage assets on the site including their setting:

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| <p>a. The proposed development is not considered to either preserve or enhance the architectural and historic character of the designated Heritage Asset Great Barr Conservation Area or its historical context and is contrary to paragraphs 195-201 of the National Planning Policy Framework. The proposal fails to preserve the buildings within the Conservation Area and fails to preserve its special character, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to be contrary to Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy. Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital. The proposal fails to provide sufficient justification to overcome the policy concerns.</p> <p>b. The proposed development is not considered to either preserve or enhance the architectural and historic character of the designated Grade II Registered Great Barr Park and Garden or its historical context and is contrary to paragraphs 195-201 of the National Planning Policy Framework. The proposal fails to preserve the special landscape and the importance of the design and historic value of the park and garden contrary to Sections 66(1) and 74(2A) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also considered to be contrary to Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy. Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital,</p> | |
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and ENV30 Registered Parks and Gardens, The proposal fails to provide sufficient justification to overcome the policy concerns.

- c. The proposed development is not considered to either preserve or enhance the architectural and historic character of the designated Grade II Great Barr Hall or its historical context and is contrary to paragraphs 195-201 of the National Planning Policy Framework. There is insufficient information provided in relation to the proposed materials for the conversion and rebuilding, and insufficient architectural detail. The proposal also fails to preserve the listed buildings and their settings and fails to preserve their special architectural and historic interest contrary to Sections 66(1) AND 74(2A) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also considered to be contrary to Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy. Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital, ENV27 Buildings of Architectural or Historic Interest. The proposal fails to provide sufficient justification to overcome the policy concerns.
3. The proposal fails to demonstrate that any enabling development would guarantee the reinstatement of the designated Grade II Great Barr Hall, fails to provide sufficient information on any phasing of the development, and results in harm to the building's architectural and historic value and to the building's immediate setting. Insufficient justification has also been provided to demonstrate that the proposal is both necessary and capable of delivering the reinstatement of

the listed building. Furthermore, the proposal is contrary to other policies within the Development Plan, including Green Belt, as set out in the other reasons for refusal and is therefore contrary to Saved Unitary Development Plan Policy ENV27(e) Buildings of Architectural or Historic Interest, Sections 66(1) AND 74(2A) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy, Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital, and paragraphs 195-201 of the National Planning Policy Framework.

4. Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This proposal represents inappropriate development in the Green Belt and would have a noticeable and dramatic impact on openness. No 'very special circumstances' are considered to exist that would justify the proposal. The benefits of the proposed new housing fall far short of the harm caused by the extent of the proposal which would be inappropriate and would result in harm to the character and openness of the Green Belt. This application is contrary to Site Allocation Document Policies GB1 (Green, Belt Boundary and Control of Development in the Green Belt) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital) and the National Planning Policy Framework.

<p>5. This application fails to provide sufficient information to assess the impacts to protected trees including those that may be affected and fails to provide sufficient information on mitigation or compensatory measures, and is therefore contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV18 (Existing Woodlands, Trees and Hedgerows), Walsall Site Allocation Document EN5 Development in Conservation Areas, EN7 Great Barr Hall and Estate and St Margaret's Hospital, Saved Policies, ENV27 Buildings of Architectural or Historic Interest, ENV30 Registered Parks and Gardens, NE1 to NE10 of the Conserving Walsall's Natural Environment SPD and the National Planning Policy Framework.</p> <p>6. This proposed development in its design and layout fails to preserve or enhance the character of the area and the resulting development opens up the potential for crime and anti-social behaviour, and or sense of fear of crime to future occupiers due to the isolated location of the site. Contrary to "saved" Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality), Site Allocation Document Policies HC2 (Development of Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), DW2 to DW5 of the Designing Walsall SPD and the National Planning Policy Framework</p> <p>7. This application has failed to make an assessment of air quality, and has failed to provide details of any</p>	
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necessary mitigation measures and is therefore contrary to Black Country Core Strategy Policy ENV8 (Air Quality), the Air Quality SPD and the National Planning Policy Framework.

8. The application has failed to demonstrate that the proposal would adequately safeguard and enhance important and protected habitats and species including freshwater Crayfish, and that the development would not result in harm. In addition, the extra lighting has the potential to impact on foraging bats in the surrounding woods. The application is therefore contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV18 (Existing Woodlands, Trees and Hedgerows), ENV23 (Nature Conservation and New Development) and ENV24 (Wildlife Corridors), Black Country Core Strategy Policy ENV1 (Nature Conservation), Site Allocation Document Policies EN1 (Natural Environment Protection, Management and Enhancement) and EN2 (Ancient Woodland), NE1 to NE10 of the Conserving Walsall's Natural Environment SPD and the National Planning Policy Framework.
9. The application has failed to demonstrate how a policy compliant level of on-site affordable housing and off-site public open space would be provided contrary to Saved Unitary Development Plan Policies H4 (Affordable Housing), LC1 (Urban open Spaces) and GP3 (Planning Obligations), Black Country Core Strategy Policies HOU3 (Delivering Affordable Housing) and ENV6 (Open Space, Sport and Recreation), Site Allocation Document Policies HC3 (Affordable Housing and Housing for People with Special Needs) and OS1 (Open Space, Sport and Recreation), OS1 to OS8 of the Open Space,

Sport and Recreation Supplementary Planning Document, AH1 to AH5 of the Affordable Housing Supplementary Planning Document and the National Planning Policy Framework.

Listed Building Reasons:

1. This proposal is of poor design and layout which fails to preserve or enhance the character of the Great Barr Conservation Area, of The Grade II Listed Building or of the Grade II Registered Park and Garden and fails to demonstrate that the development would not result in substantial harm or other harm to the historic landscape and heritage assets:
 - a. Insufficient supporting information has been submitted and the proposal, by means of its design, materials, massing, siting, scale, and layout would result in substantial harm to the designated heritage asset of Great Barr Conservation Area through the loss and alteration of existing buildings and features which make a positive contribution to the character and significance of the Conservation Area resulting in the erosion of its special characteristics. The proposal fails to preserve or enhance the character, appearance, and setting of the Great Barr Conservation Area and there are no substantial public benefits arising from the proposal which would outweigh the identified harm. The nature of the heritage asset does not prevent reasonable use of the site. This application is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and ENV33 (Landscape Design), Black Country Core Strategy Policy ENV2 (Historic Character and Local Distinctiveness), Site Allocation Document

Policies HC2 (Development of Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), DW3 (Character) of the Designing Walsall SPD and the National Planning Policy Framework Paragraph 201 (b) no viable use of the heritage asset can be found in the medium term, (c) conservation by grant funding or some form of not for profit, charitable or public ownership is demonstrably not possible and (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- b. Insufficient supporting information has been submitted and the proposal, by means of its design, materials, massing, siting, scale and layout would result in substantial harm to the designated heritage assets of the Grade II Registered Park and Garden, resulting in the loss of its special character and features. The proposal fails to protect the registered park and garden from insensitive alteration and inappropriate built development and it fails to have regard for the landscape, its flora, fauna and environmental quality. The proposal fails to protect the importance of the design and historic value of the landscaped park and garden. There are no substantial public benefits arising from the proposal which would outweigh the identified harm. The proposal fails to preserve or enhance the Grade II Registered Park and Garden. This application is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and ENV33 (Landscape Design), Black Country Core Strategy Policy ENV2 (Historic Character and Local Distinctiveness), Site Allocation Document Policies HC2 (Development of

Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), DW3 (Character) of the Designing Walsall SPD, saved policies, ENV27 Buildings of Architectural or Historic Interest and ENV30 Registered Parks and Gardens, and the National Planning Policy Framework Paragraph 201 (b) no viable use of the heritage asset can be found in the medium term, (c) conservation by grant funding or some form of not for profit, charitable or public ownership is demonstrably not possible and (d) the harm or loss is outweighed by the benefit of bringing the site back into use

- c. Insufficient supporting information has been submitted and the proposal by means of its design, materials, massing, siting, scale and layout would result in substantial harm to the designated heritage assets of the Grade II Listed Great Barr Hall, resulting in irreparable harm and damage to the fabric, internal and external appearance, and character, value and setting of the building. There are no substantial public benefits arising from the proposal which would outweigh the identified harm. The proposed use of the building will have a detrimental impact upon its character, appearance and setting. The nature of the heritage asset does not prevent reasonable use of the site and it has not been demonstrated that there is no alternative viable use of the heritage asset through marketing of the site and the building cannot be preserved through the obtaining of grant funding or other charitable means. The harm is not outweighed by the benefit of the proposal or by the benefit of bringing the site back into use. The proposal fails to preserve or enhance the Grade II Listed Great

Barr Hall. This application is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), ENV32 (Design and Development Proposals) and ENV33 (Landscape Design), Black Country Core Strategy Policy ENV2 (Historic Character and Local Distinctiveness), Site Allocation Document Policies HC2 (Development of Other Land for Housing), EN5 (Development in Conservation Areas) and EN7 (Great Barr Hall and Estate and St Margaret's Hospital), DW3 (Character) of the Designing Walsall SPD, saved policies, ENV27 Buildings of Architectural or Historic Interest and the National Planning Policy Framework Paragraph 201 (b) no viable use of the heritage asset itself can be found in the medium term, (c) conservation by grant funding or some form of not for profit or charitable public ownership is demonstrably not possible and (d) the harm or loss is outweighed by the benefit of bringing the site back into use and Section 16 (3) of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 it has not been demonstrated that the proposal would ensure for the public benefit of the heritage asset.

2. The proposed development and works are not considered to preserve or enhance the historic interest and significance of the heritage assets on the site including their setting:
 - a. Insufficient supporting information has been submitted and the proposed development is not considered to either preserve or enhance the architectural and historic character of the designated Heritage Asset Great Barr Conservation Area or its historical context and is contrary to paragraphs 201 of the National Planning

Policy Framework. The proposal fails to preserve the buildings within the Conservation Area and fails to preserve its special character, contrary to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 it has not been demonstrated that Special Regard to the desirability of preserving the Heritage Asset or its setting and any features of special or architectural interest which it possesses, and Section 16 (3) it has not been demonstrated that the proposal would ensure for the public benefit of the heritage asset. The proposal is therefore considered to be contrary to Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy. Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital. The proposal fails to provide sufficient justification to overcome the policy concerns.

- b. Insufficient supporting information has been submitted and the proposed development is not considered to either preserve or enhance the architectural and historic character of the designated Grade II Registered Great Barr Park and Garden or its historical context and is contrary to paragraphs 200 it has not been demonstrated that clear and convincing justification has been put forward and there are no exceptional circumstances put forward, and paragraph 201(b) no viable use of the heritage asset itself can be found in the medium term, (c) conservation by grant funding or some form of not for profit or charitable public ownership is demonstrably not possible and (d) the harm or loss is outweighed by the benefit of bringing the site back into use of the National Planning Policy Framework. The proposal fails to preserve the special landscape and the

importance of the design and historic value of the park and garden contrary to Sections 66(1) and 74(2A) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also considered to be contrary to Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy. Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital, and ENV30 Registered Parks and Gardens, The proposal fails to provide sufficient justification to overcome the policy concerns. Contrary to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas Act) 1990. 1990 it has not been demonstrated that Special Regard to the desirability of preserving the Heritage Asset or its setting and any features of special or architectural interest which it possesses, and Section 16 (3) it has not been demonstrated that the proposal would ensure for the public benefit of the heritage asset.

- c. Insufficient supporting information has been submitted and the proposed development is not considered to either preserve or enhance the architectural and historic character of the designated Grade II Great Barr Hall or its historical context and is contrary to paragraph 200 it has not been demonstrated that clear and convincing justification has been put forward and there are no exceptional circumstances put forward, and paragraph 201 Paragraphs 201 (b) no viable use of the heritage asset itself can be found in the medium term, (c) conservation by grant funding or some form of not for profit or charitable public ownership is demonstrably not possible and (d) the harm or loss is outweighed by the benefit of bringing the site back into use of the National

Planning Policy Framework . There is insufficient information provided in relation to the proposed materials for the conversion and rebuilding, and insufficient architectural detail. The proposal also fails to preserve the listed buildings and their settings and fails to preserve their special architectural and historic interest contrary to Sections 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It has not been demonstrated that Special Regard to the desirability of preserving the Heritage Asset or its setting and any features of special or architectural interest which it possesses, and Section 16 (3) it has not been demonstrated that the proposal would ensure for the public benefit of the heritage asset. The proposal is also considered to be contrary to Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy. Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital, ENV27 Buildings of Architectural or Historic Interest. The proposal fails to provide sufficient justification to overcome the policy concerns.

3. Insufficient supporting information has been submitted and the proposal fails to demonstrate that any enabling development would guarantee the reinstatement of the designated Grade II Great Barr Hall, fails to provide sufficient information on any phasing of the development, and results in harm to the building's architectural and historic value and to the building's immediate setting. Insufficient justification has also been provided to demonstrate that the proposal is both necessary and capable of delivering the reinstatement of the listed building. Furthermore, the proposal is contrary

<p>to other policies within the Development Plan, including Green Belt, as set out in the other reasons for refusal and is therefore contrary to Saved Unitary Development Plan Policy ENV27(e) Buildings of Architectural or Historic Interest, Sections 16 (1-3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy, Walsall Site Allocation Document, EN5 Development in Conservation Areas, EN7 Great Barr Hall Estate and St Margaret's Hospital, and paragraphs 201, and paragraph 208 it has not been demonstrated that the proposed enabling development would secure the future conservation of the heritage assets, which would outweigh the disbenefits of departure from other development plan policies of the National Planning Policy Framework.</p>	
<p>Right of Way Proposal – an application has been made by the Walsall Group of the Ramblers to create a permanent Public Right of Way along Suttons Drive which sits along the northern site boundary along with evidence to demonstrate existing public access of this route. Should Members be minded to approve against the officer recommendation delegation back to the Head of Planning and Building Control is requested to give further considerations to this matter.</p>	<p>To note. No change to the Officer's Recommendation.</p>
<p>Amendment to Policy Section of report to include Saved UDP policies ENV13, ENV27 and ENV30 and BCCS policy CSP3.</p>	<p>To note. No change to the Officer's Recommendation.</p>

Heritage Considerations – additional comments received from Planning Policy Team on assessment of heritage assets.	Noted. Assessment carried out within the report and refusal reasons updated above. No change to the officer's recommendation.
Recommendation: Delegate to the Head of Planning and Building Control to Refuse Planning Permission and Refuse Listed Building Consent, and to amend and finalise the refusal reasons	

Plans list item number: 5 Application site address: BRITISH LION WORKS, FOREST LANE, WALSALL, WS2 7AX	
Supplemental Information	Officer Comments
An amended Proposed Site Plan Rev F was received on 07/02/21 and agreed by the Highway Authority which alleviates concerns regarding parking orientation, garages and pedestrian accessibility. Conditions recommended include ensuring the keep clear hatched markings in front of garages 8 and 9 are implemented before occupation of the dwellings.	To note. Recommendation updated to enable the amendment and finalising of conditions.
Comment received by Public Rights of Way regarding details of boundary wall adjacent to the definitive public footpath and footbridge over the canal. A condition relating to the boundary wall can be attached as necessary.	Noted. Recommendation updated to enable the amendment and finalising of conditions.
Amendments to conditions as follows: Condition X becomes condition 10. Renumbered condition 11 is reworded: 10. Prior to the occupation of Plots 1 to 9 (inclusive) of the hereby permitted development further details of the access arrangements for the inspection of the retaining structures including the future maintenance of the retaining structures of the Wyrley & Essington Canal embankment identified on Section Boundaries Plan No. 20-886-204 and the Site Plan with Levels Plan No. 20-886-205 shall be submitted in writing to and agreed in writing by the Local Planning Authority.	Noted. Recommendation updated to enable the amendment and finalising of conditions.

<p>Reason: In the interests of minimising the risk of land instability that would adversely affect the structural integrity of the adjacent Wyrley & Essington Canal embankment in accordance with the n paragraphs 174, 183 and 184.of the National Planning Policy Framework 2021 and in the National Planning Practice Guidance.</p> <p>Condition 12 is renumbered from 3 a and 3 b</p>	
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to the amendment and finalising of conditions</p>	

Plans list Item number: 7 Application site address: 38, NORMAN ROAD, WALSALL, WS5 3QL	
Supplemental Information	Officer Comments
<p>The following conditions have been amended in line with the tests on imposing planning conditions:</p> <p>Condition 3c: 3c. Prior to commencement of any built form or engineering operations of the development hereby permitted and post demolition and removal of the demolition material a validation report written by a competent person who was overseeing the works shall be submitted in writing to and approved in writing by the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.</p> <p>Condition 5b: 5b. The approved Construction Working Plan shall be implemented prior to commencement of works and shall be maintained throughout the lifetime of the development.</p> <p>Condition 11a: 11a. Notwithstanding the bat survey carried out by Preliminary Roost Assessment – Dated 14/01/2021 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.</p>	<p>To note. No change to the officer Recommendation.</p>

The submitted design and access statement has been re-consulted on.	To note. No change to the Recommendation.
<p>Consultation responses received after the committee report was prepared as follows:</p> <p>Severn Trent Water: No objection and offered informative.</p> <p>Inland Waterways Association (Lichfield): No objection.</p> <p>Canal & Rivers Trust: Recommended conditions regarding native species planting, external lighting, construction management and informatives.</p> <p>Pollution Control: Recommended conditions regarding demolition and construction management and air quality and informative.</p>	To note. No change to the Recommendation.
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to;</p> <ul style="list-style-type: none"> No new material considerations being received within the current consultation period; The amendment and finalising of conditions; No further comments from a statutory consultee raising material planning considerations not previously addressed; 	

Plans list Item number: 8 Application site address: 48 Mellish Road, Walsall	
Supplemental Information	Officer Comments
Updated comments received from Tree Officer, summarised as:	To note. No change to the officer's recommendation

<ul style="list-style-type: none"> • The trees are of high amenity value, supported by the Planning Inspectorate in their comments regarding the dismissal of a recent appeal. Felling trees T2, T3 and T4, would have a detrimental effect on the character and appearance of the area. • The proximity of the proposed extension will result in significant excavations into the rooting area that will be detrimental to the health, condition and stability of the existing protected trees, leading to their removal. This is supported by the comments in the submitted tree report. • Proximity of the proposal would place the Council under significant pressure to allow future severe pruning works or complete removal that would be detrimental to the visual appearance, and long-term health, of the trees. 	
<p>Amended Refusal Reason 2:</p> <ol style="list-style-type: none"> 1. Notwithstanding the submitted details, the proposed two storey rear extension will result in detrimental impacts to the 3 x protected Lime trees in the rear garden of the site due construction taking place within their root protection area. Due to the proximity of the proposed extension to the trees it would also generate a future pressure for severe pruning or removal of these trees as a result of shading, deposition of tree debris onto the building, fears in adverse weather conditions and the dripping of honeydew onto various parts of the building and any future patio area. Such harm to these trees of high amenity value would result in unacceptable impacts to the visual amenity of the locality and contrary to the requirements of the National Planning Policy Framework, Saved Unitary Development Plan policies GP2 and ENV18, Walsall's Site Allocation Document 	<p>To note. No change to the officer's recommendation.</p>

EN1 and the Supplementary Planning Document Conserving Walsall's Natural Environment.	
Recommendation: Refuse Planning Permission	

Plans list Item number: 9	
Application site address: 27 St Austell Road	
Supplemental Information	Officer Comments
The description has been amended to: "Two storey and single storey side extensions, single storey rear extension and ground floor front infill extension."	This reflects the amendments that have been made to the original proposal for this application which have already been re-consulted on. No change to the officer's recommendation.
Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to the amendment and finalising of conditions	

Plans list Item number: 10	
Application site address: 123 Leighswood Avenue	
Supplemental Information	Officer Comments
Neighbour has sent photographs that were included in their objection at the last consultation identifying how close the proposed front elevation is taken from the side window view of their front bay window. And referred to overlooking from the rear dormers.	<p>The proposed front elevation is in line with the neighbour's front elevation. Any overlooking from the side view of the window is at an angle and has been considered as minimal harm to the neighbour due to the angle of the side window.</p> <p>Overlooking from the proposed rear dormers is considered will cause no more harm than any overlooking from the existing rear windows and no more harm than the neighbours own rear dormer overlooking the garden of the application house.</p> <p>No change to the officer's recommendation.</p>

Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to the amendment and finalising of conditions	

Plans list Item number: 11 Application site address: 42, SLANEY ROAD, WALSALL, WS2 9AF	
Supplemental Information	Officer Comments
<p>Three letters of objection were received after the committee report was prepared. The issues raised were covered in the committee report.</p> <p>Three letters were received from Valarie Vaz MP.</p> <p>Points covered in her correspondences are as follows:</p> <ul style="list-style-type: none"> - The history of the application site/ and the planning history. - An additional HMO would be contrary to policies. - Impact on the amenity of the residents - The proposed development will lead to anti-social behaviour. - The proposed use will be contrary to planning policy and not create a safe environment. - The applicant failed to provide evidence that the residents will not be exposed to anti-social behaviour. - Impact on the road - The HMO will not be in keeping with the residential setting. - Parking and Access - The proposal will cause traffic/road safety issues which impact on traffic/ road safety network and will be contrary to the saved policies 	<p>Noted: All points raised by the objectors and Valerie Vaz MP were covered in the committee report. No change to the officer's recommendation.</p>

- Further issues
- Questions the validity of the support letters from the NHS
- Petitions signed from the objecting residents.

Appendix 1.

We, the undersigned strongly object to the grant of planning approval to the Application for Planning Permission in application No. 20/D550.

No.	Name	Address	Signature
1		27 SLANEY ROAD W22 2PP	
2		27 SLANEY ROAD W22 2PP	
3		27 SLANEY ROAD W22 9AF	
4		57 SLANEY RD	
5		70+ BIRCH RD	
6		41 Montfort Rd	
7		2 SLANEY ROAD	
8		6 SLANEY ROAD	
9		6 SLANEY RD.	
10		4 SLANEY RD	
11		13 SLANEY RD.	
12		13 SLANEY RD	
13		13 SLANEY RD	
14		10 SLANEY ROAD	
14		17 SLANEY ROAD	
15		22 SLANEY ROAD	
16		12 SLANEY ROAD	
17		12 SLANEY ROAD	
18		12 SLANEY ROAD	
19		22 SLANEY ROAD	
20		20 SLANEY ROAD	
21		20 SLANEY ROAD	
22		20 SLANEY ROAD	
23		28 SLANEY ROAD	
24		28 SLANEY ROAD	
25		25 SLANEY ROAD	

Objectors signed five separate petitions against the proposed change of use. The front page of the petitions are provided.

Noted: No change to the officer's recommendation.

Appendix 1.

We, the undersigned strongly object to the grant of planning approval to the Application for Planning Permission in application No. 20/0550.

No.	Name	Address	Signature
1		68 PRINCE STREET	
2		" " "	
3		" " "	
4		141. HUGH ROAD	
5		68, PRINCE ST	
6		" " "	
7		55, PRINCE STREET	
8		" " "	
9		" " "	
10		73, DORA STREET	
11		" " "	
12		80 PRINCE STREET	
13		" " "	
14		" " "	
14		289 WEDNESBURY ROAD	
15		" " "	
16		" " "	
17		73, PRINCE STREET	
18		" " "	
19		55 Prince Street	
20		161 Prince Street	
21		127 Prince Street	
22		161 Prince Street	
23		" " "	
24		127 Prince Street	
25		161 Prince Street	

Noted: No change to the officer's recommendation.

Appendix 1.

We, the undersigned strongly object to the grant of planning approval to the Application for Planning Permission in application No. 20/0550.

No.	Name	Address	Signature
1		60 PRINCE ST	
2		60 PRINCE ST	
3		60 Prince St.	
4		60 Prince St	
5		56 Prince St.	
6		56 Prince St	
7		60 Prince St	
8		58 Prince St	
9		58 PRINCE ST	
10		58 Prince ST	
11		54 PRINCE ST	
12		54 PRINCE ST.	
13		54 PRINCE ST.	
14		50 PRINCE ST	
14		50 PRINCE ST	
15		50 PRINCE ST	
16		50 PRINCE ST	
17		232 WEDNESBURY RD	
18		231 wednesday road	
19		9 wednesday rd	
20		32 Prince St	
21		11 Prince St	
22		32 Prince St	
23		11 Prince St	
24		114 Prince St	
25		114 Prince St	

Noted: No change to the officer's recommendation.

Appendix 1.

We, the undersigned strongly object to the grant of planning approval to the Application for Planning Permission in application No. 20/0550.

No.	Name	Address	Signature
1		186 Prince St	
2		86 Prince St	
3		151 Prince St	
4		151 Prince St	
5		43 Prince Street	
6		43 Prince Street	
7		41 Prince St	
8		11	
9		11	
10		11	
11		37 Prince	
12		35 Prince Street	
13		11	
14		11	
15		11	
16		140 Prince St	
17		140 Prince St	
18		38 Prince Street	
19		38 Prince Street	
20		38 Prince Street	
21		38 Prince Street	
22		38 Prince Street	
23		62 Prince St	
24		11	
25		11	
26		11	

Noted: No change to the officer's recommendation.

We, the undersigned strongly object to the grant of planning approval to the Application No 20/0550.

Name of Business / Full Name	Address	Signature
	291 WEDNESBURY RD	
	287, WEDNESBURY RD	
	271 Wednesbury Rd	
	265 Wednesbury Road	
	187 Broad Lane	
	1217 WEDNESBURY RD	
	213 Wednesbury	
	211, WEDNESBURY	
	215 Wednesbury	
	207 Wednesbury	
	205 WEDNESBURY	
	203 WEDNESBURY RD	
	201 Wednesbury Road	
	192 wednesbury	
	179 Wednesbury Rd	
	177 Wednesbury	
	226 WEDNESBURY RD	
	232/234 WEDNESBURY RD	
	235 Wednesbury Rd	
	240 Wednesbury Road	
	244 WEDNESBURY RD	
	243 Wednesbury Road	
	246 WEDNESBURY RD	
	246A Wednesbury Rd	
	246 Wednesbury Rd	
	241 WEDNESBURY RD	
	250 Wednesbury Road	
	251 Wednesbury Lane	
	269 DARTFORD RD	
	55 DARTFORD ROAD	
	57 DARTFORD ROAD	
	73/75 DARTFORD ROAD	
	614 Dartford Road	

Noted: No change to the officer's recommendation.

GP Practice has withdrawn their letter of support.

Noted: No change to the recommendation.

<p>The following reasons have been amended:</p> <ol style="list-style-type: none"> 1. The proposed use would add to an existing concentration of Houses in Multiple Occupation in the locality. Based on the submitted details the Local Planning Authority are not convinced that the premises could be managed in an inappropriate manner and could lead to an increased fear of crime and anti-social behaviour and contrary to Saved Policy GP2 of Walsall's Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework. 2. The applicant has failed to demonstrate that there is sufficient on-site parking to cater for the proposed development. This would result in an increase pressure to the limited existing on street parking on Slaney Road. This will be detrimental to the amenity of the area and contrary to saved policies GP2, GP5, GP6, H7, T1, T7, T9, T11 and T13 of the Unitary Development Plan. <p>Addition of a fourth refusal reason:</p> <p>4.The submitted plans failed to demonstrate how parking for disabled residents and secure cycles storage can be provided on the site and contrary to saved policies GP2, GP5, GP6, H7, T1, T7, T9, T11 and T13 of the Unitary Development Plan.</p>	<p>Noted: No change to the recommendation and fourth reason for refusal added.</p>
<p>Recommendation: Refuse</p>	

