



Walsall Council

Planning Committee

Thursday 20 June 2024 at 5:30pm

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

[Livestream Link](#)

Membership:

Councillor M. Statham (Chair)
Councillor J. Murray (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor M.A. Bird
Councillor P. Bott
Councillor S. Elson
Councillor M. Follows
Councillor P. Gill
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor K. Margetts
Councillor R. Martin
Councillor L. Nahal
Councillor A. Nawaz
Councillor A. Parkes
Councillor G. Singh-Sohal
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 hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Part 1 – Public Session

- 1. Apologies**
- 2. Declarations of Interest**
- 3. Deputations and Petitions**
- 4. Minutes of the Previous Meeting**

To approve and sign the minutes of the meeting held on 25 April 2024.

Copy enclosed (pp.5-16)

- 5. Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

- 6. Application list for permission to develop:**

- a) Items subject to public speaking;
- b) Items 'called-in' by members
- c) Items not subject to 'call-in'

Copy enclosed (pp.17-171)

- 7. Date of next meeting**

The next meeting will be held on Thursday 25 July 2024.

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

Thursday 25 April 2024 at 5:30pm

Committee Members present:

Councillor M. 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 I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J. Murray
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

Officers Present:

D. Brown	Executive Director – Economy, Environment & Communities
R. Ark	Principal Environmental Protection Officer
M. Brereton	Group Manager – Planning
M. Crowton	Group Manager – Transportation & Strategy
K. Gannon	Development Control and Public Rights of Way Manager
O. Horne	Senior Planning Officer
N. Howell	Principal Planning Officer
K. Knight	Senior Transport Planner
G. Meaton	Team Leader Development Management
A. Sargent	Principal Solicitor
A. Scott	Senior Planning Officer
N. Picken	Principal Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

Councillor Statham in the Chair

102 Apologies

There were no apologies received.

103 **Declarations of Interest and Party Whip**

Councillor Follows declared an interest in Plans List Item 4 – Bloxwich Post Office.

104 **Deputations and Petitions**

There were no deputations or petitions submitted.

105 **Minutes**

A copy of the Minutes of the meeting held on the 7 March 2024 was submitted.

[annexed]

Resolved

That the minutes of the meeting held on 7 March 2024, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

107 **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.

108 **Plans List Item 2 – 23/1600 – Land off Barracks Lane, Brownhills**

The Chair advised the Committee that a request had been received from the applicant for the item to be deferred to a future meeting. Members were invited by the Chair to debate the request to defer the application.

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

Resolved (unanimously)

That application 23/1600 be deferred to a future meeting to enable the applicant to submit an Environmental Impact Assessment in response to a screening opinion that found that the development fell under Schedule 2 of the EIA Regulations 2017.

Councillor Martin entered the meeting.

109 **Plans List Item 3 – 23/0120 – Sandown Quarry, Stubbers Green Road, Aldridge**

The Chair advised the Committee that a request had been received from the applicant for the item to be deferred to a future meeting. Members were invited by the Chair to debate the request to defer the application.

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

Resolved (unanimously)

That application 23/0120 be deferred to a future meeting to allow further time for all parties to consider and respond to final matters regarding highways, ecology, and amenity.

110 **Plans List Item 6 – 23/0446 – 74 Mellish Road, Walsall**

The Chair advised the Committee that a request had been received from the applicant for the item to be deferred to a future meeting. Members were invited by the Chair to debate the request to defer the application.

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

Resolved (unanimously)

That application 23/0446 be deferred to a future meeting, to enable the applicant's agent to attend.

111 **Plans List 1 – 23/0613 – 25 and 27 Little Aston Road**

The Group Manager (Planning) introduced the report of the Head of Planning and Building Control, including information contained in the supplementary paper.

(annexed)

The Group Manager (Planning) provided an overview of the application and highlighted changes made since the application was previously considered. These included the expansion of the 'red line boundary'; an amended site-plan including the relocation of proposed dwellings; the relocation of the vehicular access enabling refuse vehicles to access the site; the reduction in height of the rear-located bungalows; and the addition of acoustic boundary treatments. Images of the proposed development and vehicle tracking plans were provided.

At this juncture Councillor Garcha entered the meeting.

The Group Manager (Planning) advised that the dwelling at number 29 Little Aston Road had been demolished for an approved replacement dwelling of similar elevations to the street-facing dwellings included in the application. Five petitions had been received against the application since being registered, with thirty-four individual objections. The Group Manager (Planning) explained that several of the previous reasons for refusal had been addressed but two remained. The officer explained that reason 2, the inappropriate siting of the bin storage, could likely be resolved through conditions as refuse collection vehicles could use the proposed access. Officers recommended that the application represented 'on balance' an inappropriate backland development with a cramped layout and did not reflect the character of the local area.

There were two speakers against the application, Ms Allen and Mr Kalam, and one in support of the application, Mr Brearley, who were attending in person.

Ms Allen explained that she was a barrister instructed to speak on behalf of several objectors regarding apparent conflicts of interest which they believed arose in relation to several members sitting on the Committee. Ms Allen stated that the applicants were Mr and Mrs Brindley, founders of the James Brindley Foundation, and there were concerns regarding the nature and appropriateness of the relationships between the applicants and several members of the Committee through their associations with the Charity. Ms Allen stated that Councillors Bird, Statham, Murray and Waters had engaged with the charity on numerous occasions since 2018, including supporting organising fundraising events, promoting petitions and working to support grant funding. Ms Allen added that the finding of bias or the appearance of bias would be sufficient for the rendering of any decision as unlawful and expressed the opinion that a fully informed fair-minded observer would note the obvious relationship between some Committee members and the beneficiaries of the decision. Ms Allen asserted that should the application be granted planning permission by a Committee comprising one or more of the

aforementioned members, there would be a risk of a potentially successful judicial review into the matter. Ms Allen suggested that to ensure any decision would be taken lawfully, the aforementioned members should recuse themselves from taking any further part in determining the application.

Mr Kalam stated that this was the third time the application had been before the Committee and that despite redesigns the applicant had failed to address the concerns of planning officers. Mr Kalam expressed the opinion that the application represented an unacceptable backland development with no street-frontages for plots 3, 4, 5 and 6. He stated that the development did not fit the pattern or density of development in the area; was contrary to the UDP, policies ENV 32 and ENV2; and plot sizes and density did not match the local context according to Designing Walsall. Mr Kalam added that separation distances were much less than existing arrangements and what would reasonably be expected in the locations and that the proposal inadequately responded to local character, with no existing design features included. Mr Kalam reminded members that an appeal to the Planning Inspector surrounding a previous application for a three-bedroom property on the site, had concluded the previous application would harm the amenities of the area, being intrusive to the character and overbearing on neighbouring properties. Whilst each application was determined on its merits, the current proposal was on the same site and a similar development. The current application had received significant local opposition which should be considered carefully.

Mr Brearley stated that the application had been significantly amended since it was previously considered with Plots 5 and 6 reduced in size to bungalows and Plots 1 and 2 relocated. The dwelling heights of Plots 1 and 2 had been reduced; access had been relocated further from neighbouring houses and the rear of 29 Little Aston Road would be shielded from the access by gardens. The refuse collection point was now optional as refuse collection vehicles could use the site and this could be removed via condition. Regarding harm to character, the applicant believed this form was not unusual in Walsall, with similar applications previously approved by the Inspector at Whetstone Lane, Erdington Road, Blackwood Lane and Lichfield Road, Bloxwich. Another application on the agenda for the meeting, 'Land Adjacent Haley Street', represented similar 'tandem' development and was recommended for approval, showing inconsistency on how applications were dealt with. The scheme was broadly reflective of neighbouring density and considered an effective use of land, with some compromise between local characteristics and the efficiency of the development.

Prior to questions being asked of speakers, the Principal Solicitor present clarified that declarations of interest were a matter for each individual member to consider and declare. The Chair had invited members to make any declarations of interest during item 2 of the agenda and no members declared an interest in the item. All members were aware of the requirement to declare an interest either during the agenda item calling for declarations or as soon as they become aware that an interest existed. Whilst the first speaker, Ms Allen, had referred to members' declarations of interests, this should form neither

part of questions to speakers nor the ensuing debate as this was a matter for each individual member to consider and declare accordingly.

A Member asked Mr Brearley for his view on whether the application represented backland development. Mr Brearley stated his opinion that while the application did represent backland development, the authority had no policy which prevented this in principle and the important issue was whether such development was harmful. Mr Brearley stated his opinion that this was not the case as the proposed development retained a linear frontage on Little Aston Road and the driveway presented a clear sense of arrival. The existing gardens were huge including in comparison to others in the area and the proposed gardens were not small. The density of plots was comparable to other approved developments and met all separation standards. In Mr Brearley's opinion there was a good balance between the area's existing character and practicalities of such a development. He added that the 2005 appeal decision had been made in a different planning policy landscape and in his opinion the present application was significantly different to that 2005 application, which was tandem rather than backland development. Mr Brearley stated his opinion that relying on the 2005 appeal decision was 'treading on thin ice' and the 2005 appeal should carry minimal weight in determining the application. Regarding presumption in favour of sustainable development, he added that in his view there was no demonstrable evidence that the development would cause significant harm.

A Member asked Mr Brearley, with regards to comments in the officer's report about the development being 'cramped', to confirm whether all the proposed gardens were compliant with Council policy. Mr Brearley stated this was the case, with the smallest proposed garden being 99sq.m. serving the bungalow at Plot 3. The other gardens were larger and on similar developments, such as application 'Land Adjacent 26 Haley Street', an item on the agenda for consideration later in the meeting, gardens were generally much smaller.

A Member enquired with the Principal Solicitor present whether they could ask questions in response to comments made by Ms Allen. The Principal Solicitor advised that Members could ask questions regarding the planning merits of the matter and that Ms Allen had not discussed the planning merits of the application. A Member stated that members of the Committee had received letters from objectors, architects and legal representatives regarding the application. The Principal Solicitor advised that Members should not ask questions regarding, nor consider the content of those letters, unless they were in the public domain.

A Member asked Mr Brearley whether it was his position that the policy considerations contained within reason 1 for the recommendation should be disregarded. Mr Brearley responded that there were only two reasons for refusal: the inappropriate backland development and the inappropriate siting of the bin collection point. The latter could be removed through conditions. The Member further asked whether Mr Brearley's company's position was that the policies listed by the officer in reason 1 for the recommendation were not relevant. Mr Brearley stated that his company had observed and adhered to all required standards and policies, including separation standards. The

conflict of policy arose from different interpretations of subjective policies and his position was that the application did not represent an inappropriate backland development for the reasons he had already set out. He added that this was not disregarding officers' experience but that the applicant had perhaps placed greater weight on the presumption in favour of the contribution towards wider housing supply.

At 6:13 p.m., the meeting was adjourned with the consent of the Committee. The meeting recommenced at 6:17 p.m.

A Member asked Mr Kalam how much weight he put on the policy considerations included in reason 1 for the officer's recommendation. Mr Kalam stated that while there was an element of discretion it was clear this was unacceptable backland development. He asserted that the lack of street frontages for several properties was out of character with the area and emphasised that the officer's report described the development as cramped, incongruous and harmful to the character of the area. Mr Kalam asserted that the percentage increase in density provided by officers had shown the proposal was mathematically in excess of the local area and out of character with the surroundings. He added that the report stated the application was contrary to the aims and objectives of the National Planning Policy Framework (NPPF) and represented a poor design according to policies ENV2 and ENV3 Design Quality. Mr Kalam added that the application had been before committee on three occasions and had undergone five redesigns with the latest changes being forced upon the applicants yet was still of poor design. In his opinion, the second recommended reason for refusal related to the bin storage reflected this poor design and the claim it could be resolved through conditions was not important as the Committee were to determine the application before them.

A Member asked Mr Kalam to clarify his use of the terms 'poor design' and 'ill design' and whether these were used in the report. Mr Kalam stated that this was his interpretation of terms including 'cramped', 'incongruous', 'causing harm to the character' and 'fails to respond'.

There followed a period of questions to officers. Responding to a question seeking clarity regarding the term 'in the surrounding area', the Group Manager (Planning) clarified that 'surrounding area' referred to the immediate setting, including neighbours, properties to the rear and side and the linear pattern of the street. The Member asked whether this meant all backland developments would be considered unacceptable and out of character due to a linear street-frontage. The officer explained this was not the case with factors including density, space standards, plot sizes and harm all being considered. Appropriateness was determined on a case-by-case basis.

The Group Manager (Planning) was asked to explain some of the policies included in the recommended reasons for refusal. The Group Manager (Planning) clarified that the report provided was an update report, with the original report appended. The Council's Development Plan built upon multiple plans and policies which were required to be considered and balanced. While the NPPF included a presumption in favour of sustainable development, this

could not be given the same weight in this application as in some others as garden land was not considered previously developed land. Many national policies applied to character, amenity and local distinctiveness, which were reflected in local adopted plans such as the Black Country Core Strategy and CSP4 Place Making, and supplemental guidance.

A Member asked the Group Manager (Planning) to confirm if it was the case that since the application had last been before committee, officers had worked with the applicants to overcome issues with the application and that after this there remained two reasons for a recommendation to refuse planning permission. The officer confirmed this was the case and that some previous reasons for recommended refusal had been overcome. Officers retained the view that on-balance the remaining objections were sufficient to recommend refusal.

A Member asked whether the officer's recommendation hinged upon the principle of inappropriate backland development, given there were no objections from statutory consultees (except regarding planning policy) and the dwellings met required standards on amenity space. The Group Manager (Planning) stated that the recommendation hinged on a combination of the principle of backland development, compounded by the harm caused by the development being overly-dense and uncharacteristic of the surrounding area.

Responding to questions regarding vehicular access, the Group Manager (Planning) confirmed the applicant had demonstrated that a refuse collection vehicle could comfortably enter and exit the site in forward gear, including vehicles larger than those currently used by Walsall Council.

In response to a question as to when 'backland' applications became 'cul-de-sacs' rather than a 'back-land development', the Group Manager (Planning) explained that backland development was by its nature any development to the rear of existing dwellings. All applications were considered on a case-by-case basis. When considering such applications the next consideration was the scale of harm such a development would cause in relation to policies and whether this would outweigh the benefits. In this case the Group Manager (Planning) clarified that officers had not stated that there was 'significant harm' but there were found to be various elements of harm and officers recommended that the application remained unacceptable.

The Group Manager (Planning) confirmed that all plots met the legally required standards regarding the dwellings, amenities and garden sizes.

Debating the item, a Member expressed support for the development on the basis that no statutory consultees had raised objections; the gardens, though smaller than many neighbouring gardens, remained large; and the plots all met required minimum standards regarding dwellings and amenity space.

It was **moved** by Councillor Nawaz and **seconded** by Councillor K. Hussain that Planning Committee grant planning permission, contrary to officers' recommendations.

The Chair noted that a motion had been moved and seconded and stated that debate would continue before the motion was discussed and put to the vote.

A Member expressed serious concerns that members were considering overlooking the large number of policies included in the officers' reasons for their recommendation, stating that it was not possible for all policies and guidelines to be so subjective they could be ignored. They added that if policies were that ambiguous, members should follow officers' recommendations and if necessary allow the application to go to an appeal. The Member also added concerns regarding the weight given to neighbours' objections.

One Member emphasised the importance of highways concerns in the matter. The Chair clarified that the objections from highways had been removed in the update report.

A Member expressed the opinion that while it was commendable that the applicant had successfully overcome many of the previously recommended reasons for refusal, the main reasons for refusal remained and throughout the process officers had held that the application was unacceptable. The Member added that there had already been unusual levels of leniency and discretion given to the applicants throughout the application process.

One Member expressed some confusion regarding the national policy on backland development and of 'significant harm' and questioned whether they felt they could determine the application before them, based on their understanding of the information available.

At the conclusion of the debate Councillor Nawaz confirmed that having listened to all representations, he still wished to move a resolution to grant planning permission contrary to officers' recommendations and expressed the opinion that the application would not cause significant harm to the character and amenities of the area. The Chair asked Councillor Nawaz to read the motion out in full before the vote was taken, which he duly read out as follows;

That Planning Committee grant planning permission for the application, contrary to officers' recommendations, subject to conditions on the grounds that:

- the application does not create significant harm and despite being a backland development, presents a good use of land, providing a mix of much needed housing and contributing to the demand for bungalows in the local area;
- and that all of the dwellings are policy compliant, meeting requirements for design standards and amenity space;

And that Planning Committee delegate authority to the Head of Planning and Building Control to agree samples of materials to be used in the development; to designate operating hours to be used in the development of the site during construction; and to finalise necessary planning conditions.

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

Resolved (9 in favour, 6 against)

That Planning Committee:

1. **Grant planning permission for application 23/0613, contrary to officers' recommendations, subject to conditions on the grounds that:**
 - **The application does not create significant harm and despite being a backland development, presents a good use of land, providing a mix of much needed housing and contributing to the demand for bungalows in the local area; and**
 - **All of the dwellings are policy compliant, meeting requirements for design standards and amenity space;**

2. **Delegate authority to the Head of Planning and Building Control;**
 - **To agree samples of materials to be used in the development and to designate operating hours to be used in the development of the site during construction; and**
 - **To finalise necessary planning conditions.**

Councillor Garcha, having entered the meeting after the item had commenced, did not vote.

At the conclusion of the item and with the consent of the Committee, the meeting adjourned at 6:52 p.m.

Councillors Bains, Bashir, Follows, Gandham, K. Hussain, Nawaz and Samra left the meeting and did not return.

Councillor Bird entered the meeting and took the Chair.

The meeting re-commenced at 7:02 p.m.

112 **Plans List 5 – 22/1715 – Land Adjacent 26 Haley Street**

The Team Leader Development Management introduced the report of the Head of Planning and Building Control, including information contained in the supplementary paper.

(annexed)

There was one speaker in support of the application, Councillor Whitehouse, who was attending in person.

Councillor Whitehouse stated that the site was currently derelict and overgrown and that the proposed development would provide much needed affordable housing for the local area.

Responding to a Member's question, the Team Leader Development Management explained that the number of dwellings which would be affordable housing did not form part of the application, but that the requirement for 25% of developments to be affordable housing only applied to developments including fifteen or more dwellings.

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

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning and Building Control to grant planning permission for application 22/1715 subject to conditions and subject to:

- **the completion of a S111 agreement to secure the Cannock Chase SAC mitigation contribution; and**
- **the amendment and finalising of conditions**

113 **Plans List 4 – 24/0194 – Bloxwich Post Office**

The Chair clarified that the acquisition of the former Bloxwich Post Office and the proposed development of the Bloxwich Incubation Space & Digital Access Centre as part of the Bloxwich Town Deal, was done so under a delegation authorised by Cabinet on which he and Councillor Statham sat. Those were rightly Cabinet matters. What Planning Committee were to consider was a Planning Application to be determined based on its merits and the professional planning officer's report. The Chair stated that both he and Councillor Statham would consider the application solely on its merits and came to the meeting with an open mind.

The Committee received the report of the Head of Planning and Building Control, including information contained in the supplementary paper.

(annexed)

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

Resolved (8 in favour, 0 against)

That Planning Committee grant planning permission for application 24/0194 subject to conditions.

114 **Date of next meeting**

The date of the next meeting would be set at Annual Council.

There being no further business, the meeting terminated at 19:16pm.

Signed:

Date:



Development Management Planning Committee

Report of Head of Planning and Building Control on 20/06/2024

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Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation	Page
1	23/0120	SANDOWN QUARRY, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL Ward: Rushall-Shelfield	PLANNING APPLICATION FOR THE RESTORATION OF SANDOWN QUARRY THROUGH THE IMPORTATION OF 3,100,000M3 OF INERT/NON-HAZARDOUS MATERIAL OVER A 20 YEAR PERIOD, THE CONSTRUCTION OF A NEW SITE ACCESS AND ANCILLARY DEVELOPMENT. (SITE WITHIN THE PUBLIC RIGHTS OF WAY ALD1)	DELEGATE TO THE HEAD OF PLANNING AND BUILDING CONTROL TO GRANT PERMISSION SUBJECT TO; <ul style="list-style-type: none">• THE AMENDMENTS TO HIGHWAY SAFETY, ECOLOGY, AND AMENITY AND• THE AMENDMENT AND FINALISING OF PLANNING CONDITIONS AND• A SECTION 106 PLANNING OBLIGATION TO SECURE THE HIGHWAY TRAFFIC CALMING MEASURES, RESURFACING, AND FENCING OF THE PUBLIC RIGHT OF WAY ALD1, AND THE MITIGATION MEASURES SET OUT IN THE CONSTRUCTION AND ECOLOGICAL MONITORING PLAN.	23 - 40

2a	23/0669	<p>BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN</p> <p>Ward: Pheasey Park Farm</p>	<p>ERECTION OF A FREESTANDING MCDONALD'S RESTAURANT WITH DRIVE THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD) AND A PLAY FRAME</p>	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND S106 TO SECURE THE TRAVEL PLAN AND SUBJECT TO;</p> <ul style="list-style-type: none"> • NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED; • THE AMENDMENT AND FINALISING OF CONDITIONS. 	41 - 66
2b	23/0688	<p>BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN</p> <p>Ward: Pheasey Park Farm</p>	<p>INSTALLATION OF VARIOUS SITE SIGNAGE INCLUDING 4 NO. FREESTANDING SIGNS, 3 NO. BANNER UNITS, 1 NO. PLAYLAND SIGN AND 31 NO. DOT SIGNS COMPRISING 4 NO. ACCESSIBLE BAYS, 2 NO. PARKED ORDER BAYS, 2 NO. NO ENTRY, 10 NO. PEDESTRIAN CROSSING, 3 NO. GIVE WAY, 5 NO. LOOK LEFT AND 5 NO. LOOK RIGHT</p>	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT ADVERTISEMENT CONSENT SUBJECT TO CONDITIONS AND SUBJECT TO;</p> <ul style="list-style-type: none"> • NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED; 	67 - 76

				<ul style="list-style-type: none"> • THE AMENDMENT AND FINALISING OF CONDITIONS. 	
2c	23/0689	<p>BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN</p> <p>Ward: Pheasey Park Farm</p>	INSTALLATION OF 2 NO. FASCIA SIGNS, 3 NO. BOOTH LETTERING SIGNS AND 1 NO. DIGITAL BOOTH SCREEN.	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT ADVERTISEMENT CONSENT SUBJECT TO CONDITIONS AND SUBJECT TO;</p> <ul style="list-style-type: none"> • NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED; • THE AMENDMENT AND FINALISING OF CONDITIONS. 	77 - 86
2d	23/0690	<p>BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN</p> <p>Ward: Pheasey Park Farm</p>	THE INSTALLATION OF A FREESTANDING 12M HIGH TOTEM SIGN.	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT ADVERTISEMENT CONSENT SUBJECT TO CONDITIONS AND SUBJECT TO;</p> <ul style="list-style-type: none"> • NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS 	87 - 96

				NOT PREVIOUSLY ADDRESSED; <ul style="list-style-type: none"> • THE AMENDMENT AND FINALISING OF CONDITIONS. 	
3	22/1692	LAND ADJACENT TO 2 THORPE ROAD AND CAR PARK, SPOUT LANE, WALSALL Ward: Palfrey	THE PROPOSED ERECTION OF 5 NO. 3 BEDROOM HOUSES AND 1 NO. 4 BEDROOM DETACHED HOUSE WITH OFF-STREET CAR PARKING ON A VACANT AREA OF LAND ON THE LAND ADJACENT TO SPOUT LANE, WALSALL.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO; <ul style="list-style-type: none"> • FURTHER BAT SURVEY ON NORTHERN REDBRICK WALL • THE AMENDMENT AND FINALISING OF CONDITIONS. • NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED. • ADDRESSING THE OUTSTANDING BIODIVERSITY COMMENTS RAISED BY THE COUNCIL'S ECOLOGIST. 	97 - 122
4	22/1117	THE SNEYD, 67, VERNON WAY, BLOXWICH, WALSALL, WS3 2LU	PROPOSED ERECTION OF 3 NO. DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING, GARDENS AND	REFUSE	123-148

		Ward: Bloxwich West	HARDSCAPING WORKS		
5	24/0100	LIVING AREA, 1, BENTLEY LANE, WILLENHAL L, WV12 4AA Ward: Short Heath	CHANGE OF USE FROM PUBLIC HOUSE (USE CLASS SUI GENERIS) TO RETAIL (CONVENIENCE STORE - USE CLASS E), INSTALLATION OF UPVC DOUBLE DOORS, PVC ROLLER SHUTTER AND ERECTION OF INFILL REAR EXTENSION.	REFUSE	149 - 160
6	24/0270	1 PARKER STREET, BLOXWICH, WALSALL, WS3 2LE Ward: Bloxwich West	FULL PLANNING APPLICATION FOR CHANGE OF USE FROM C3 DWELLING TO C2 RESIDENTIAL CARE HOME FOR UP TO FOUR CHILDREN AND AT LEAST TWO CARERS AT ONE TIME	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.	161 - 171



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 1

Reason for bringing to committee

Departure from the Unitary Development Plan
Major Application

Application Details

Location: SANDOWN QUARRY, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL

Proposal: PLANNING APPLICATION FOR THE RESTORATION OF SANDOWN QUARRY THROUGH THE IMPORTATION OF 3,100,000M3 OF INERT/NON-HAZARDOUS MATERIAL OVER A 20 YEAR PERIOD, THE CONSTRUCTION OF A NEW SITE ACCESS AND ANCILLARY DEVELOPMENT. (SITE WITHIN THE PUBLIC RIGHTS OF WAY ALD1)

Application Number: 23/0120

Case Officer: Ann Scott

Applicant: Mr Richard Lord

Ward: Rushall-Shelfield

Agent: Mrs Sian Hayle

Expired Date: 01-May-2023

Application Type: County Matters: Waste Application

Time Extension Expiry: 30-Jun-2024



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Recommendation:

Delegate to the Head of Planning and Building Control to grant permission subject to

- the amendments to highway safety, ecology, and amenity and
- the amendment and finalising of planning conditions and
- a Section 106 planning obligation to secure the highway traffic calming measures, resurfacing, and fencing of the public right of way ALD1, and the mitigation measures set out in the Construction and Ecological Monitoring Plan.

Proposal

Planning application for the restoration of Sandown Quarry through the importation of an anticipated 3,100,000m³ of inert/non-hazardous material over a 20-year period, the construction of a new site access and ancillary development. (Site within the Public Rights of Way Ald1).

Site and Surroundings

The application site is situated on the Northern side of Stubbers Green Road adjacent to the Weinberger Brickworks and next to the Swan Pool a SSSI and is situated within the West Midlands Green Belt. The site is in an area at a low risk of legacy coal mining development. To the North of the site boundary is the Daw End Branch of the Wryley and Essington Canal and to the Southern side of the site across Stubbers Green Road is The Swag. The site is situated in flood zone 1 but is adjacent to Flood Zone 3 at highest risk of flooding and adjacent to Flood Zone 2 at medium risk of flooding as defined on the Environment Agency Flood Map for Planning.

There are no heritage assets in the vicinity of the application site. A public right of way ALD 1 runs around the perimeter of the application site but historically did exist within the site until it was excavated a diversion order was granted and the fenced off Public Right of Way runs around the site boundary to the North, West and Southwest corner of the application site.

The application has been submitted together with one for the importation of 100% of clay from the adjacent brickworks as the quarry is now largely worked with a minimal amount of clay left for extraction. The quarry therefore needs to be restored to ensure that the land is returned to a suitable original condition in accordance with the approval of the quarry and brickworks. The application to import 100% of clay to the brickworks has now been approved under the reference 23/0118.

Over time vegetation and trees have grown around the edge of the quarry mouth and created a tree and vegetation belt around the perimeter of the site. The depth of the quarry is presently 130 metres approximately. The quarry will be backfilled with non-hazardous materials mainly soils and some mixed materials that will not create any landfill gas or further decomposition. The application is accompanied by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Relevant Planning History

23/0118 -Application under Section 73 for the removal of condition number 8 of Planning permission 15/0303/FL (which varied condition 14 of planning permission 08/1338/FL and condition 14 of BA17797P) to allow an increase in the limit of

imported clays from 95% to 100%. Site within the Public Rights of Way Ald1)-
Approved 14 September 2023.

08/0973/FL - Widening of rear exit to highway and additional access to road to side of building at Sandown Factory Stubbers Green Road Aldridge – Granted 11 September 2008.

08/1338/FL and condition 14 of BA17797P) to allow an increase in the limit of imported clays from 95% to 100%. Site within the Public Rights of Way Ald1) – Granted 4 November 2008.

09/1730/MI - Extraction of clay from beneath section of former railway line with importation of limited quantities of inert fill materials (clay and overburden) - Approved 08 June 2010.

15/0303/FL- application under section 73 for the variation of condition 14 of planning permission BA17797P, (as amended by 08/1338/FL) to allow an increase in the limit on the percentage of imported clays used in the production of bricks at the brickworks from 65% to 95% - Approved 08 September 2015.

08/1338/FL- vary Condition 14 of planning approval BA17797P to Allow Increase of Limit on Imported Clays from 49% to 65% - Approved 05 November 2008.

BA17797P- Erection of Brickworks factory and storage yard (Also covers adjacent clay working area) at Stubbers Green Road, Aldridge (Sandown Works) – Approved 25 September 1986.

EAB2405 Use of land for mineral workings at Aldridge – on railway land to the west of Barnfield Bridge (relates to land referred to as the Causeway/ Spur site/ former Mineral Railway) Approved 21 April 1970.

EA1444 - Opencast clay workings off Brickyard Road, Aldridge (covers Empire Butterfly plus a small part of what is now Sandown Quarry) Approved 4 February 1955.

ID0670 - Extraction of minerals and depositing waste materials, erection of kilns, sheds, offices store and equipment for brick and tile making and houses for employees – Approved 7 October 1947.

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*". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation

contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan - www.go.walsall.gov.uk

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocations Document
- Unitary Development Plan
- Walsall Town Centre Area Action Plan

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Natural England - No objection subject to conditions and a satisfactory mitigation scheme to be agreed with the LPA.

HSE – No comments to make.

Environment Agency – no objections.

Canal and River Trust – Concerns raised regarding the protection of the canal, ecological and visual impact of the proposal. Informative advised in regard to ensure any necessary consents are obtained in relation to the Code of Practice for works affecting the Canal and River Trust land.

Coal Authority – The site does not fall within the defined development high risk area and there are no objections. The Coal Authority Standing Advice is advised.

Highways- No objections conditions and obligation advised in relation to. Engineering details for the highway works, wheel wash facilities and a 3-metre visibility splay. Satisfactory amendments have now been received.

Ecology – No objections satisfactory amendments have now been received.

Trees/Landscape- Wishes to see existing trees retained and specification for the proposed landscaping works to be submitted and agreed. Satisfactory amendments are now received.

Archaeological Officer- No objections, there are no archaeological implications relating to this proposal.

Severn Trent Water - No objections to the proposals and do not require a drainage condition to be applied. These comments only relate to the public wastewater network and does not include the representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Public Health – No objection.

Public Rights of Way –No objections conditions advised. – The proposed public rights of way specification for Footpath 1 Aldridge upon restoration as set out within 7.10 of the Phasing Plan dated January 2024 proposed culvert design drawing ref 3162-01-09 dated 09/02/24, are accepted subject to revisions to show:

- Proposed construction materials, including, confirmation of a compacted inert stone surface, wooden edgings and fixings.
- Drawings to show that upon restoration and installation of the culvert the 90m reinstated footpath and remaining footpath width between Stubbers Green Lane and the canal, will comprise a minimum 3m width. A minimum width of 3m is to enable inclusive access/ passing spaces and assist with maintenance access for a small mower/ tractor with flail.
- The 90m section of the footpath that will be affected by the settlement lagoon and reinstated is to be shown on drawings.
- Details of the proposed post and rail timber fence to be provided – this fencing must be suitable to ensure pedestrian safety adjacent to the new waterbody/areas of standing water.
- A cross section to show the proposed footpath in relation to the new settlement lagoon, swales and timber post and rail fencing.

The Footpath 1 Aldridge Monitoring and Maintenance Plan is accepted subject to updates to confirm:

- When safety issues with the footpath are identified (including any cracks, rutting, waterlogging, mud, flooding) they will be made safe by appropriate maintenance and/or safety fencing in the first instance, and the Public Rights of Way team will be notified of the occurrence and measures taken.
- Details of proposed maintenance of Footpath 1 Aldridge upon restoration.

Neighbour and interested Parties Comments

46 comments received objecting to proposal for the following reasons:

- Highway safety
- Residential amenity
- Impact on wildlife
- Impact on ecology
- Inappropriate to visual amenity of the area
- Congestion/additional traffic
- Air quality
- Injury/potential death to wildlife/pedestrians from the increase in lorries using Stubbers Green Road.
- Already two landfills in the locality residents have been subjected to odours and a third landfill is not acceptable.
- Detrimental impact on wildlife and canal.
- Too close to the SSSI
- Site would be better to be converted to parkland for the local community.
- New landfill activities will spoil the environment of the sailing club nearby.
- Visibility not good on Stubbers Green Road.
- Speeding Vehicles an issue

Determining Issues

- Principle of development
- Green belt assessment
- Heritage assessment
- Cannock chase SAC and HRA
- Design, layout and character.
- Amenity of neighbours and future occupiers
- Highways
- Ecology and Biodiversity Net Gain
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Other key determining issues

Assessment of the Proposal

Principle of Development

The application site is on a 19.50 hectares parcel of land at Stubbers Green Road Aldridge. The application is accompanied by an Environmental Statement. The proposed development would fall within schedule 2 of the EIA regulations paragraph 11, (b) installations for the disposal of waste. The development is therefore classified as EIA development.

Paragraph 8 of the NPPF relates to achieving sustainable development and seeks to ensure that new development is sustainable in terms of the economy, social objectives, and environmental objectives. Paragraph 10 provides for the presumption in favour of sustainable development. In terms of the location of the proposed development there are no objections in principle to the development for the restoration of the quarry in this location.

The site lies within the Green Belt as defined by SAD policy GB1. The site was originally vacant scrub land but has been in use as a worked clay extraction quarry since the late 1980's. The land has changed over time including the levels and thus the application seeks to restore the quarry and land back to a suitable condition with biodiversity enhancement at the core of the proposal. The original permission for the quarry was granted in September 1986 BA17797P and covered the brickworks and adjacent clay working areas, with conditions in relation to yearly working scheme, covering method, and sequence of areas to be worked and extraction, angles of slopes and excavated faces, planting of trees and shrubs for screening, stripping and storage of subsoils, topsoil and overburden and measures to minimise noise, dust and a programme of implementation. Together with restrictions on working in proximity to the Swan Pool.

In principle the proposed development can be supported subject to satisfactory mitigation measures and appropriate access arrangements.

Green Belt Assessment

Paragraph 142 of the National Planning Policy Framework seeks to ensure that the construction of new buildings in the Green Belt are regarded as inappropriate development, with a small number of exceptions. The application proposes limited buildings to facilitate the restoration of the quarry including a site office and facilities for the on-site staffing operation of the site. These buildings would be of a temporary nature and would not remain on the site once the restoration works are completed.

Paragraph 143. Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that 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 reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 44 g) limited

infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application is accompanied by a Planning Statement which identifies that the application site is situated within the Green Belt.

The restoration of the quarry will result in the land being restored to original condition to comprise of grassland/scrubland/vegetation and will incorporate drainage features to include a boggy area to facilitate the drainage of the land and balance drainage between the site and the adjacent SSSI. Bunding exists to the site boundary with the SSSI, and therefore it is anticipated that minimal impact will occur to the site and the SSSI in relation to drainage. The site will remain within the ownership of Wienerberger and will be leased by the applicants to carry out the restoration works. Once completed the land will be characterised by natural grassland, wetland and landscaping including the retention of the existing trees within the site.

The proposal is considered to accord with the exceptions criteria of the National Planning Policy Framework and Policy GB1: Green Belt Boundary and Control of Development in the Green Belt of the Walsall Site allocation document. The proposed restoration of the quarry is necessary to ensure that the site is put back to the condition it was prior to the excavation works in accordance with the original planning approval for the works to extract clay from the site.

Heritage Assessment

The Conservation Officer has no objections to the proposed restoration of the quarry.

The Daw End Branch Canal is a non-designated heritage asset and within an Area of High Historic Townscape Value. The AHHTV covers part of the Daw End Branch Canal (opened in 1800), which runs off from the Wryley and Essington Canal Extension at Catshill down to the Longwood Junction. Parts of the site are recorded on the Walsall historic environment record.

Paragraph 209 of the NPPF states “the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

The proposed restoration of the quarry, new access and ancillary development would have minimal harm to the significance and setting of the Daw End Branch Canal.

The proposal therefore accords with the Development Plan policies BCCC ENV2 (Historic Character and Local Distinctiveness) and SAD EN4 (Canals) and the NPPF revised December 2023 paragraph 209 and can be supported from a heritage perspective.

Design, Layout and Character

The proposed quarry restoration project is intended to create a grassland and wetland habitat to restore the site to its former condition prior to the quarrying operations to extract clay from the site.

The existing site is now an area of land that has been excavated significantly from existing ground levels and the area of quarry void is approximately 19.5 hectares. The ground level of around the quarry is approximately 130m Above Ordnance Datum and the base of the quarry is approximately 90m Above Ordnance Datum.

The design of the completed site once backfilled with inert soils and crushed materials will encourage biodiversity habitats and wildlife to return to the site and will include a wetland area to act as a balancing/filter pond to ensure that water levels on the adjacent SSSI wetland area is not adversely affected by either significant increase or decrease in water levels. Presently water levels from the bottom of the quarry are pumped into a surface water settlement pond at the top of the site from accumulating if this did not continue then the existing quarried pit would fill up with groundwater. This would be potentially dangerous to the public and therefore pumping will still be required through the backfilling process. It is understood that the applicants have applied for an Environmental Permit to backfill the quarry from the Environment Agency in particular this permit relates to the requirement to deposit and proposes approximately 35,000m³ of inert waste to facilitate the access road.

The Local Planning Authority has commented on the proposed licencing application which is dealt with under separate legislation from the planning legislation. There are no objections in principle to the granting of an environmental permit for the site subject to ensuring that there is no adverse impact on the existing wildlife and the adjacent SSSI Swan Pool and SWAG.

There are no objections in principle to the proposed restoration process set out in the submitted application. Amendments have been negotiated with the applicants to achieve an acceptable level of vehicular and pedestrian access to the site, including work to the PROW ALD 1 which hugs the perimeter of the quarry to the south and west.

The proposal is considered to accord with Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, and DW3 Character.

Amenity of Neighbours and Amenity of Future Occupiers

Near to the application site are residential properties and other established commercial premises, recreational and natural sites. The Daw End Canal Branch of the Wryley and Essington Canal lies to the north of the application site with the existing brickworks run by the current landowners Wienerberger to the east of the site. The applicants for the site will have a long-term lease on the land to provide the restoration works. Regard has been taken to the likely impact of the backfilling process which is expected to take approximately 20 years and a further 2 years for the completion of the restoration works. Habitat creation will last for the first two years after construction. as construction will end in 2045, a suggested period for these works commences in 2047 and runs to 2077.

The proposed highway works, and access mitigation measures proposed are negotiated to mitigate the impact of traffic generation to include traffic calming measures, to ensure the safety of other highway users, pedestrians and wildlife who all occupy space in and around the site including the links to the local and wider highway network and to ensure the existing amenities of surrounding properties are not adversely affected by the development.

A number of objections have been raised by third parties as set out in the responses section to this report. The main concerns relate to residential amenity, highway safety, traffic speed, congestion, additional traffic generation, air quality impact on wildlife, canal and ecology/SSSI. Impact on the nearby sailing club, odours, and noise. These concerns are unfounded as the proposed development is for backfilling with inert material. Traffic generation has been considered and measures to calm traffic have been agreed on the highway to the front of the quarry including a new means of access. The works are to be secured by a Planning Obligation Section 106 agreement. In relation to noise the hours of operation are to be controlled as set out in the paragraph below. Odour from the works is not considered to be an issue as the materials to backfill the quarry are inert. The site will provide sufficient parking for staff and quarry users within the site. In addition, the Environmental Permit which would be sought from the Environment Agency would control any potential contamination issues, including noise, dust, and odours.

The quarry backfilling works will be operated by strictly controlled hours of operation secured by a suitable planning condition. Works will only be carried out during the hours of operation for the backfilling which will be 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work will be conditioned on bank and public holidays to ensure that neighbouring residential sites are not adversely affected during public holidays. The planning system recognises the following days as public holidays, Easter Monday, last Monday in May, Last Monday in August, 26 December if it is not a Sunday and the 27 December in a year which 25 or 26 of December is a Sunday.

The application subject to relevant conditions to secure the ecological and PROW mitigation measures, highway and traffic calming measures and in accordance with the submitted noise survey is considered to accord with the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

Highways

The Highways Authority have no objections in principle to the proposed new access and public right of way proposals. Further information has been received to demonstrate the proposed new access, and related traffic calming scheme/bus stop relocation are to be undertaken to the satisfaction of the Highway Authority. The final details of these works will be secured by a section 278 agreement of the Highways Act 1980, but for the purpose of ensuring that the proposed traffic calming, and associated highway works can be secured in the section 106, of the Town and Country Planning Act 1990. The LPA have received a drawing to demonstrate the extent of the proposed works and the position of the relocated bus stop. The drawing

will be used to secure a zone of influence for the proposed works to the highway which can be attached to the section 106 agreement. The same information has been received for the public right of way to secure the zone of influence for the proposed works to the PROW and to secure this via the section 106 agreement. Subject to the agreed amendments set out in relation to the proposed traffic calming and associated works to the highway, relocation of the bus stop and the proposed works to fence and surface the public right of way ALD 1 the application is considered to accord with the considered to accord with saved policies T7 - Car Parking, T13: Parking Provision for Cars, Cycles and Taxis, of the Walsall UDP and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development and the Revised National Planning Policy Framework Chapter 9 Promoting sustainable transport, paragraphs 114, 115 and 116.

Ecology and Biodiversity Net Gain

The Ecology Officer has no objections in principle to the proposal. Any previous concerns regarding the creation of the habitats and ecological impact of the development have now been addressed in an Ecological Construction Environmental Management Plan submitted to address the concerns together with the habitat management and maintenance plan, these are to last 30 years. Due to the long-term monitoring aspect of this plan, it must be secured as part of the S106 planning obligation. In relation to a timeframe for these works it is recommended that the following timescale would be acceptable in principle. Creation of the habitats will last for the first two years after construction. as construction will end in 2045, A suggested period for these works commences in 2047 and runs to 2077. Monitoring is stated to be held at minimum of 5-year intervals and the ecologist recommends this as the timeframe.

The Ecologist also advises the following: New information has been provided by the consultant within the Construction and Ecological Management Plan (CEMP) that has provided commitment by the applicant to ensure that the tree loss will be minimised and replaced at 1 to 3 ratio upon completion of the development. The ditch will be regularly inspected to ensure it remains free of debris throughout the 20-year period. A timescale for the inspection of the ditch is provided in the revised CEMP to ensure that this work is carried out in accordance with the agreed timescales.

Following consultation with the applicant it is understood that the proposed access road can be altered due to gradient issues. However, with the retention of the existing bunding and pollution control measures outlined within the CEMP measures have been put in place to avoid and minimise any potential risk to the SSSI. In addition, it is understood that by phase 6 which is one of the later stages of the restoration of the site, the gradients of the site will allow for the access road to relocate, further to east. The ecologist has no further concerns.

The ecologist has raised concerns that the CEMP now includes an additional access track that will bring vehicles further into and adjacent to the SSSI area. This track is identified as Bulldozer and Excavator Access route and outlined within Appendix B: site layout and traffic management plan of the CEMP. The introduction of this additional trackway is not supported especially considering its ecologically sensitive location. The applicant has been advised to delete this this access track from the CEMP proposals and advised that the proposed two-way restoration Access Route proposed is utilised for these types of vehicles. These issues have now been addressed in the revised CEMP. The application is considered acceptable. In accordance with the proposal is considered to accord with the Unitary Development

Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development) and the revised National Planning Policy Framework 2023 Chapter 15 Conserving and enhancing the natural environment.

Flood Risk / Drainage

The site is situated in flood zone 1 but is adjacent to Flood Zone 3 at highest risk of flooding and adjacent to Flood Zone 2 at medium risk of flooding as defined on the Environment Agency Flood Map for Planning.

The application is accompanied by a surface water management plan and additional information has been provided in support of the proposed means of drainage. There are no objections in principle to the proposed development from the LLFA or Severn Trent Water Authority. The Canal and River Trust advised that if there is to be any discharge of surface water to the canal then the applicant will require a licence from the Canal and River Trust. In terms of surface water management for the proposed restoration, further details of the means for the provision of a balancing area to ensure that the site does not adversely affect the SSSI pond adjacent to the site. In addition, the site already uses a lagoon adjacent to the Swan Pool SSSI and pumps surface water that accumulates into the lagoon. It is understood that the site owners Wienerberger have a licence from the Environment Agency to discharge accumulated water to the lagoon. The licence also controls any water quality from the discharge of surface water and the applicant intends to share any licencing information and water quality checks to the LPA to ensure that the nearby watercourses are not affected by any pollution or contamination from the discharge of surface water. Discharge is necessary to ensure that the quarry does not fill with water from run off and rainfall within the site and from any nearby areas around the site.

The proposed development is considered to be acceptable in terms of flood risk and drainage and the proposal subject to conditions in respect of the above is considered to accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Chapter 14 of the revised NPPF December 2023.

Trees / Protected Trees

There are no protected trees within the site boundaries. The existing trees/hedging and vegetation is to remain as much as possible and further details of landscaping and native species should be provided and secured by conditions. The ecologist has secured an undertaking for the trees to be replaced at a ratio of 1 to 3. The tree officer has no objection in principle but wishes to see the existing trees remain. In accordance with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees, and Hedgerows) and ENV23 (Nature conservation and new development) and Chapter 15 of the revised National Planning Policy Framework Conserving and enhancing the natural environment.

Ground Conditions and Environment

The application site is in an area at low risk of coal mining activity. No further investigation is considered necessary. There are no objections from the Coal Authority. Standing advice is advised. The proposal is considered to accord with "Saved" Unitary

Planning Obligations

A Planning Obligation to secure the policy requirement for the Ecological Construction Management and Maintenance Plan and access and highway traffic calming and improvement works required which can be secured by a Section 106.

This would ensure that the development is in accordance with the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework 2023.

Air Quality

Regarding the above application and air quality, Environmental Protection Officers have no significant concerns regarding pollution levels at the proposed site and the application is accompanied by an air quality assessment. With reference to the adopted Black Country Air Quality Supplementary Planning Document (SPD).

Environmental Protection further advise that conditions are necessary to ensure that wheel washing facilities and sweepers are provided to ensure that if there is any site drag out of mud and debris and ensure that materials do not enter nearby drains. While these conditions are advised, these aspects are addressed in the submitted CEMP as details are provided to address the matters raised in relation to contamination, air pollution and dust. In addition, the site will be covered by a Waste Management Licence by the Environment Agency who will require this type of operation to provide this as part of the waste management licence agreement. There is therefore no need for a duplication of this control by conditions. In addition, a dust and emissions report are provided with the submission to advise on how dust will be managed during the restoration and remediation works.

The development is therefore considered to accord with UDP Policy ENV14: Pollution and the Black Country Air Quality Supplementary Planning Document (SPD).

Noise

The application is accompanied by a noise report to address the impact of noise regarding the proposed development. The Environmental Health Officer has not raised any concerns regarding the noise impact of the proposed restoration works on the surrounding area. Further information is provided regarding mitigation measures during the restoration backfilling. In relation to residential amenity of existing and future occupiers of nearby residential properties and surrounding premises. Works will only be carried out during the hours of operation for the backfilling which will be 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. It is considered that a suitable planning condition to secure these hours should include no work to allow deliveries to customers for backfilling of waste on Bank or Public Holidays. To protect the residential amenities of nearby occupiers in the vicinity of the application site.

The findings of the submitted noise survey included a sound survey of the vicinity of the application site to determine the existing representative sound levels and provide

a baseline for any mitigation measures. Account has been taken in the noise report in relation to Planning Policy Guidance on Minerals and the relevant identification of any necessary noise controls. In addition, account has been taken of the following documents WHO Guidelines for Community Noise 1999. DOT Calculation of Road Traffic Noise 1988. ISO 9612 1996 Acoustics. The NPPF 2021 which was relevant at the time of submission and the Noise Policy Statement for England 2010.

The proposal is considered to accord with the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, together with the design advice in chapter 12 of the NPPF Achieving well-designed places.

Geology and Hydrology

The application is accompanied by a geology and hydrogeology report to address the potential environmental impacts on geology and hydrogeology and ground conditions.

The proposal sets out the infilling stage and surface restoration and advises that the stockpiling of the remains of the clay being stockpiled on the adjacent Wienerberger site will not have any potential impact on the geological and hydrogeological conditions of the quarry.

The report considers ground conditions, chemical properties of the ground, groundwater quality, ground water flow direction, surface water quality, surface water flows.

The restoration of the site will require an Environmental Permit for waste recovery to facilitate the works including the access road and then will utilise waste soils and inert wastes that are geotechnically suitable for disposal and backfill on the site and none that will create any landfill gas. The site will be infilled commensurate with existing ground levels around the perimeter of the site is 130m AOD and to the southeast of the quarry adjacent to the brickwork storage yard levels will be 133 AOD.

As discussed in the drainage section of the report a balancing area to ensure water levels across the site does not adversely affect adjacent land.

The proposal is considered to accord with saved Walsall Unitary Development Plan Policy GP2 (Environmental Protection).

Conclusions and Reasons for Decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. Officers have worked with the applicant/agent to overcome the concerns regarding highway safety, ecology and amenity and the application is supported subject to the securing the traffic calming measures, a Construction Ecological Management Plan and the provision of satisfactory mitigation measures to the public right of way ALD1 via a section 106. The Local Planning Authority has worked positively and creatively with the applicant and have as a result secured negotiated amendments.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding highway safety, the public right of way ALD1, ecology and amenity amended plans and supporting information have been submitted which enable full support to be given to the scheme.

Recommendation

Delegate to the Head of Planning and Building Control to grant permission subject to

- the amendments to highway safety, ecology, and amenity and
- the amendment and finalising of planning conditions and
- a Section 106 planning obligation to secure the highway traffic calming measures, resurfacing, and fencing of the public right of way ALD1, and the mitigation measures set out in the Construction and Ecological Monitoring Plan.

Conditions and Reasons

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

- Site location plan 3162-01-01 received 16 February 2023
- Surface water management plan received 12 October 2023
- Phasing drawings 1-4, 5-8, 9-12, 13-16, 17-20 Revision C received 12 April 2024.
- Landscape restoration scheme received 3162-01-L-01 Rev B Received 16 April 2024.
- Public Right of Way monitoring and maintenance Plan received 9 February 2024.
- Phasing plan Dated January 2024 received 9 February 2024.
- Proposed Traffic Calming Scheme 3162-01-DO3 Rev B received 21 May 2024.
- Proposed Traffic Calming overview 3162-01-D03b received 21 May 2024.
- Proposed Habitat Monitoring and Maintenance Plan received 20 May 2024.
- Footpath monitoring and maintenance statement dated 12 April 2024.
- Section 106 Extent of works drawing 3162-01-D04 dated April 2024.

- Site access arrangements 3162-01-D01 Dated April 2024.
- Bus Stop relocation 3162-01-D02 REV C received 12 April 2024.
- Culvert Detail Section Drawing received 16 April 2024.

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. The development hereby permitted shall not be open to customers or for backfilling deliveries of waste otherwise than between the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 Saturdays, with no opening for customers for the backfilling deliveries of waste on Sundays, and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

4a. Prior to commencement of the development hereby permitted details of the bell mouth junction with Stubbers Green Road and the associated traffic calming/build outs on Stubbers Green Road shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. 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.

Reason: In the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13.

5. Prior to occupation of the development hereby permitted shall not be implemented otherwise than in accordance with drawing number 5320/1/013/REV02 – Site Layout and Traffic Management Plan received - 18 April 2024. The parking spaces shall be clearly demarcated on the ground, consolidated hard surfaced and drained to prevent surface water from the parking/manoeuvring area running on to the public highway or into any highway drain. The off-road vehicular parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose, including the storage of materials, apparatus and any other paraphernalia associated with the site operations for the lifetime of the development.

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and NPPF paragraph 114 and 115, plus in the interest of highway safety.

6a. Prior to commencement of the development hereby permitted details of wheel cleaning facilities to be provided during the sites, demolition, excavation, preparation and construction periods to prevent any material drag out onto the public highway from vehicles and their wheels, including a process that prevents any vehicles from leaving the site until they have been cleaned via the wheel cleaning facility shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. 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.

Reason: To protect the amenities of the area in accordance with saved policies GP2, ENV10 and ENV32 of Walsall's Unitary Development Plan.

7a. Notwithstanding the details submitted and prior to commencement of the development hereby permitted a revised plan shall be submitted in writing to and approved in writing by the Local Planning Authority showing a minimum of a 2.4m (with 3m bonnet adjustment added) x 43m visibility splay at the new quarry access with Stubbers Green Road

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved plan and the visibility splay shall thereafter be retained for the lifetime of the development with nothing being planted, erected or grown within the visibility splay that will exceed the height of 600mm above the highway surface.

Reason: In the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan plus NPPF paragraph 115.

8. Prior to the commencement of development hereby permitted shall not be carried out otherwise than in accordance with the approved Public Footpath 1 Aldridge Monitoring and Maintenance Plan (V2 April 2024) being operational and the approved details shall thereafter be retained as operational for the lifetime of the development.

Reason: To minimise and manage the impact of the development on the stability of Footpath 1 Aldridge in the interests of highway and users of footpaths safety.

Notes for Applicant

The Planning system recognises the following days as public holidays, Easter Monday, last Monday in May, Last Monday in August, 26 December if it is not a Sunday and the 27 December in a year which 25 or 26 of December is a Sunday.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 2a

Reason for bringing to committee

Called in by Councillor Andrew on grounds that there is significant public interest in this application which requires consideration.

Application Details

Location: BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN

Proposal: ERECTION OF A FREESTANDING MCDONALD'S RESTAURANT WITH DRIVE THRU FACILITY, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS, INCLUDING CUSTOMER ORDER DISPLAYS (COD) AND A PLAY FRAME.

Application Number: 23/0669

Case Officer: Stephanie Hollands

Applicant: McDonald's Restaurants Limited

Ward: Pheasey Park Farm

Agent: Planware Ltd

Expired Date: 01-Aug-2023

Application Type: Full Application: Minor Use Class E(b)
(Sale of Food and Drink)

Time Extension Expiry: 28-Jun-2024



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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 S106 to secure the Travel Plan and subject to:

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

Proposal

Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.

The proposed development comprises of a modern freestanding single storey McDonald's restaurant with drive-thru, car parking, landscaping, and associated works, including customer order displays (COD) and a play frame. The development implies the demolition of the building, which was separately approved in September 2022 (22/1125). Additional details previously included as conditions on that decision have been included within this application to ensure that the demolition can form part of the overall development. Provision is made for takeaway customers, both from the counter and from the drive-thru lane.

The restaurant has a GEA (including the corral and freezer chiller) of 377 sqm, and the GIA is 356 sqm, with a dining area of 92sqm.

Key Areas	Size
Dining Area	92 sqm
Ancillary Public Area	31 sqm
Kitchen/Staff Areas and Back of House Storage etc.	209 sqm

The customer seating area comprises 79 covers for visitors to eat their meals within a relaxed modern environment. The dining area will include a variety of seating types and table sizes tailored to the customers' needs.

The landscaping area to the rear of the site is retained, as is the landscaping to the front of the site. Further landscaping is being introduced on the northern and southern boundaries.

The southern access is being removed and replaced with a pedestrian access through new landscaping. The proposal includes 46 car parking spaces, inclusive of provision for 4 accessible bays and 2 grill bays. Furthermore, there are 5 Sheffield customer bike stands for an overall provision of 10 cycle spaces.

EVC charging will be provided in accordance with the Building Regulations. Cycle and pedestrian access points has been included within the design, to ensure the safe passage from the surrounding footpath network, which is included in the Transport Statement.

A Travel Plan and Delivery Management Plan are included within the application.

This application includes the introduction of a fast-forward lane, which will allow for a customer to pull forward to a third booth, if there is a small delay in the order, rather than driving through to the Grill Bays. This allows the traffic flow to be maintained through the drive-thru lane and is an operational improvement, in line with safety and speed of service.

An external play area is located on the new patio area, with facilities for younger customers to climb and explore. The specification of the structure has been included as part of the supporting documentation.

There is a corral at the southwest of the building, where refuse is stored and managed for recycling in large containers. There is access via double doors for the delivery lorries and an internal door, which links the corral to the main restaurant for the crew members. The corral is configured to optimise waste management, with a refuse compactor on site, to minimise the journeys required to remove the waste.

The following supporting documents accompany the Planning application:

- Refuse Storage and Recycling Statement
- Litter Management Plan
- Environmental Noise Assessment March 23
- Transport Assessment (June 2023)
- Travel Plan (June 2023)
- Delivery Management Plan (June 2023)
- Asbestos Survey
- Drainage Statement
- Construction Environmental Management Plan (CEMP) including scope for demolition.
- Drainage Maintenance Plan
- Phase I Contaminative Desk Study and Walkover Survey
- Phase II Site Investigation and Risk Assessment Report
- Tree Survey, Arboricultural impact Assessment/Preliminary Arboricultural Method Statement & Tree Protection Plan
- Preliminary Ecological Appraisal Report
- Supporting Statement
- Odour Control Specifications
- Air Quality Impact Assessment
- Prior Notification of Demolition Decision (22/1125)
- Specifications for the Patio Area furniture and cycle stands, Goal Post Height Restrictor and Customer Order Displays, the Cycle Lockers and the Play Frame.
- Proposed Lighting Layout and Design Notes
- Bat Report
- Lighting Review
- Biodiversity Enhancement Plan
- Highways Future Year Assessment
- Odour Control Assessment
- Addendum to Environmental Noise Assessment
- Sequential Test

Site and Surroundings

The application site is located to the northwest quadrant of the roundabout junction of the A4041, B4149, Collingwood Drive and Romney Way. The site fronts onto the roundabout junction but is separated by a dedicated bus stop. Access is from both Collingwood Drive to the South and Romney Way to the north.

The application site is predominantly laid out to formal carparking on the northern, eastern, and southern boundaries, with the building located towards the back (west) of the site. A landscape buffer sits behind the building. A small landscape buffer fronts the site against the bus stop and thereafter, the roundabout.

The building itself is of two storey brick and tile design, dating back to the 1930's period. The main frontage returns at either end with two short two storey wings. A number of extensions have been constructed to the rear of the building. A prior notification decision was approved on 7th September 2022 for the demolition of the building and has been included to support the application (22/1125).

The immediate surrounds are residential in nature, generally built in the same period or later than the subject site. Pavements are generally wide, and many gardens have been laid to parking. The wider area includes a commercial area 200m to the south. This is repeated further afield, with Asda located on the roundabout to the south.

Relevant Planning History

Application ref	Description	Decision	Date
05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005
07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
22/1125	Prior approval for demolition	Granted	07/09/2022
23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0688	Installation of various site signage including 4 no. Freestanding signs, 3 no. Banner units, 1 no. Playland sign and 31 no. Dot signs comprising 4 no. Accessible bays, 2 no. Parked order bays, 2 no. No entry, 10 no. Pedestrian crossing, 3 no. Give way, 5 no. Look left and 5 no. Look right.	Under Assessment	
23/0690	The installation of a freestanding 12m high totem sign.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *"it is considered that the proposed development may be supported in principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised."*

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 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **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

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 5.4 to 5.8. The sequential approach
- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest,
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- S11: Drive-Through Facilities
- T1: Helping People to Get Around
- T4: The Highway Network
- T5: Highway Improvements
- T6: Traffic Calming
- T7: Car Parking
- T8: Walking
- T9: Cycling

- T10: Accessibility Standards
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Outside Regeneration Corridor
- CSP4: Place Making
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4 Canals
- 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

M1: Safeguarding of Minerals Resources
 RC1: Outside Regeneration Corridor
 IND5: New Employment Opportunities
 T4: The Highway Network
 T5: Highway Improvements
 EN1: Natural Environment Protection, Management and Enhancement
 EN2: Ancient Woodland
 EN4: Canals
 EN7: Great Barr Hall and Estate and St Margaret's Hospital

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
- 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

Consultation Replies

Archaeological Officer: There are no archaeological implications for this proposal.

Birmingham City Council: Recommend conditions to restrict delivery times to ensure amenity is protected.

Coal Authority: The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Conservation Officer: No objection.

Ecology: Recommend conditions relating to bats, nesting birds, Biodiversity Enhancement Plan and Construction Environmental Management Plan (CEMP).

Environmental Health: Concurs with Environmental Protection's comments. Recommend conditions.

Environmental Protection: Recommend conditions.

Fire Officer: The WMFS has no adverse comments to make on this application.

Highways England: Due to the distance of the location from the M6 motorway, National Highways are satisfied that there is unlikely to be a material impact on the operation or free flow of the strategic road network. We therefore have no comments to make.

Lead Local Flood Authority: No objection. Condition recommended.

Local Highways Authority: Supports the proposal, subject to conditions. Travel Plan will be completed under a Section 106 Agreement.

Public Health: Objection.

Public Lighting: No objection. Provided the design criteria specified by the environmental consultants are followed I'm happy with the design as it stands.

Severn Trent Water: No objection.

Strategic Planning Policy: No objection.

Tree Preservation Officer: No arboricultural objections. Condition recommended.

West Midlands Police: No objection.

Representations

The application was advertised by way of the display of a site notice and notification letters sent to surrounding properties. The public consultation time expired on 24th July 2023.

110 individual objections have been received, some from the same person/address, some not located in the area and some with no address or name given. Concerns are summaries as follows:

- Rubbish/litter
- Anti-social behaviour
- Area already busy
- Accidents
- Traffic problems/congestion
- Pedestrian safety crossing roads/no pedestrian crossing
- Noise and nuisance/disruption in evening
- Smells
- Bus route
- Meeting place for local youths and others
- Proximity to schools/child health & obesity
- No evidence of joint working with Birmingham Council
- Attract more cruising/boy racers
- McDonalds already nearby & deliver to this area
- Not in keeping with area
- Residential area
- Increase in crime levels
- Air quality
- More housing required
- Vermin
- Impact on other local businesses
- Many fast-food outlets in area

Comments made in relation to property values is a non-material planning consideration.

The following comments have been received in support from a resident:

- This former buffet island site is an absolute disgrace to this community. It has been left to rot, is in a disgusting state of disrepair and is a constant attraction for trouble, vandals, and general unpleasant behaviour, for which the police are often necessary. The council have a duty of care to the people of Pheasey to stop this and improve this huge site for local residents, and I believe McDonalds would in part do this by improving the current site and continuing to be responsible for its upkeep.

An objection from Rt Hon Valerie Vaz MP has been received on the grounds of the following summarised below:

- The consultation
- ENV10 (a), para. II of the UDP, page 35
- ENV18 (b) of the UDP, page 41
- Traffic: ENV32 (a) para. IV of the UDP page 57
- Public Health

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Other key determining issues

Assessment of the Proposal

Principle of Development

The proposal is for a main town centre use as defined by the NPPF. NPPF paragraph 91 states 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.

NPPF paragraph 92 states that when considering 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.

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. BCCS Policy CEN7 and UDP Policy S7 will apply. The sequential test should examine potential sites within Birmingham and Sandwell, not just within Walsall, within an appropriate catchment area including a map showing the availability of existing large fast-food restaurants, including McDonalds, within the catchment area.

The scale of the proposal exceeds the limits for small-scale local facilities as defined in BCCS Policy CEN6, meaning BCCS Policy CEN7 will apply (which mirrors much of the requirements in

saved UDP Policy S7). The same policy defines this site as out-of-centre in relation to Collingwood, Pheasey local centre.

Both the NPPF and UDP policy S7 require a sequential test to be met.

A sequential test has been submitted which satisfies NPPF and UDP Policy S7 requirements. The test includes an assessment of alternative sites explored which were found to be inappropriate for this development.

This is a previously developed site, with the current site having a long-established use as a restaurant and previously as a public house, both of which are also main town centre uses, within a sustainable location, it is well served by public transport. It is acknowledged that there are other fast-food outlets within the Pheasey area nevertheless it is considered the proposal would not result in a proliferation of fast-food outlets within the Pheasey area.

The applicant explains the development would create 30 full and 90 part time jobs allowing for local people of all ages and skills to be employed.

On balance, it is considered the use principle of development is considered acceptable within this location.

Heritage Assessment

The Archaeology and Historic Environment Officer confirms there are no archaeological implications for this proposal.

Saved Policy ENV32 *“will be applied to all development in Conservation Areas, on a visually prominent site, the vicinity of a Listed Building, Building of Local Interest or Registered Parks and Gardens. When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-*

- *The appearance of the proposed development, the height, proportion; scale, and mass of proposed buildings/ structures;*
- *the materials proposed for buildings;*
- *external spaces and means of enclosure;*
- *the integration and co-ordination of buildings and external space;*
- *Community safety and security;*
- *the visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood;*
- *the effect on the local character of the area, the proposed vehicular and pedestrian circulation patterns;*
- *the integration of existing natural and built features of value and the maintenance requirements of the development”.*

Policy ENV2 of the BCCS states *“development proposals will be required to preserve, and where appropriate, enhance local character and those aspects of the historic environment together with their settings, which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality”.*

Designing Walsall SPD, Policy DW3 seeks all new development to respect and enhance local character.

Buffet Island is a 1930 art deco style building, which has architectural merit. The landmark building is positioned in a prominent location sitting slightly above Queslett Road. There are no other similarly designed buildings in the Borough, it is considered to be a non-designated heritage asset worthy of locally listing. Paragraph 209 states *“the effect of an application on the*

significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The total loss of this building would be contrary to paragraph 209 of the NPPF. However, the Conservation Officer is also aware prior approval for the demolition of this building was granted under planning reference 22/1125, it was unfortunate no condition requiring recording of the building was attached to the decision.

The Conservation Officer's preference would be that the building is retained and re-used. There are several examples of buildings (around the world) having been converted for McDonald restaurants.

The design of the fast-food restaurant is a typical design found throughout the UK.

In conclusion Conservation have no objection to the free-standing fast-food restaurant.

Design, Layout and Character

The layout of the site includes a restaurant to the west of the site car parking to the south and east of the site and drive – thru lanes wrapping around the south and west (rear) of the site. It is acknowledged that the layout of the site requires vehicles to be within proximity to rear gardens of 1 to 4 Collingwood Drive due to the siting of the drive- thru lane.

The proposed building is of contemporary design reflecting the brands concept. The building is sited away from neighbouring properties. The single storey flat roof modern building is considered would not be unduly dominant within the street scene. The mix of materials softens the massing of the building to ensure it does not cause harm within the street scene.

It is proposed there will be a 3m high acoustic fence sited nearest to the boundary with 1 to 4 Collingwood Drive. To the south of the site a 2.4 metre acoustic fence is proposed nearest to the entrance of the drive through. It is considered that whilst the height of the fences up to 3 metres would be more than what is expected within a residential curtilage on balance its purpose in relation to noise mitigation outweighs the impact upon the street scene.

The application is supported by a landscape plan that includes hard and soft landscaping area, maintained, and managed by local contractors employed of Mc Donald's.

On balance it is considered that the layout of the proposal will allow for a functional development that integrates with the surroundings.

Amenity of Neighbours and Amenity of Future Occupiers

Subsequent to the previous comments from Environmental Protection, the Applicant has submitted an Air Quality impact report for the proposed development – 'AIR QUALITY IMPACT ASSESSMENT', July 2023, Report Ref: 01.0141.015/AQ v1, by Isopleth Ltd. The Air Quality impact report considers 1174 vehicle daily trips to the proposed restaurant, which is based on the information from the Transport Assessment. The consultant has considered the impacts from the vehicles against the existing high levels of traffic in the surrounding area, which has resulted in the determination that the predicted air quality levels will not significantly change. Environmental Protection agrees with this conclusion, based on the predicted vehicles to visit the restaurant once open. Therefore, Environmental Protection have no comments to make on the Air Quality Impact Assessment.

Subsequent to Environmental Protection the comments submitted in August 23, the Applicant has provided additional noise information and an updated odour assessment. Furthermore, the

Application has been modified to adjust the proposed opening times from 24-hours per day to 06:00 to 23:00 seven days per week.

The new proposed opening times will be conditioned.

Acoustics/Noise

The noise assessment, 'Addendum to Environmental Noise Assessment', by Acoustic Associates SW Limited, Ref: 7810-Ad1, 26th October 2023. The acoustic consultant has undertaken additional background noise measurements closer to the access and egress point, which should provide a better consideration of impacts on nearby residential premises. The background noise levels are currently dominated by nearby road traffic noise and based on the new operational hours, the consultant has determined that the noise impacts from the proposed restaurant will not result in any significant acoustic differences when compared against the existing background noise levels, which are elevated due to existing road traffic noises.

Based on the addendum report, Environmental Protection have no significant comments to make on noise issues, other than all stated acoustic mitigation measures (acoustic barrier fences, acoustic enclosures, and silencers as stated in the application) need to be in place and correctly working prior to the restaurant commencing full activities.

Regarding the noise assessment, 'Addendum to Environmental Noise Assessment', by Acoustic Associates SW Limited, Ref: 7810-Ad1, 26th October 2023 Environmental Health concurs with Environmental Protection's comments made in its memorandum to Planning (reference:0669 SH noise and odour, dated 5th December 2023.

Odour Assessment

Applicant has updated their original information on odour control to include a relevant risk assessment that considers the location of the restaurant and nearby residential premises – 'Odour Control Assessment for McDonald's Restaurant Birmingham', by CDM Partnership, October 2023. The proposed mitigation measures, including maintenance and servicing of the equipment appears to be satisfactory. It is recommended that a planning condition require for the Odour Abatement and Grease Abatement Measures as stated in the application be implemented and the equipment is fully commissioned, with the Maintenance Plan in place prior to the full commencement of the proposed restaurant.

The Impact Risk is assessed as High Risk and identified that a high level of odour control is required. Environmental Health considers that the proposed mitigation measures, including maintenance and servicing of the equipment appear to provide a high level of odour control. Therefore, it is recommended that a planning condition be included to require the provision and implementation of the proposed Odour and Grease Abatement measures and that the equipment is fully commissioned, with the Maintenance Plan in place prior to the full commencement of the proposed restaurant.

Highways

The application seeks to redevelop an existing restaurant off Romney Way to a McDonalds restaurant with drive thru.

The site is currently occupied by the former Buffet Island Chinese restaurant (849sqm) and has 68no. car parking spaces. The former restaurant has now closed, and the development proposals seek to redevelop the site into a new McDonald's restaurant with drive-thru, 46no. car parking spaces and 14no. cycle parking spaces.

The former restaurant is currently served by 2no. priority-controlled access arrangements, one to the northeast of the site via Romney Way and one to the south of the site via Collingwood Drive.

The development proposals would remove the existing access to the south of the site and utilise the priority-controlled access via Romney Way only.

Romney Way is subject to a 20mph speed limit and in line with standards set out in Manual for Streets (MfS) visibility splays of 2.4m x 25m are achievable in both directions at the site access.

It is proposed to provide formalised bus stop clearway markings on Romney Way and double yellow lines in vicinity of the site to prevent on-street parking near the bus stops or restricting visibility at the site access.

With consideration to the above and given this is an existing site access the Highway Authority raises no objections to the proposed site access arrangement.

Significant changes are proposed internally to the site which includes a drive-thru, changes to the site access arrangement, pedestrian routes into and through the site and car parking / cycle parking provision.

Using data from a similar McDonald's restaurant, evidence has been provided to demonstrate that there is sufficient queuing capacity available within the drive-thru area to meet the operational needs of the development.

The data shows a maximum queue length of 9no. and 11no. vehicles on a Friday and Saturday, respectively, with the drive-thru having capacity to accommodate 18no. vehicles.

The development proposals would include 46no. car parking spaces including 2no. grill spaces, 4no. disabled spaces and 3no. EVCPs. 14no. cycle parking spaces would also be provided.

Walsall Unitary Development Plan (UDP) parking standards for Hot Food Takeaways require:

"4 car park spaces for establishments with a gross floorspace up to 50m²; then 1 space per 22m² of gross floorspace. At least 1 bike stand for every 5 car park spaces with an absolute minimum of 2 bike stands."

In line with Walsall UDP standards, the site would require a maximum of 21no. car parking spaces plus 2no disabled space (10% additional), a total of 23no. car parking spaces.

The Highway Authority accepts the proposed provision of 46no. car parking spaces and 14no. cycle parking spaces.

A trip generation exercise has been undertaken for the proposed development.

Firstly, a comparison of the trip generation at existing similar McDonald's restaurants and the TRICS (7.9.4) database was undertaken. The comparison found that data from existing McDonald's restaurants was more robust and therefore used within the traffic impact assessment.

Secondly, traffic surveys were undertaken at the Questlett Roundabout on Friday 11th November during the hours of 07:00-10:00 and 16:00-19:00, and Saturday 12th November during the hours of 11:00-15:00. The expected trip generation for the McDonald's restaurant was then distributed based on traffic surveys.

Thirdly, a junction capacity assessment was undertaken at the site access and the Questlett Roundabout. The assessment included a base year (2022), opening year (2025) and future year (2027) scenario. The junction capacity assessment demonstrates that both junctions would operate within capacity in the weekday and weekend peak periods in both the opening year and future year scenario.

The Highway Authority raises no concerns with the methodology used within the traffic impact assessment.

It is not considered that the application will create any material impact on the surrounding network. The Highway Authority accepts that the development proposals would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network.

The site is located in a residential area and has good pedestrian and cycle access along existing local highways.

Dropped kerbs and tactile paving will be provided at the site access, in addition to proposed uncontrolled crossings, in the form of dropped kerbs and tactile paving, on Romney Way and Collingwood Drive.

14no. secure and sheltered cycle parking spaces will be provided close to the main entrance of the site.

It is proposed to provide formalised bus stop clearway markings on Romney Way and double yellow lines in vicinity of the site to prevent on-street parking near the bus stops or restricting visibility at the site access.

Dropped kerbs and tactile paving will also be provided at the site access, in addition to proposed uncontrolled crossings, in the form of dropped kerbs and tactile paving, on Romney Way and Collingwood Drive.

Travel Plan will be completed under a Section 106 Agreement.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

In light of the comments above, the Highway Authority supports the proposal, subject to recommended conditions.

Ecology

No ecological protected site, non-statutory or statutory site are within or adjacent to the application site.

As a result of the Ecology Officer's previous comments, the applicant has now submitted a bat survey report dated July 2023 with details of the further survey work of two dusk emergence survey undertaken. From a review of the report while some foraging evidence was found, no bats were identified emerging from the building. As best practice guidelines have now been followed, the Ecology Officer is satisfied that the building is likely absent of roosting bats. The Ecology Officer would still recommend a planning condition is placed on any planning permission given, to cover any remaining residual risk for bats to be present during the works.

Due to the presence of vegetation and a building on site, there is a risk of nesting birds, being harmed during the construction works. As such the Ecology Officer would recommend a condition be placed on any approval to ensure that the building demolition or any vegetation clearance that is required takes into consideration nesting birds.

As per National Planning Policy Framework Paragraphs 174 and 180 the development should be designed to meet biodiversity net gain. With the submitted documents the applicant provided a Landscape Plan (plan 19307-VL-McD_L01) detailing the post development landscape proposals. These plans show the retention of vegetation along the western edge and incorporate of native species within the planting. While this plan does provide sufficient information to satisfy the development achieve a net gain. It does not provide details of the locations of additional wildlife features outlined within the preliminary ecological appraisal report or the management methodology proposed to enhance the proposed native planting. Therefore, the Ecology Officer would seek that a Landscape and Ecological Management Plan condition is incorporated within any permission provided to ensure these details are adhered to.

In response to the above the condition the applicant has submitted a Biodiversity Enhancement Plan which details the location of habitat creation and enhancement and protected species mitigation. This is deemed to meet the requirements of the above condition, which can be replaced with a compliance related recommended condition.

In respect of the Construction Environment Management Plan (MD4220577/HG/002), from a review of the document, no information on the mitigation and protection measures have been included for protected species and retained habitat as provided within the preliminary ecological appraisal report. To ensure these are taken into account during construction, the Ecology Officer would seek for a planning condition to be incorporated into any permission to expand the document.

Flood Risk / Drainage

Severn Trent have no objection to the proposed development. Foul sewage is to discharge to the public foul sewer, and surface water is proposed to discharge to the public surface water sewer at 13litres/second providing a 70% betterment, as soakaways are not suitable.

The Lead Local Flood Authority (Staffordshire County Council Flood Risk Management) are now satisfied with the submitted proposals and have no objection to the granting of planning permission. The Lead Local Flood Authority would however recommend that a condition is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.

Trees / Protected Trees

The proposal will necessitate the removal of 2 trees on site (a Sycamore and a Norway Maple). Using BS 5837: 2012 tree categories the tree report has given them the category of 'C' which is trees of low arboricultural value. Whilst the 2 trees have good public visibility it is considered that this is an accurate appraisal. There is a significant belt of trees at the rear of the site which form a prominent backdrop. This belt of trees comprises of mixed species of trees and is categorised by the tree report as 'B' which is trees of moderate quality which is also considered an accurate appraisal. The proposal is to retain this belt of trees within the development and as long as the recommendations and guidelines are complied with as detailed in the tree report undertaken by Haydens Arboricultural Consultants then the proposals will not have any detrimental arboricultural implications. The application is accompanied by a landscape plan which along with hedge and shrub planting indicates 10 replacement trees being planted. This would more than mitigate for the loss of the 2 trees to accommodate the development. Consequently, there are no arboricultural objections to the application.

Ground Conditions and Environment

Applicant has submitted a survey – ‘Asbestos Survey Report’, by RB Asbestos Consultants, Report Number: R-17799, 13 December 2022.

This report identifies that asbestos containing materials is located throughout the building. Prior to any construction or demolition works the Applicant will need to agree a Demolition Plan, which includes the removal and disposal of asbestos containing materials. Given the proximity of residential dwellings and a busy road network, the Applicant will need to agree a Construction Management Plan in writing with the Local Planning Authority to control local environmental impacts such as noise, vibration, dust, run-off, drag-out, etc.

Phase II Site Investigation & Risk Assessment Report, by Southern Testing Environmental & Geotechnical, Project ID: JN1727, 02 February 2023

The contaminated land assessment has not identified any significant land contamination, but testing was not conducted under the existing buildings due to their presence. Based on the findings of this report and as the intention is for another commercial premise, Environmental Protection do not have any significant concerns. The Consultant is advising that the Applicant should consider further testing once the existing building has been demolished and the site cleared. Environmental Protection do not disagree with this scenario. Planning Officers should consider a planning condition requiring for further contaminated land investigation upon building demolition and site clearance to ensure that the majority of the application site has been considered.

Planning Obligations

A Travel Plan will need to be completed under a Section 106 Agreement.

The Highway Authority follows guidance set out in the “Customer guide to completing Planning Obligations” which came into effect on 1st March 2023. Section 18 of the Guide states “Where a Travel Plan requires ongoing monitoring and linked to an increase in performance it will need to be secured by a S106.”

This guidance has been applied to all developments (where appropriate) from 1st March 2023.

In the context of the health needs and wellbeing of the population of Walsall unhealthy eating (foods with high fat, salt, sugar) is a significant concern, and on this basis, Public Health are objecting to the addition of a further, high throughput, fast food restaurant in this location.

I note the objection raised by Public Health; however, on balance, as the application is in accordance with policies S7, S10 and S11 of the Walsall Unitary Development Plan (UDP) it is considered that the overall economic benefits (with the creation of jobs) of the redevelopment of this previously developed site, with the current site having a long-established use as a restaurant and previously as a public house, both of which are also main town centre uses, within a sustainable location outweighs any potential public health concerns. In addition, McDonald's Restaurants now also offer healthier alternatives on their menu. There are no policies that would support the refusal of the application on these grounds.

Conclusions and Reasons for Decision

It has been demonstrated that the proposed development is of an acceptable overall appearance, would not result in harm to the natural or built environment.

On balance, it is considered the proposal would not result in an undue impact upon the amenity of occupiers.

The proposal would not result in harm to the safety or operation of the highway network subject to the conditions as set out. The recommended planning conditions are considered necessary to make the application acceptable, and to meet the governments tests contained within the National Planning Policy Framework.

On the above basis, on balance, the proposal is considered to meet the requirements of the Development Plan, and the National Planning Policy Framework.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding lighting, ecology, environmental protection, highways, Lead Local Flood Authority, and principle amended plans and information have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure the Travel Plan and subject to:

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

- 12975_AEW_1756_0001_Location Plan received 07/06/2023
- 12975_AEW_1756_0002A_Block Plan received 07/06/2023
- 12975_AEW_1756_0003_Existing Site Plan received 07/06/2023
- 12975_AEW_1756_0004B_Proposed Site Plan received 07/06/2023
- 12975_AEW_1756_0017_Existing Building Elevations received 07/06/2023
- 12975_AEW_1756_0005B_Proposed Building Elevations received 07/06/2023
- 12975_AEW_1756_0006A_Proposed Building Floor and Roof Plan received 07/06/2023
- 19307_VL-McD_L01 - Landscape Plan_A1 received 07/06/2023
- Velo-Box Locker received 07/06/2023

- Tree Survey, Arboricultural impact Assessment/Preliminary Arboricultural Method Statement & Tree Protection Plan received 07/06/2023
- Transport Assessment (June 2023) received 07/06/2023
- Travel Plan (June 2023) received 07/06/2023
- Standard Patio Area Supporting Specifications received 07/06/2023
- Refuse Storage and Recycling Statement received 07/06/2023
- Raised Planters - Planters for Pollinators (19307-VL-McD_L02) received 07/06/2023
- Preliminary Ecological Appraisal Report received 07/06/2023
- Play Of The Future E11-003-V01-S received 07/06/2023
- Supporting Statement received 07/06/2023
- Phase I Contaminative Desk Study and Walkover Survey received 07/06/2023
- Phase II Site Investigation and Risk Assessment Report received 07/06/2023
- Odour Control Specifications received 07/06/2023
- Litter Management Plan received 07/06/2023
- New Style Height Restriction Goal Post/McDigit COD DT Canopy received 07/06/2023
- Environmental Noise Assessment March 23 received 07/06/2023
- Drainage Statement received 07/06/2023
- Drainage Maintenance Plan received 07/06/2023
- Delivery Management Plan (June 2023) received 07/06/2023
- Construction Environmental Management Plan (CEMP) including scope for demolition received 07/06/2023
- Asbestos Survey received 07/06/2023
- Proposed Lighting Layout and Design Notes received 04/07/2023
- Bat Report received 21/07/2023
- Lighting Review received 25/07/2023
- Biodiversity Enhancement Plan received 25/07/2023
- Highways Future Year Assessment received 31/08/2023
- Air Quality Impact Assessment received 10/08/2023
- Odour Control Assessment received 08/11/2023
- Addendum to Environmental Noise Assessment received 08/11/2023
- Sequential Test Version 2.1 received 03/05/2024

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

3a: Prior to the commencement of the development hereby approved, full engineering details of the following should be submitted to and approved in writing by the Local Planning Authority; -

- i) the existing retained vehicle access arrangement onto Romney Way which shall be upgraded to include tactile paving either side of the bellmouth.
- ii) inclusion of an uncontrolled pedestrian crossing, in the form of dropped kerbs and tactile paving, on Romney Way on Collingwood Drive.
- iii) the existing access on Collingwood Drive made redundant as a result of the proposed development, shall be reinstated back to full kerb height to a specification to be agreed in writing with the Local Planning Authority and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

3b: Prior to the development first coming into use, the highway infrastructure works detailed above shall be fully implemented to the satisfaction of the Highway Authority in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety and in accordance with UDP Policy GP2, T1 and T5.

4a: No development shall take place (including vegetation / demolition) until the Construction Environment Management Plan (CEMP) has been expanded upon to include mitigation and

protection measures for protected species and retained habitat. The revised document should be submitted to and approved in writing by the Local Planning Authority. The approved CEEMP shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Walsall Council. The revised plan should include:

- i. Tree protection plan;
- ii. Precautionary working practices in respect to bats, nesting birds and hedgehogs.
- iii. 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;

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Plan and the approved Construction Environmental Management Plan shall be maintained throughout the construction period.

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 and Supplementary Planning Document Conserving Walsall's Natural Environment.

5a: Prior to the commencement of the development hereby approved an intrusive pre-demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall:

- i. be written by a suitably qualified person
- ii. demonstrably identify potential sources of asbestos contamination and
- iii. detail removal.

5b. Prior to occupation of the development hereby permitted a written Validation Report shall be submitted in writing to and agreed in writing by the Local Planning Authority.

5c. All contaminated material to be removed from the site shall not be otherwise than be removed by a licensed waste carrier to a facility that is licensed to accept it.

Reason: To ensure any potentially hazardous asbestos associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

6a: Prior to the commencement of the development hereby approved 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:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives

7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
13. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

6b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement 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 and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

7a: Prior to the commencement of the development hereby approved, a Construction Surface Water Management Plan to demonstrate how flood risk will be managed prior to the completion of the approved drainage strategy shall be submitted in writing to and approved in writing by the Local Planning Authority. The developer must ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

7b: The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction, in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

8a: Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

8b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

8c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17, ENV18 and ENV33 of Walsall's Unitary Development Plan.

9: Prior to the development first coming into use, an appropriate Traffic Regulation Order shall be advertised, confirmed and fully implemented on the ground, to prevent indiscriminate parking on and around the site access junction with Romney Way.

Reason: In order to prevent indiscriminate parking on and around the busy road junction, in the interests of the free flow of traffic on the public highway and to highway safety in accordance with UDP Policy GP2, T1 and T5.

10: Prior to the development first coming into use, formalised bus stop clearway markings on Romney Way in vicinity of the site access fully implemented on the ground, to prevent indiscriminate parking on and around the site access junction with Romney Way.

Reason: In order to prevent indiscriminate parking on and around the busy road junction, in the interests of the free flow of traffic on the public highway and to highway safety in accordance with UDP Policy GP2, T1 and T5.

11: Prior to the development first coming into use, the car parking area shall be fully consolidated, hard surfaced in tarmac or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

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

12a: Prior to the development first coming into operation, full details of the proposed cycle shelter, which shall be secure, covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

12b: The cycle shelter shall thereafter be retained and used for no other purpose.

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

13a: Prior to any hot food cooking taking place the provision and implementation of the proposed Odour and Grease Abatement measures and that the equipment is fully commissioned, with the Maintenance Plan in place in accordance with 'Odour Control Assessment for McDonald's Restaurant Birmingham', by CDM Partnership, October 2023.

13b: The development hereby permitted shall not be carried out otherwise than in accordance with the agreed measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the amenities of the future occupiers of the premises in compliance with Policies GP2 and ENV32 of the UDP.

14a: Prior to the development first coming into operation all stated acoustic mitigation measures (acoustic barrier fences, acoustic enclosures, and silencers as stated in the application) need to be in place and correctly working in accordance with the noise assessment, 'Addendum to Environmental Noise Assessment', by Acoustic Associates SW Limited, Ref: 7810-Ad1, 26th October 2023.

14b: The development hereby permitted shall not be carried out otherwise than in accordance with the agreed measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the amenities of the future occupiers of the premises in compliance with Policies GP2 and ENV32 of the UDP.

15: The recommendations, guidelines and tree protection measures as detailed in the tree survey, arboricultural impact assessment, preliminary arboricultural method statement and tree protection plan (drawing no. 10076-D-AIA) by Haydens Arboricultural Consultants dated 01/03/2023 shall be fully complied with and the tree protection measures implemented throughout the construction phase until completion of the development.

Reason: To safeguard the retained trees on and adjacent to the site in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

16: If bat/s or evidence of bats are found during these operations:

1. Natural England or the ecologist for this project must be contacted.
2. The bat/s should not be handled or touched, and the vicinity of the roost shall be immediately reinstated.
3. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
4. Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation Planning & Building Control, Economy, Environment & Communities
5. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued.

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, and c.) Regulations 1994 and Local legislation; Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

17: Vegetation clearance and building demolition should not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a comprehensive check of the feature for active birds' nests immediately before the clearance and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect breeding birds from harm during clearance and demolition. All British birds, their nests, and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and countryside Act 1981, as amended and in accordance with Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

18: Following implementation of the approved biodiversity enhancement plan (Drawing ref: 19307-VL-MCD_L01) management measures outlined within the document, will be undertaken for a period no less than 10 years from the implementation date.

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 and Supplementary Planning Document Conserving Walsall's Natural Environment.

19: The development hereby permitted shall not be open to customers otherwise than between the hours of 06:00 hours to 23:00 hours Mondays to Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

20: The development shall not be carried out otherwise than in accordance with the approved details on drawing 12975_AEW_1756_0005B_Proposed Building Elevations received 07/06/2023 and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

21: Deliveries to the development shall be in accordance with the submitted Delivery Management Plan (June 2023) received 07/06/2023 to restriction the size and type of delivery vehicles due to site constraints and the timing of deliveries wherever possible to avoid peak traffic and customer periods.

Reason: To ensure the satisfactory operation of the development, and to minimise disruption to the operation of the local highway network, in accordance with UDP Policy GP2, T4 and in the interests of highway safety.

Notes for Applicant

HIGHWAY AUTHORITY:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is the most appropriate, with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.
4. The costs for the alterations of the TROs should be funded by the Applicant. The applicant is advised to contact: TrafficManagement@walsall.gov.uk in this respect.

Electric Vehicle Charging Points

Building Regulation Approved Document S, 'Infrastructure for charging electric vehicles', requires for new dwellings to include electric vehicle charging points and appropriate cabling for other parking spaces. The Applicant will need to refer to Walsall Council Building Control Section or their own Building Control provider for further information on compliance.

West Midlands Police

The applicant may consider the following:

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8p.p.pdf

External LED lights with daylight sensors to the external walls of buildings in particular at entry and exits.

Additional LED lighting for parking areas.

If lighting columns are used ensure they are not located close to the perimeter. Similarly any trees.

That might provide an offender with a climbing aid.

A monitored alarm system. cctv particularly identifying at all doors.

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Any cycle storage should be located close to entrances in clear view, natural surveillance.

Cycle stores, approved products. (SBD Homes 2019 page 68, 56

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 2b

Reason for bringing to committee	
Application Details	
Location: BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN	
Proposal: INSTALLATION OF VARIOUS SITE SIGNAGE INCLUDING 4 NO. FREESTANDING SIGNS, 3 NO. BANNER UNITS, 1 NO. PLAYLAND SIGN AND 31 NO. DOT SIGNS COMPRISING 4 NO. ACCESSIBLE BAYS, 2 NO. PARKED ORDER BAYS, 2 NO. NO ENTRY, 10 NO. PEDESTRIAN CROSSING, 3 NO. GIVE WAY, 5 NO. LOOK LEFT AND 5 NO. LOOK RIGHT.	
Application Number: 23/0688	Case Officer: Stephanie Hollands
Applicant: McDonald's Restaurants Limited	Ward: Pheasey Park Farm
Agent: Planware Ltd	Expired Date: 01-Aug-2023
Application Type: Advertisement Consent	Time Extension Expiry: 28-Jun-2024

Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

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

Proposal

Installation of various site signage including 4 No. freestanding signs, 3 No. banner units, 1 No. playland sign and 31 No. dot signs comprising 4 No. accessible bays, 2 No. parked order bays, 2 No. no entry, 10. pedestrian crossing, 3 No. give way, 5 No. look left, and 5 No. look right on a new proposed Mc Donalds restaurant with Drive-thru at Buffet Island, Queslett Road, Great Barr.

The application proposes:

Planning Schedule								
Signage Reference:	QTY	Size mm (WxDxH)	Materials	Colour	Height above ground (mm)	Extent of Projection (mm)	Height of Text (mm)	Illumination
COD	002	530 x 200 x 1570	COD - PPC Alu customer order display unit including speaker point, microphone, camera and illuminated letters	Grey RAL 7022 PPC Alu & Acrylic	1570	3500	N/A	Illuminated text only
Canopy	002	2390 x 3500 x 3000	Canopy - Grey RAL 7022 Alu and acrylic canopy	Grey RAL 7022 PPC Alu & Acrylic	3000	3500	N/A	N/A
Goal Post Height Restrictor	001	4300 x 140 x 3200	Steel circular hollow section goal post finished in grey RAL 7022 with flat cut 2.5mm aluminium panel finished Green UK104E indicating maximum height and suspended 3300mm horizontal aluminium bar with 5x28 steel chainlinks hangers	Grey RAL 7022	3200	2750 to u/s of height restrictor	N/A	N/A

Digital & Signage Schedule								
Signage Reference:	QTY	Size mm (WxDxH)	Materials	Colour	Height above ground (mm)	Extent of Projection (mm)	Height of Text (mm)	Illumination
Sign 1 Double Digital Menu Board	003	1648 x 108 x 2167	Steel framework clad in PPC aluminium panels finished in Grey RAL 7022	Grey	2167	N/A	N/A	2No. 55" Monitor Illuminated Only
Sign 2 Single Digital Menu Board	001	853 x 108 x 2167	Steel framework clad in PPC aluminium panels finished in Grey RAL 7022	Grey	2167	N/A	N/A	1No. 55" Monitor Illuminated Only
Single Digital Screen in Cash Booth Window	001	15" Digital Screen Mounted Externally	PPC Aluminium panels housing digital media. Sign to be single sided and non-rotating	Grey RAL 7022	1030	N/A	N/A	Max. 1600cd/m ²
DOT Sign 14A "Accessible Parking Bay"	004	280W x 700H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign 14B "Parked Order Bay 1"	001	280W x 700H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign 14B "Parked Order Bay 2"	001	280W x 700H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign 25A "No Entry"	002	450W x 450H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign 25D "Pedestrian Crossing"	010	412W x 360H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign 25E "Give Way"	003	412W x 360H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign "Look Left"	005	450W x 300H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
DOT Sign "Look Right"	005	450W x 300H	Aluminium sign panel with applied vinyl graphics on metal sign post fitted via mass concrete foundation.	Varies	900	Varies	Varies	N/A
Play Land Sign	001	1100W x 1100H x 180D	Aluminium sign panel with fret cut inset internally illuminated acrylic letters and applied vinyl graphics fitted to play frame	Khaki Green RAL 6015, White & Red	3050	N/A	400	Max. 600cd/m ²
Banner Frame	003	4820 x 150 x 2060	Post Mounted Banner Unit. RAL 7022 Grey aluminium side panels with perforated metal "McDonald's" text sign.	RAL 7022 Grey	2060	N/A	800	N/A

All static internal illumination to illuminance level 600cd/m².

Site and Surroundings

The application site is located to the northwest quadrant of the roundabout junction of the A4041, B4149, Collingwood Drive and Romney Way. The site fronts onto the roundabout junction but is separated by a dedicated bus stop. Access is from both Collingwood Drive to the South and Romney Way to the north.

The application site is predominantly laid out to formal carparking on the northern, eastern, and southern boundaries, with the building located towards the back (west)

of the site. A landscape buffer sits behind the building. A small landscape buffer fronts the site against the bus stop and thereafter, the roundabout.

The building itself is of two storey brick and tile design, dating back to the 1930's period. The main frontage returns at either end with two short two storey wings. A number of extensions have been constructed to the rear of the building. A prior notification decision was approved on 7th September 2022 for the demolition of the building (22/1125).

The immediate surrounds are residential in nature, generally built in the same period or later than the subject site. Pavements are generally wide, and many gardens have been laid to parking. The wider area includes a commercial area 200m to the south. This is repeated further afield, with Asda located on the roundabout to the south.

Relevant Planning History

Application ref	Description	Decision	Date
05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005
07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
22/1125	Prior approval for demolition	Granted	07/09/2022
23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0689	Installation of 2 no. fascia signs, 3 no. Booth lettering signs and 1 no. digital booth screen.	Under Assessment	
23/0690	The installation of a freestanding 12m high totem sign.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *"it is considered that the proposed development may be supported in principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised."*

Relevant Policies

Part 3 (Express Consent) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

Applications for express consent

9.— (1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

(a) include the particulars specified in the form; and

(b) send with the application (whether electronically or otherwise) a plan which—

(i) is drawn to an identified scale,

(ii) shows the direction of North,

(iii) identifies the location of the site by reference to at least two named roads, and

(iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

(a) to the use by the authority of electronic communication for the purposes of his application;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the authority for that purpose, or

(ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Power to deal with applications

14.— (1) Where an application for express consent is made to the local planning authority, the authority may—

- (a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;
- (b) refuse consent; or
- (c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

- (a) for the display of a particular advertisement or advertisements with or without illumination;
- (b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or
- (c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

- (a) regulating the display of advertisements to which the consent relates;
- (b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;
- (c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

- (a) such period as the local planning authority may specify in granting the consent; or
- (b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

- (a) the date of the commencement of the display; and
- (b) a specified date not later than 6 months after the date on which the consent is granted.

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 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF 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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV7: Countryside Character
- ENV11: Light Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV36: Poster Hoardings
- ENV37: Small Poster Panel Advertisements

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity

- DW6 Legibility
- DW9 High Quality Public Realm

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

The institution of Lighting Engineers, Technical Report Number 5: Brightness of Illuminated Advertisements.

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)
- E4 – High district brightness areas (eg town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m2)

Illuminated Area (m2)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Consultation Replies

Archaeology: No objection. There are no archaeological implications for this proposal.

Environmental Protection: No objection. There are no significant noise, contaminated land, or air quality impacts associated with this application.

Local Highways Authority: No objection.

Public Lighting: No objection. Luminous flux of the illuminated signs detailed in the application are within limits determined by PLG05.

Representations

None received.

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

The application relates to the installation of various site signage for 23/0669 which seeks permission for the erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.

The proposed signs are consistent with the branding of this chain of restaurant and are considered would not have an adverse impact upon the proposed building.

The Institution of Lighting Engineers Technical Report No. 5 (2nd Edition), "Brightness of Illuminated Advertisements" recommends in areas of low district brightness such as small village locations, a maximum lighting luminance of 600 candelas per square metre. The proposal at 600 candelas/m² is considered to be of low luminance and would have no impact in this medium brightness (urban location) area.

The proposed signage would be of limited visibility other than to the customers using the drive thru, with sufficient separation distances to existing properties. In addition, the proposed signage would be shielded from the view of the majority of the neighbouring properties by existing and proposed fencing and vegetation.

The banner frames would not be illuminated and would be seen against the backdrop of the proposed main property.

All illuminated signs at 600 candelas/m² are considered to be of low luminance and would have minimal impact in this medium brightness (urban location) area.

Highways and Public Safety

It is considered there would be no impact on highway safety as a result of the proposed signs and along the course of the drive-thru lane, set within the boundary of the application site. The signs are strategically placed to attract the attention of users of restaurant and would not include text or images that are likely to distract drivers or members of the public not using the drive thru lane and restaurant.

Local Highways Officers have no objections to the proposed signage.

Conditions will be included to retain static illumination and regarding the level of illumination.

Conclusions and Reasons for Decision

The proposal is consistent with the branding of this chain of restaurant, in similar locations and are considered would not have an adverse impact upon the proposed building and the proposal does not present an adverse effect to the visual amenities or character of the area. The specified illuminance levels would be acceptable within urban zone E3, in accordance with: 'The institution of Lighting Engineers, Technical Report Number 5' document, which can be conditioned. Therefore, the proposal is in accordance with UDP policies ENV11, ENV32 and ENV36.

The location and orientation of the proposed advertisement means that proposed signs are unlikely to result in an adverse impact to public and highway safety, subject to the appropriate planning conditions being attached.

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

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

Conditions and Reasons

1. The adverts are hereby approved for 5 years during the period of 09-02-2024 – 09-02-2029.

Reason: Pursuant to the requirements of Part 3 Section 14(7)(8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Proposed Site Advertisement Plan Rev A received 11/07/2023
- Playlans Logo Outdoor Untis Logo: 1100mm Issue A received 06/06/2023
- Pedestrian Crossing received 06/06/2023
- Parked Order Bay 1 – 4 received 06/06/2023
- No Entry / Stop Sign received 06/06/2023
- Location Plan received 06/06/2023
- Give Way received 06/06/2023
- Digital Unit Single received 06/06/2023
- Digital Unit Double received 06/06/2023
- Look Left/Right received 06/06/2023
- ERDDS Banner Sign – Scale 1:20 received 06/06/2023
- Accessible Parking received 06/06/2023

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. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or

- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed 600 candelas/m² luminance levels at any time.

Reason: To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

Notes for Applicant

None.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 2c

Reason for bringing to committee

Called in by Councillor Andrew on grounds that there is significant public interest in this application which requires consideration.

Application Details

Location: BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN

Proposal: INSTALLATION OF 2 NO. FASCIA SIGNS, 3 NO. BOOTH LETTERING SIGNS AND 1 NO. DIGITAL BOOTH SCREEN.

Application Number: 23/0689

Case Officer: Stephanie Hollands

Applicant: McDonald's Restaurants Limited

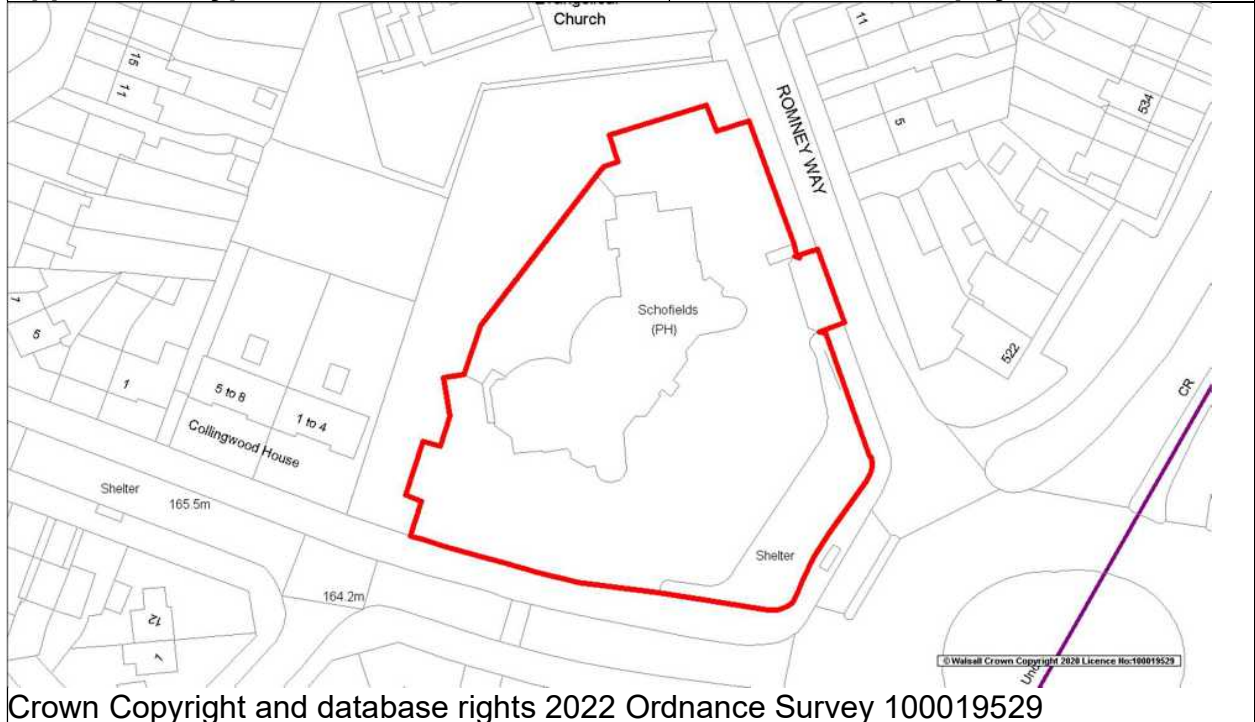
Ward: Pheasey Park Farm

Agent: Planware Ltd

Expired Date: 01-Aug-2023

Application Type: Advertisement Consent

Time Extension Expiry: 28-Jun-2024



Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

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

Proposal

Installation of 2 No. fascia signs, 3 No. Booth Lettering Signs and 1 No. Digital Booth Screen on a new proposed Mc Donalds restaurant with Drive-thru at Buffet Island, Queslett Road, Great Barr.

The application proposes:

BUILDING SIGN SCHEDULE - ERDDS SIGNAGE (BUTTERFIELDS SIGNS)								
ADVERT REF	SIGN TYPE	QTY	SIZE (mm)	MATERIALS	HEIGHT (mm) ABOVE GROUND	EXTENT (mm) OF PROJECTION	HEIGHT (mm) OF TEXT	ILLUMINATION
CUSTOM LETTERS	-	2	9002W x 100D x 1000H	White acrylic "McDonald's" text.	Refer to Elevations	N/A	1000	STATIC - Max. 600cd/m ²
DT LETTERS	-	2	2890W x 25D x 460H	White acrylic "COLLECT" text.	Refer to Elevations	N/A	460	STATIC - Max. 600cd/m ²
DT LETTERS	-	1	1222W x 25D x 460H	White acrylic "PAY" text.	Refer to Elevations	N/A	460	STATIC - Max. 600cd/m ²
SINGLE DIGITAL 'RE-CONNECT' SCREEN	N/A	1	350W x 30D x 255H	Single sided PPC aluminium housing panel with internally mounted digital media fixed to Cash Booth Window. Grey RAL 7022	Refer to Elevations	N/A	N/A	Max. 1600cd/m ²

All static internal illumination to illuminance level 600cd/m².

Site and Surroundings

The application site is located to the northwest quadrant of the roundabout junction of the A4041, B4149, Collingwood Drive and Romney Way. The site fronts onto the roundabout junction but is separated by a dedicated bus stop. Access is from both Collingwood Drive to the South and Romney Way to the north.

The application site is predominantly laid out to formal carparking on the northern, eastern and southern boundaries, with the building located towards the back (west) of the site. A landscape buffer sits behind the building. A small landscape buffer fronts the site against the bus stop and thereafter, the roundabout.

The building itself is of two storey brick and tile design, dating back to the 1930's period. The main frontage returns at either end with two short two storey wings. A number of extensions have been constructed to the rear of the building. A prior notification decision was approved on 7th September 2022 for the demolition of the building (22/1125).

The immediate surrounds are residential in nature, generally built in the same period or later than the subject site. Pavements are generally wide, and many gardens have been laid to parking. The wider area includes a commercial area 200m to the south. This is repeated further afield, with Asda located on the roundabout to the south.

Relevant Planning History

Application ref	Description	Decision	Date
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05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005
07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
22/1125	Prior approval for demolition	Granted	07/09/2022
23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0688	Installation of various site signage including 4 no. freestanding signs, 3 no. banner units, 1 no. playland sign and 31 no. Dot signs comprising 4 no. accessible bays, 2 no. Parked order bays, 2 no. No entry, 10 no. pedestrian crossing, 3 no. Give way, 5 no. look left and 5 no. look right.	Under Assessment	
23/0690	The installation of a freestanding 12m high totem sign.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *"it is considered that the proposed development may be supported in principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised."*

Relevant Policies

Part 3 (Express Consent) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

Applications for express consent

9.— (1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

- (a) include the particulars specified in the form; and
- (b) send with the application (whether electronically or otherwise) a plan which—

- (i) is drawn to an identified scale,
- (ii) shows the direction of North,
- (iii) identifies the location of the site by reference to at least two named roads, and
- (iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

(a) to the use by the authority of electronic communication for the purposes of his application;

(b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

(i) withdrawing any address notified to the authority for that purpose, or

(ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Power to deal with applications

14.— (1) Where an application for express consent is made to the local planning authority, the authority may—

(a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

(b) refuse consent; or

(c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

(a) for the display of a particular advertisement or advertisements with or without illumination;

(b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or

(c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

(a) regulating the display of advertisements to which the consent relates;

(b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;

(c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

(a) such period as the local planning authority may specify in granting the consent; or

(b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

(a) the date of the commencement of the display; and

(b) a specified date not later than 6 months after the date on which the consent is granted.

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 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF 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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV7: Countryside Character
- ENV11: Light Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV36: Poster Hoardings
- ENV37: Small Poster Panel Advertisements

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

The institution of Lighting Engineers, Technical Report Number 5: Brightness of Illuminated Advertisements.

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)
- E4 – High district brightness areas (eg town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m²)

Illuminated Area (m ²)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Consultation Replies

Environmental Protection: No objection. There are no significant noise, contaminated land, or air quality impacts associated with this application.

Local Highways Authority: No objection.

Public Lighting: No objection. The application states that luminous intensity of the fascia sign lighting is within the parameters of PLG05.

Representations

Two objections have been received with the following concerns summarised below:

- Location
- Traffic
- Block streets
- Accident prone site
- Rubbish
- Attract boy racers and gatherings

The comments made on this advertisement consent application relate to the full planning application 23/0669 for the erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.

Comments made in relation to house prices is not a material planning consideration.

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

The application relates to the installation of various site signage for 23/0669 which seeks permission for the erection of a freestanding McDonald's Restaurant with drive

thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.

The proposed signs are consistent with the branding of this chain of restaurant and are considered would not have an adverse impact upon the proposed building.

The Institution of Lighting Engineers Technical Report No. 5 (2nd Edition), "Brightness of Illuminated Advertisements" recommends in areas of low district brightness such as small village locations, a maximum lighting luminance of 600 candelas per square metre. The proposal at 600 candelas/m² is considered to be of low luminance and would have no impact in this medium brightness (urban location) area.

The proposed booth signs would be of limited visibility other than to the customers using the drive thru, with sufficient separation distances to existing properties. In addition, the proposed signage would be shielded from the view of the majority of the neighbouring properties by existing and proposed fencing and vegetation.

Whilst the booth lettering signs would mostly screened from the view of the neighbouring properties, the McDonalds roof arch and roof lettering would be visible above the proposed fence. However, these would be set against the backdrop of the proposed main restaurant property and at 600 candelas/m² is considered to be of low luminance and would have minimal impact in this medium brightness (urban location) area.

Highways and Public Safety

It is considered there would be no impact on highway safety as a result of the booth signs and along the course of the drive-thru lane, set within the boundary of the application site, and not accessible from the main highway. The signs are strategically placed to attract the attention of users of this lane and would not include text or images that are likely to distract drivers or members of the public not using the drive thru lane.

Local Highways Officers have no objections to the proposed signage.

Conditions will be included to retain static illumination and regarding the level of illumination.

Conclusions and Reasons for Decision

The proposal is consistent with the branding of this chain of restaurant, in similar locations and are considered would not have an adverse impact upon the proposed building and the proposal does not present an adverse effect to the visual amenities or character of the area. The specified illuminance levels would be acceptable within urban zone E3, in accordance with: 'The institution of Lighting Engineers, Technical Report Number 5' document, which can be conditioned. Therefore, the proposal is in accordance with UDP policies ENV11, ENV32 and ENV36.

The location and orientation of the proposed advertisement means that proposed signs are unlikely to result in an adverse impact to public and highway safety, subject to the appropriate planning conditions being attached.

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

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

Conditions and Reasons

1. The adverts are hereby approved for 5 years during the period of 09-02-2024 – 09-02-2029.

Reason: Pursuant to the requirements of Part 3 Section 14(7)(8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Proposed Roof Advertisement Plan Rev C received 11/07/2023
- Roof Letters & Arches received 06/06/2023
- Proposed Building Signage Elevations received 06/06/2023
- Location Plan received 06/06/2023
- Drive Thru Letters Sign Details received 06/06/2023
- Digital Unit Micro received 06/06/2023

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. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed 600 candelas/m² luminance levels at any time.

Reason: To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

Notes for Applicant

None.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 2d

Reason for bringing to committee

Called in by Councillor Andrew on grounds that there is significant public interest in this application which requires consideration.

Application Details

Location: BUFFET ISLAND, QUESLETT ROAD, GREAT BARR, BIRMINGHAM, B43 7TN

Proposal: THE INSTALLATION OF A FREESTANDING 12M HIGH TOTEM SIGN.

Application Number: 23/0690

Case Officer: Stephanie Hollands

Applicant: MCDONALD'S RESTAURANTS LIMITED

Ward: Pheasey Park Farm

Agent: Planware Limited

Expired Date: 01-Aug-2023

Application Type: Advertisement Consent

Time Extension Expiry: 28-Jun-2024



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

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

Proposal

The installation of a freestanding 12m high totem sign on a new proposed Mc Donalds restaurant with Drive-thru at Buffet Island, Queslett Road, Great Barr.

The application proposes:

SITE SIGNAGE SCHEDULE - ERDDS SIGNAGE								
ADVERT REF	QTY	SIZE (mm)	MATERIALS	COLOUR	HEIGHT (mm) ABOVE GROUND	EXTENT (mm) OF PROJECTION	HEIGHT (mm) OF TEXT	ILLUMINATION
Drive Totem 2 (12m)	001	1920 x 12000	PPC Aluminium Totem Sign in RAL 6015 and Timber effect, with moulded Yellow acrylic internally illuminated "Golden Arch" to both sides.	Khaki, Timber, Yellow & White	12000	N/A	VARIES	[STATIC - Max. 600cd/m ²]

All static internal illumination to illuminance level 600cd/m².

Site and Surroundings

The application site is located to the northwest quadrant of the roundabout junction of the A4041, B4149, Collingwood Drive and Romney Way. The site fronts onto the roundabout junction but is separated by a dedicated bus stop. Access is from both Collingwood Drive to the South and Romney Way to the north.

The application site is predominantly laid out to formal carparking on the northern, eastern and southern boundaries, with the building located towards the back (west) of the site. A landscape buffer sits behind the building. A small landscape buffer fronts the site against the bus stop and thereafter, the roundabout.

The building itself is of two storey brick and tile design, dating back to the 1930's period. The main frontage returns at either end with two short two storey wings. A number of extensions have been constructed to the rear of the building. A prior notification decision was approved on 7th September 2022 for the demolition of the building (22/1125).

The immediate surrounds are residential in nature, generally built in the same period or later than the subject site. Pavements are generally wide, and many gardens have been laid to parking. The wider area includes a commercial area 200m to the south. This is repeated further afield, with Asda located on the roundabout to the south.

Relevant Planning History

Application ref	Description	Decision	Date
05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005

07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
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23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0689	Installation of 2 no. Fascia signs, 3 no. booth lettering signs and 1 no. digital booth screen.	Under Assessment	
23/0688	Installation of various site signage including 4 no. freestanding signs, 3 no. Banner units, 1 no. playland sign and 31 no. dot signs comprising 4 no. accessible bays, 2 no. parked order bays, 2 no. no entry, 10 no. pedestrian crossing, 3 no. give way, 5 no. Look left and 5 no. rook right.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *“it is considered that the proposed development may be supported in principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised.”*

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- (a) include the particulars specified in the form; and
- (b) send with the application (whether electronically or otherwise) a plan which—
 - (i) is drawn to an identified scale,

- (ii) shows the direction of North,
- (iii) identifies the location of the site by reference to at least two named roads, and
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(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

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(ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Power to deal with applications

14.— (1) Where an application for express consent is made to the local planning authority, the authority may—

(a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

(b) refuse consent; or

(c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

(a) for the display of a particular advertisement or advertisements with or without illumination;

(b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or

(c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

(a) regulating the display of advertisements to which the consent relates;

(b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;

(c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

(a) such period as the local planning authority may specify in granting the consent; or

(b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

(a) the date of the commencement of the display; and

(b) a specified date not later than 6 months after the date on which the consent is granted.

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 4 – Decision Making**

- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF 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.

Local Policy

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Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV7: Countryside Character
- ENV11: Light Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- ENV36: Poster Hoardings
- ENV37: Small Poster Panel Advertisements

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW9 High Quality Public Realm

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

The institution of Lighting Engineers, Technical Report Number 5: *Brightness of Illuminated Advertisements*.

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)
- E4 – High district brightness areas (eg town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m²)

Illuminated Area (m ²)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Consultation Replies

Environmental Protection: No objection. There are no significant noise, contaminated land, or air quality impacts associated with this application.

Local Highways Authority: No objection.

Public Lighting: No objection. The dimensions of the lit portion of the sign and its proposed luminous intensity are in line with PLG05.

Representations

No comments received.

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

The application relates to the installation of an internally illuminated freestanding 12m high totem sign relating to for 23/0669 which seeks permission for the erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping, and associated works, including Customer Order Displays (COD) and a play frame.

This proposal is purely for an internally illuminated freestanding 12m high totem sign. The sign reflects the corporate branding of this chain of restaurant, in similar locations to the existing signage and is considered would not have an adverse impact upon the visual appearance of the area.

The Institution of Lighting Engineers Technical Report No. 5 (2nd Edition), "Brightness of Illuminated Advertisements" recommends in areas of low district brightness such as small village locations, a maximum lighting luminance of 600 candelas per square metre. The proposal at 600 candelas/m² is considered to be of low luminance and would have no impact in this medium brightness (urban location) area.

The proposed totem would be partially shielded from the view of the majority of the neighbouring properties by existing and proposed fencing and vegetation.

Whilst the proposed totem will be visible above the fence, visible from habitable windows of this property, it is considered the illumination from the sign would be seen in the context of the existing street lighting of the roadway. The 600 candelas/m² is of low luminance and would have minimal impact in this medium brightness (urban location) area. Therefore, on balance it is considered that proposed totem will limit direct impacts from illumination of the neighbouring property.

Highways and Public Safety

It is considered that there would be no impact on highway safety as a result of the totem sign which will be set back from the Highway. It is considered it poses minimal risk of harm to highway and public safety and Local Highways Officers have no objections to the proposed signage.

Conditions will be included to retain static illumination and regarding the level of illumination.

Conclusions and Reasons for Decision

The proposal is consistent with the branding of this chain of restaurant, in similar locations and are considered would not have an adverse impact upon the proposed building and the proposal does not present an adverse effect to the visual amenities or character of the area. The specified illuminance levels would be acceptable within urban zone E3, in accordance with: 'The institution of Lighting Engineers, Technical Report Number 5' document, which can be conditioned. Therefore, the proposal is in accordance with UDP policies ENV11, ENV32 and ENV36.

The location and orientation of the proposed advertisement means that proposed signs are unlikely to result in an adverse impact to public and highway safety, subject to the appropriate planning conditions being attached.

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Advertisement Consent Subject to Conditions and subject to...

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

Conditions and Reasons

1. The adverts are hereby approved for 5 years during the period of 09-02-2024 – 09-02-2029.

Reason: Pursuant to the requirements of Part 3 Section 14(7)(8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Sign 1 – Scale 1:50 DT2 12m Totem received 06/06/2023
- Location Plan (Signage Application 2) received 06/06/2023
- Block Plan Rev C (Signage Application 2) received 06/06/2023

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. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed 600 candelas/m² luminance levels at any time.

Reason: To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

Notes for Applicant

None.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 3

Reason for bringing to committee

Applications on Council owned land or Council assets where the Council intends to 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

A petition has been received objecting to this proposal with 72 signatories.

Application Details

Location: LAND ADJACENT TO 2 THORPE ROAD AND CAR PARK, SPOUT LANE, WALSALL

Proposal: THE PROPOSED ERECTION OF 5 NO. 3 BEDROOM HOUSES AND 1 NO. 4 BEDROOM DETACHED HOUSE WITH OFF-STREET CAR PARKING ON A VACANT AREA OF LAND ON THE LAND ADJACENT TO SPOUT LANE, WALSALL.

Application Number: 22/1692

Case Officer: Helen Smith

Applicant: Zanna Priest

Ward: Palfrey

Agent: Jessica Ward

Expired Date: 03-Mar-2023

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

Time Extension Expiry: 26-Mar-2024



Crown Copyright and database rights 2022 Ordnance Survey 100019529

Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to;

- Further bat survey on northern redbrick wall
- The amendment and finalising of conditions.
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- Addressing the outstanding biodiversity comments raised by the council's ecologist.

Proposal

This planning application seeks planning permission for the construction of 5 no. 3 bedroom houses and 1 no. 4 bedroom detached house on a vacant area of land on the land adjacent to Spout Lane, Walsall. This is a revised scheme with a reduction of the number of proposed residential units from 8 to 6.

The proposal includes a terrace of 3 no. terraced dwellings (plot no's 3 to 5) and a pair of semi-detached houses (plot no's 1 and 2) fronting Spout Lane. A detached house would be positioned on a linked plot of derelict land located between 2 & 2b Thorpe Road and 22 West Bromwich Street (plot no. 6).

Plot no's 1 to 5 would each have a provision of two off-street parking spaces and plot no. 6 would have 3 off street parking spaces. Parking for plot no's 4 and 5 would be located to the rear of plot 5 towards the end of this part of Spout Lane cul de sac.

Plots 1 to 5 would have small front gardens with their private amenity space to the rear. Private amenity space areas for these proposed dwellings would range in area from 51 sq. metres (plot 4) to 206 sq. metres (plot 1). Plot no. 6 would have a private amenity space measuring 236 sq. metres.

Rear garden boundaries would be defined by 1.8 metres high close boarded timber fencing with concrete posts and gravel boards. 0.9 metres high metal railings and gates would separate front gardens from public footpaths.

The proposed new dwellings would have gable roofs and be built of brick with an exterior render finish at first floor.

Front and rear facing habitable room windows are proposed for the new dwellings and proposed side facing windows would serve non-habitable rooms.

The application is supported by the following documents:

Design and Access Statement
Transport Statement
Heritage Impact Statement
Arboricultural Impact Assessment
Biodiversity Net Gain Information
Preliminary Ecological Appraisal Report
Refuse (Vehicle)Tracking Plan

Site and Surroundings

The application site is a large irregular parcel of land located between Spout Lane and Thorpe Road. This section of Spout Lane is a cul de sac and temporary fencing currently encloses the application site fronting Spout Lane.

Spout Lane is an unclassified adopted cul -de-sac with a 5.5m wide carriageway and 1.8m wide footways either side. There are junction protection 'No Parking' restrictions around the junction with West Bromwich Street. Thorpe Road is an unclassified adopted predominantly terraced style residential street which has a 7m wide carriageway and 1.8m wide footways either side.

To the south-east of the application site are terraced dwellinghouses no's 2 to 14 Thorpe Street. On the opposite side of Spout Lane to the north-west of the application site is the former Royal Oak PH, club house and a hand car wash facility to the rear. There are three storey residential flats to the south-west of the application site. Fronting West Bromwich Street, to the north-east of the application site are several retail businesses.

The application site is positioned mostly within the boundary of Caldmore Local Centre and is outside the Cannock Chase Special Area of Conservation 15 km Zone of Influence. The Application site is within a Low-Risk Coal Development Area.

The parcel of land on Spout Lane was formerly a car parking area with a former neighbourhood office and there are numerous deciduous trees on the application site. There are no protected trees on the application site however there is a protected Sycamore tree (TPO reference 1/1972) in the neighbouring garden close at 6 Thorpe Road. An approximately 2 metres high boundary wall encloses the application site to the rear of numbers 2 to 6 Thorpe Street. The rear of number 2 West Bromwich Street has a first-floor entrance with external stairs and windows facing the application site.

There are no side facing windows in the side elevation of number 2/2b Thorpe Street. Retail premises on West Bromwich Street have first floor flats with rear facing habitable room windows facing the application site.

Part of the site frontage on Spout Lane shares a boundary with Caldmore Green Conservation Area but the application site sits outside the conservation area. The application site is within Flood Zone 1 with a low probability of flooding.

The proposed site plan advises that there is a redundant Western Power distribution underground cable to the rear of no's 8 to 22 West Bromwich Street and within the application site. An existing Virgin Media duct sits to the west of the site with a 0.6 metres easement as annotated on the proposed site plan.

Relevant Planning History

Land Adjacent to 2b Thorpe Road

BC47634P - Change of Use to carpark (to include demolition of garages) – granted permission subject to conditions 30/12/96.

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 8 – Promoting healthy and safe communities.

NPPF 9 – Promoting sustainable transport.

NPPF 11 – Making effective use of land.

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. 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

GP5: Equal Opportunities

GP6: Disabled People

ENV10: Pollution

ENV11: Light Pollution

ENV14: Development of Derelict and Previously Developed Sites

ENV18: Existing Woodlands, Trees, and Hedgerows

ENV23: Nature Conservation and New Development

ENV25: Archaeology

ENV32: Design and Development Proposals

ENV33: Landscape Design

T7 - Car Parking

T9 – Cycling

T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

CSP4: Place Making

HOU2: Housing Density, Type and Accessibility

ENV1: Nature Conservation

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV8: Air 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

T5: Highway Improvements

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

Consultation Replies

Clean and Green – No objections subject to highway recommendation being conditioned to allow access for bin lorries.

Conservation Officer – No objections subject to conditions

Ecology – Biodiversity matters to be resolved and updated at the committee meeting.

Environmental Health – No adverse comments received.

Environmental Protection – No objections subject to conditions requiring the provision of a construction environmental management plan, ground contamination survey and acoustic assessment along with the inclusion of informative notes for the applicant.

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. This can be included as an informative note.

Local Highway Authority – No objections subject to the inclusion of planning conditions and an informative note.

Police – No objections and security recommendations made which can be included as a planning condition for the applicants along with an informative note.

Severn Trent Water – No objections subject to the inclusion of a drainage condition and informative note for the applicant.

Strategic Planning Policy – No objections on planning policy grounds.

Representations

(Local Planning Authority comments in brackets and italics)

A petition entitled “We Support a Car Park in Spout Lane” has been forwarded by Councillor Bashir with 72 signatures. The petition is in support of a car park on Spout Lane rather than a housing development.

In addition to the petition objections have been received from 6 neighbours on the following grounds:

Poor security *(a security planning condition can be included if approved as recommended by the Police)*

Traffic and parking congestion

Untidy site *(the re-development of this derelict site is considered would improve this situation)*

Loss of parking

Increased pollution *(the installation of electric vehicle charging points would be required by Building Regulations)*

Impact on local services such as GPs, schools from increased population *(the proposal is only for 6 additional affordable dwellings located within a Local centre and it is considered that any increased demand on local services is likely to be limited).*

Detrimental impact on local businesses *(the application site is located within a Local Centre with access to sustainable transport options and it is considered that any additional impacts on local businesses is likely to be limited)*

Car park needed for shoppers and an approach was made to the council’s Asset Management Team expressing interest to purchase the land for car parking. *(A report was taken to Cabinet on 20 April 2022 which set out that interest had been received on the possible use for car parking and also for affordable housing. It was decided at Cabinet to dispose of the land for affordable housing only).*

Access to private garage from Spout Lane *(10 Thorpe Road) this would be a private legal matter between landowners however amended plans indicate that access to the garage at no. 10 would be maintained)*

Impact on trees and wildlife

17 spaces may be created for new houses, but existing street parking would be lost *(the Local Highway Authority has no objections, and the application site is located within a local centre with access to sustainable transport options).*

Access for bin lorries, fire trucks and large vehicles

Noise and disturbance during and after construction

Determining Issues

Principle of Development

Heritage Assessment

Design, Layout and Character of the Area

Amenity of Existing and Future Occupiers

Highways

Ecology
Trees
Ground Conditions and Environment
Local Finance Considerations

Assessment of the Proposal

Principle of Development

Most of the application site lies in Caldmore Local Centre and is adjacent to (but outside) the Caldmore Conservation Area. SAD policy SLC2 identifies the site as a development opportunity with formal car parking listed as a suitable use. However, it is understood that the site has been the subject of anti-social behaviour including fly-tipping for many years, including when part of it was formerly used as a car park. Consequently, it is considered that built development can therefore be supported subject to all other matters being acceptable.

SAD policy SLC1 states that housing within local centres will be supported especially where centre uses are proved to be contracting and unlikely to be restored or expanded in the period covered by this plan, provided that the retail / service function of the centre is not prejudiced.

SAD policy HC2 also states that the provision of housing on previously developed sites not allocated for housing by the Plan will be encouraged provided the criteria in the policy are met.

The provision of housing on previously developed land is also supported by NPPF paragraphs 60, 119 and 120.

This application site is in a sustainable location located within a well-established mixed character area close to amenities and services. The NPPF seeks to deliver a wide choice of quality homes to create sustainable, inclusive, and mixed communities.

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 last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Taking into account the aforementioned it is considered that in this instance the principle of the change of use of the land to residential use and the construction of 6 new dwellings is considered appropriate subject to all other matters being satisfactory.

Heritage Assets

The council's conservation officer has commented that a Heritage Statement has been submitted which describes the character of the Caldmore Conservation Area and references poor alterations including modern shop frontages and the installation of UPVC windows.

The Caldmore Conservation Area is listed on Historic England's Heritage at Risk Register as being in a poor condition and whilst the application site is not within the conservation area it is adjacent to this area.

Any new development proposals should seek to enhance and preserve the historic character and appearance of the Caldmore Conservation Area due to the proximity to the conservation area.

The council's conservation officer considers that the proposal would have less than substantial harm to the significance and setting of Caldmore Green Conservation Area, the scale of harm being weighed as low.

The proposed residential scheme is considered enhances the setting of the Caldmore Conservation Area and would enhance the character of the Conservation Area by developing a vacant parcel of land, currently utilised for disposal of waste materials.

The conservation officer has raised concerns regarding the use of UPVC windows and timber is the preferred material for conservation areas. This site sits outside the conservation area, and it is considered that this requirement cannot be conditioned or defended at appeal in this location. A condition to ensure that new boundary railings are finished in colour black can be included.

Design, Layout and Character of the Area

The amended proposal which has reduced the number of dwelling houses on the application site from 8 to 6 no. is considered would provide a more satisfactory residential layout and enable the retention of a greater number of trees on the site. The surrounding area is mixed in character and is defined by residential uses, including terraced, two storey dwelling houses with mostly gable roof designs and three storey flats and first floor flats above retail units.

The proposed houses with a brickwork face and gable roofs would pick up on the characteristics of the properties in the immediate vicinity. The plot sizes are similar in size to neighbouring houses, which has a mixed character, and they are considered to be appropriate for this location.

The proposed position of the detached house on plot no. 6 is set back 1.2 metres from the front elevation of 2/2b Thorpe Road this would provide a narrow separation for occupiers from the public footpath where 0.9 metres high railings would be installed. Whilst this building line differs to the existing building line to the south, it is considered that as it is at the start of a row of terraced dwellings rather than in the centre this dwelling would have a limited impact on the existing character of the area whilst making efficient use of brownfield land.

A planning condition can be included requiring details of the proposed materials to be used to safeguard the appearance of the proposed development, if approved

The design and layout of the development is considered appropriate and in compliance with policy with the exception of the smaller private rear gardens for plot no's 4 and 5. Whilst these are less than the recommended minimum area of 68m² referred to in Appendix D of Designing Walsall SPD, at 51 and 50 sq. metres respectively, it is considered on balance that this is acceptable in this instance as there are Urban Open Space areas located on Camden Street and Palfrey Park within walking distance.

Furthermore, as a presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect it is considered that a shortfall in private amenity space standards in this instance would not support a refusal reason on these grounds.

The proposal is supported by a proposed boundary treatment plan which includes 1.8 metres high timber close boarded fencing and 1.8 metres high timber gates to secure private rear gardens. 0.9 metres high metal railings and gates with a simple vertical design are proposed to define the boundaries in the public realm. These can be conditioned to have a black colour finish.

The proposal demonstrates the re-use of brownfield land and saved UDP Policy ENV14 encourages the reclamation and development of derelict and previously developed land

wherever this is technically feasible. In this instance it is considered that the re-use of this site for residential purposes on balance would be a positive re-cycling of existing under-utilised land within an existing residential area and would help to address fly-tipping issues on the existing site.

Amenity of Existing and Future Occupiers

Plot no's 1 to 5 would face across Spout Lane towards the club house and car wash facility to the rear of the Royal Oak Public House. Proposed rear facing habitable room windows in these plots would face rear habitable room windows in no's 2/2b to 10 (evens) Thorpe Road across a separation distance of 36 metres which exceeds the recommended separation distance of 24 metres between facing habitable room windows referred to in Appendix D of Designing Walsall SPD by 12 metres.

The proposal would meet the aims of the Council's 45-degree guidance, as referred to in Appendix D of Designing Walsall SPD in respect of habitable room windows in plot no's 1 to 6. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The two-storey side elevation of 2/2b Thorpe Road is blank and this would face the proposed side elevation of the dwelling house on plot no. 6. The opposite side elevation of the proposed new dwelling would face first floor habitable room windows in flats above retail premises, no's 20a and 20 West Bromwich Road across a separation distance of 14 metres which exceeds the recommended 13 metres separation distance between habitable room windows and walls more than 3 metres in height, as referred to in Appendix D of Designing Walsall SPD.

The impacts of the proposed new dwellings have been assessed and are considered if supported, would have a limited additional impact on existing neighbours' amenity and would on balance provide an acceptable level of amenity for future occupiers subject to conditions for additional security measures being installed in the homes to assist in protecting future occupiers, such as upgraded windows, doors, boundary treatments, external lighting and alarms to name a few.

To protect resident's amenity a planning condition would be included to remove householder permitted development allowances for extensions and roof alterations not included as part of this proposal because of the limited garden size for plot no's 4 and 5.

The application site plan includes recycling/refuse/garden bin storage in the proposed rear gardens and bins will need to be present on the footpath on the bin collection day.

To protect existing residents' amenity during any approved construction works the submission of a Construction Environment Management Statement could be conditioned 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 and to control the environmental impacts of the development.

Highways

The Local Highway Authority have commented that new dropped kerb vehicle accesses are proposed to serve the parking spaces to the new dwellings. A turning facility in Spout Lane is proposed to facilitate a turning manoeuvre for a refuse collection vehicle. To control potential indiscriminate parking in the turning area and the approach along Spout Lane, the Local Highway Authority have advised that they will require that the turning area is adopted as publicly maintainable highway and controlled by the implementation of double yellow 'No

Parking' restrictions together with extended double yellow 'No Parking' restrictions on Spout Lane.

The Local Highway Authority have commented that on street parking is prevalent long Spout Lane which is not unexpected being within the Local Centre. However, in order to restrict on-street parking on Spout Lane to facilitate unimpaired vehicle access to the site's new turning facility for the refuse collection vehicle and emergency vehicles, the existing No Parking restrictions are required to be extended along Spout Lane to beyond the development by the Local Highway Authority.

This requirement will need to be delivered by a Grampian condition as the Spout Lane element of the development cannot be supported by the Highway Authority unless the new parking restrictions are implemented.

The single dwelling on Thorpe Road can be exempted from the Grampian Condition if it is expedient to do so as it is not affected by the Traffic Regulation Order (TRO) requirement.

Two parking spaces per dwelling is proposed which accords with T13 parking policy.

A Traffic Regulation Order will be necessary to control on street parking on Spout Lane to allow unfettered access for emergency vehicles and the refuse collection vehicle. This would be via the Traffic Regulations Act and not planning legislation.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF December 2023 paragraph 115.

Notwithstanding the details shown on Amended Proposed Site Layout – Option 2 plan, drawing 103 Rev G, the parking spaces to Plot 1 shall be slightly adjusted to provide a 2.4m x 3.4m pedestrian visibility splay, clear of all structures and planting above 600mm in height above highway footway level.

This is to ensure drivers emerging from the parking spaces are not blind to approaching pedestrians due to the adjoining third party 1.8m high boundary wall. This is particularly important as there are a relatively high number of pedestrian movements at this Local Centre location.

Considering the comments above, the Local Highway Authority supports the proposal, subject to the inclusion of recommended planning conditions in respect of visibility splay, parking, hard surfacing and drainage, footway crossing and construction environmental management statement. The applicants have agreed to the requirement of a TRO in principle.

Ecology

The planning application is supported by a preliminary ecological appraisal report which concludes that the application site has low bat roosting potential however the report recommends that no works within the proximity of a northern redbrick mortar wall on the site should commence until further survey work is carried out. This northern wall has a cavity, missing mortar and holes leading to potential crevices that may be utilised by crevice dwelling bats.

The preliminary ecological appraisal report recommends further mitigation in respect of amphibians and hedgehog during habitat clearance, landscaping to include native vegetation, bird boxes, lighting consideration for bats and precautionary working methods for badgers. The

report concludes that the site has limited floristic diversity and little value for fauna. Specific enhancement recommendations for the site include the following:

Planting of linear features such as hedgerows and trees between garden plots where possible, to add commuting features within the site.

The inclusion of 'hedgehog highways' to facilitate movement across the site. This includes holes of 13 x 13cm at the bases of fence panels, leaving a sufficient gap beneath gates and/or leaving brick spaces at the bases of brick walls.

These enhancement recommendations can be conditioned if the proposal is supported.

The council's ecologist has advised that to meet the requirement of the NPPF this proposed development is required to only show a net gain in biodiversity from the proposed development. This requirement has been in place since the amendments to the NPPF and sit separately to the mandatory BNG outlined within the Environment Act. As such use of the DEFRA metric is not a requirement in this instance.

Currently the proposals as they stand from the proposed site layout and ecological report suggest that there will be a significant net loss on site because of the development.

As such the ecologist would seek for the consideration to be taken by the applicant to look at the proposals to see how net gain can be met. This could potentially be met through the incorporation of native species, the retention and enhancement of existing habitats or through changes in the landscape design. This aspect will be updated at planning committee.

Trees

This planning application is supported by an arboricultural impact assessment report dated 06/02/24. The report comments that the site has a large open area of hard standing with mature trees located in small landscape areas around the perimeter of the site highly visible from Spout Lane.

The proposed design has sought to incorporate the existing trees and minimise the requirement for tree removal as far as possible. 4 no. category B trees in total would require removal, identified as T7, T8, T10 and T11. A planning condition can be included requiring the provision of a landscaping scheme with replacement planting of a suitable native species.

The arboricultural impact assessment report advises that there are several areas of extensive hard surfacing on the application site and within the root protection zones (RPAs) of retained trees namely T1, T2, T3, T4, T8, T9 and T13. The report advises that if the removal of these areas is undertaken with care the proposal should not have a detrimental impact upon the retained trees.

Construction plot no's 1, 2 and 5 will require some excavation within the RPAs T9 and T12 (both London Plane). To prevent damage full details of tree protection and construction methods should be conditioned.

Ground Conditions and the Environment

Environmental Protection officers have advised that they have no information regarding ground conditions on the site, historical land uses (other than from maps), and no information was supplied in support of the application regarding any contamination or ground gas issues on the site.

Environmental Protection advise that prior to any works commencing on the site, the applicant will need to undertake an investigation, which depending upon the findings of the first stage (desktop review), may or may not require additional ground investigations. This can be conditioned.

Environmental Protection comment that the installation of electric vehicle charging points will be required as Building Control Regulations were updated in June 2022, introducing requirements for electric vehicle charging points within England, Building Regulations 2010, Approved Document S, 'Infrastructure for the Charging of Electric Vehicles'.

Environmental Protection have commented that the application site may be affected by noise from the activities located opposite the site on Spout Lane (hand car wash and social club). There are other nearby residential premises to the proposed site, and it is considered that a noise survey would be warranted in this location. This can be conditioned.

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 6 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 weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

This is a previously developed site is situated in a mixed commercial/residential area and is in a sustainable location with access to public transport. The principle of residential development of the site is therefore considered appropriate and complies with policies HOU2 and CSP4 of the BCCS, Policy HC2 of the SAD and ENV14 of the UDP.

The proposed amended layout is considered acceptable and in compliance with policies GP2, ENV32 and T13 of the UDP and Appendix D of Designing Walsall.

The design of the new properties is considered appropriate and includes key characteristics of the surrounding properties and would comfortably within the street scene, in compliance with policy ENV32 of the UDP.

Access and parking arrangements would comply with policies GP2 and T13 of the UDP.

It is considered that the development would have a limited impact on the amenities of surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

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 spoken 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

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

Further bat survey on northern redbrick wall

The amendment and finalising of conditions.

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

Addressing the outstanding biodiversity comments raised by the council's ecologist.

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: This development shall not be carried out otherwise than in conformity with the following approved plans: -

Location Plan, drawing no. SL-BTP-00-LP-DR-A-4115_100, deposited 13/03/24.

Site Plan as Existing, drawing no. SL-BTP-00-DR-A-4115_101, deposited 13/03/24.

Arboricultural Impact Assessment Report dated February 2024, deposited 13/03/24.

Preliminary Ecological Appraisal, dated January 2024, deposited 13/03/24.

Refuse Tracking, drawing no. 27930_08_020_01, deposited 13/03/24.

Transport Statement dated March 2024 ref 27930-TRAN-0801, deposited 13/2/24.

Proposed Site Plan-Option 2, drawing no. SL-BTP-00-ZZ-DR-A-4115_103.G, deposited 13/03/24.

Proposed Boundary Plan, drawing no. SL-BTP-00-ZZ-DR-A-4115_116.B, deposited 13/03/24.

Demolition Site Plan, drawing no. SL-BTP-00-DR-A-4115_104.A, deposited 13/03/24.

Design and Access Statement Rev. A deposited 13/03/24.

Heritage Impact Statement, Rev. A 5/3/24, deposited 13/03/24.

Proposed Elevations – 3B5P Semi-Detached, drawing no. SL-BTP-00-E-DR-A-4115_113.D, deposited 13/03/24.

Proposed Elevations-3B5P Terrace with Aspect View, drawing no. SL-BTP-00-E-DR-A-4115_111.D, deposited 13/03/24.

Proposed Elevations-4B6P Detached, drawing no. SL-BTP-00-E-DR-A-4115_109.D, deposited 13/03/24.

Proposed Floor Plans-3B5P Semi-Detached, drawing no. SL-BTP-00-ZZ-DR-A-4115_112.D, deposited 13/03/24.

Proposed Floor Plans-3B5P Terrace with Aspect View, drawing no. SL-BTP-00-ZZ-DR-A-4115_110.D, deposited 13/03/24.

Proposed Floor Plans-4B6P Detached, drawing no. SL-BTP-00-ZZ-DR-A-4115_108.D, deposited 13/03/24.

Proposed Elevations-4B6P, drawing no. SL-BTP-00-E-DR-A-4115_107.D, deposited 13/03/24.

Proposed Elevations 00-5no. 3B5P, drawing no. SL-BTP-00-E-DR-A-4115_105.E, deposited 13/03/24.

Indicative Below Ground Drainage Layout, drawing no. 5018961-RDG-XX-ST-PL-C-0502-P01, deposited 21/12/22.

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 and prior to the commencement of the development hereby permitted, the existing double yellow 'No Parking' restrictions shall be extended on both sides along Spout Lane to include and go beyond the development's proposed new turning facility, the full extent of which to be agreed in writing and in advance with the Local Highway Authority. The full cost of the new Traffic Regulation Order to facilitate the imposition and implementation of the No Parking restrictions shall be met by the applicant (*see Highway Authority Informative Note to Applicant no. 4*).

Reason: To ensure that access to the development for Emergency and Refuse Collection vehicles shall be maintained at all times and in accordance with saved UDP policies GP2 and ENV32 and SAD policy T4.

4. Notwithstanding the details submitted and prior to the commencement of the development hereby permitted shall not be carried out otherwise than in accordance with the installation a vehicle footway crossing to align with the new access shall be installed to the satisfaction of the Highway Authority including the removal and reinstatement back to full kerb height of any vehicle footway crossing made redundant as a result of the development (see Local Highway Authority Informative Note no. 2)

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2 and SAD policy T4 and in the interests of highway safety.

5. i) Prior to the commencement of development hereby permitted a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

5. ii) Prior to the commencement of development hereby permitted a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

5. iii) Prior to the commencement of development hereby permitted a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)

5. iv) The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

5. v) If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and approved in writing by the Local Planning Authority.

5. vi) A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

5. vii) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework and saved UDP policies GP2 and ENV10.

6. a) Prior to the commencement of development hereby permitted 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 Informative note*)
- ii. Parking and turning facilities for vehicles of site operatives and visitors.
- iii. Loading and unloading of materials.
- iv. Storage of plant and materials used in constructing the development.
- v. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway.
- iv. Measures to prevent flying debris.
- v. Dust mitigation measures
- vi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- vii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures.
- xiii. Re-covering of holes, mammal escape ladders from holes, tree/hedgerow protection, newts, bats, badger protection.

6. b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement 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 and to control the environmental and highway impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan BCCS policy ENV1, and SAD policy T4 plus NPPF paragraphs 180 and 191 & the Natural Environment SPD.

7. a) Prior to the commencement of development hereby permitted an acoustic assessment shall be undertaken to determine whether there may be any noise impacts from the businesses located opposite the site.

7. b) The acoustic report shall be submitted to the Local Planning Authority in writing, and mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority to ensure that future occupants will not be significantly affected by noise.

7. c) The agreed acoustic mitigation measures shall be installed/undertaken as approved by the Local Planning Authority prior to occupancy and maintained for the lifetime of the development.

Reason: To ensure future occupants will not be subjected to excessive noise, thereby protecting their health, and to ensure nearby businesses will not be subjected to undertaking improvements due to new residential premises and in order to protect the amenities of the future occupiers of the premises.in compliance with Policies GP2, ENV10 and ENV32 of the UDP.

8. 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.

8. 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.

8. c) The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and reduce the risk of creating a flooding problem and to minimise the risk of pollution and to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF14, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

9. Prior to commencement of the development hereby permitted including any site preparation, site clearance or bringing onto site of machinery or materials shall not be carried out otherwise than in accordance with the approved tree protection measures recommended Arboricultural Impact Assessment dated February 2024, deposited 13/03/24 on page no's 8 to 9 inclusive and the approved tree protection measures shall thereafter be retained for the entire construction period.

Reason: To safeguard the existing trees on the site in accordance with saved policy ENV18 of Walsall's Unitary Development Plan.

10. a) Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape work and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

10. b) Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

10. c) If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it , is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17, ENV18 and ENV33 of Walsall's Unitary Development Plan.

11. a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

12. Notwithstanding the details shown on the Proposed Site Plan-Option 2, drawing no. SL-BTP-00-ZZ-DR-A-4115_103.G, deposited 13/03/24 and the first occupation of any dwelling an amended plan shall be provided amending the parking spaces to Plot 1 to provide a 2.4m x 3.4m pedestrian visibility splay, clear of all structures and planting above 600mm in height above highway footway level.

Reason: This is to ensure drivers emerging from the parking spaces are able to see approaching pedestrians due to the adjoining third party 1.8m high boundary wall and in accordance with saved UDP policy ENV32 and BCCS policy T4.

13. Prior to occupation of the development hereby permitted on the Spout Lane element of the development, the proposed refuse and emergency vehicle turning facility as shown drawing no. 27930_08_020_01, deposited 13/03/24 shall be fully implemented to the satisfaction of the Highway Authority. The turning facility shall be offered for adoption as publicly maintainable highway and include tactile pedestrian crossings to provide a continuous fully accessible pedestrian route across the site frontage (see Local Highway Authority Informative Note no. 2).

Reason: To ensure that access to the development for emergency and refuse collection vehicles can be always maintained and in accordance with saved UDP policy ENV32 and BCCS policy T4.

14. a) The development hereby permitted shall not be occupied until the parking spaces serving that dwelling shall be fully implemented, the spaces being fully consolidated, hard surfaced in tarmac or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

15. b) The parking spaces shall thereafter be retained for the lifetime of the development 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.

16: Notwithstanding the information provided and the first occupation of the development the specific ecological enhancement recommendations referred in in paragraph 5.3.2 on page 17 of the Preliminary Ecological Appraisal Report dated January 2024 shall be implemented and retained for the lifetime of the development.

Reason: To conserve local amphibian, hedgehog, bird, badger populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & the Natural Environment SPD.

17: Notwithstanding the information provided and the first occupation of the development a plan showing the location of bird boxes shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: To conserve local bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & the Natural Environment SPD.

18. Notwithstanding the information shown on submitted plans, the boundary railings hereby permitted on the proposed boundary plan, drawing no. SL-BTP-00-ZZ-DR-A-4115_116.B deposited 13/03/24 shall be finished in colour black and retained as such for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

19. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained for the lifetime of the development;

- All external doors to individual dwellings to be PAS24; 2022
- All ground floor windows and over accessible roofs to be PAS24; 2022
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- Dusk until dawn lights (white light source) to be installed adjacent to each external door
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter of each dwelling.
- All garden access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids
- No Lead or metal shall be used on the ground floor.
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All energy meters shall be placed at the front of the dwellings

Reason: To ensure the safety and security of the development and its occupiers, given the isolated nature of the development in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan. (See *Police Informative Note*)

20. Notwithstanding the details submitted of the development hereby permitted and 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, the proposed side facing windows in Plot no. 6 shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the window[s] shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

21. 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 side facing windows, doors, or other openings other than those shown on the approved plans, 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 policy GP2 of the Walsall's Unitary Development Plan.

22. 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.

- Class AA enlargement of a dwellinghouse by construction of additional storeys
- Class A (enlargement, improvement, or other alterations),
- Class B (additions to the roof),
- Class C (other alterations to the roof),

shall be installed in any part of this hereby approved development.

23. a) 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.

23: 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 and policy ENV1 of the BCCS.

Notes for Applicant

Environmental Protection Informative Note

Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive, and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Electric Vehicle Charging Points Informative Note

Building Regulations 2010, Approved Document S, 'Infrastructure for the Charging of Electric Vehicles', requires for the installation of charging points for new residential buildings. The Applicant is strongly advised to contact their Building Control provider and their architect to discuss requirements and implement these.

Consideration of the Future Homes Standard (not yet fully adopted) is warranted. This Standard will ensure that new homes built from 2025 produce 75-80% less carbon emissions and is likely to be enforced via modifications to existing Building Control Regulations. This may result in the eventual phasing out of new gas boilers therefore, Developers/Applicants should consider all alternatives for providing heating to their properties, not just those using gas.

Local Highway Authority Informative Note

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is the most appropriate, with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk

The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

The costs for the alterations of the TROs shall be fully funded by the Applicant. The applicant is advised to contact TrafficManagement@walsall.gov.uk in this respect.

Police Informative

Document Q would apply.

Door-sets and windows to PAS 24 standard or higher, currently PAS24:2022.

'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->

Compliance with SBD Homes Guide including below.

There should be fencing and gates to the front building lines.

(Frontage parking is preferred to side parking which is more hidden).

(SBD Homes 2019 Page 19 10.4)

Clear boundary demarcation.

Particularly corners preventing cut across desire lines access. (Low fencing can be considered).

(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 24:2022).
- 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.

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

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: 2022 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

Cycle stores, approved products. (SBD Homes 2019 page 68, 56).

Severn Trent Water Informative Note

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required, there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

SITE SPECIFIC COMMENTS: Having viewed the submitted "Indicative Blow Ground Drainage Layout" (drawing: 0502 Rev: P01) we would request the above drainage condition is applied. Foul sewage is shown to discharge to the public combined sewer (manhole 2405), with surface water proposed to discharge to the public surface water sewer (manhole 2551) at a proposed discharge rate of 2litres/second. For your information, before we would consider a connection to the public surface water sewer for surface water discharge, we would request that soakaways and other SuD techniques 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 2litres/second.

IMPORTANT NOTE: This response only relates to the public wastewater network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note if you wish to respond please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. If the query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of the Planning Liaison Technician.

Fire Officer Informative Note

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 dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling house. 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

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.

3.8.4 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)

First Page of the Petition

WE SUPPORT A CAR PARK IN SPOUT LANE

NAME	ADDRESS	EMAIL - TEL	SIGNATURE
RASHID MAHMOOD	8 THORPE RD		
AYAZ RIAZ	159 WALSTEAD ROAD		
Mohammed Hulem	28 Little Lunds		
Tarzila Hameed	4 edward street		
MOHAMMAD RIAZ	15 WHITMORE ST		
WASIM KEYANI	80 AROEN RD		
M. JAHANGIR	25 WEST BARN ROAD		
S Akhter	251 PLECK LANE		
N Sultan	59 DEBAMERE DRIVE		

This petition is in support of a car park on Spout Lane. The information collected here will be used to campaign for a Car Park at the old Neighborhood Office site in Spout Lane and not a Housing Development. By providing your information you are giving your consent for your personal information to be shared with the decision-making organisations.

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 4

Reason for bringing to committee

Of public interest, potential departure from the development plan

Application Details

Location: THE SNEYD, 67, VERNON WAY, BLOXWICH, WALSALL, WS3 2LU

Proposal: PROPOSED ERECTION OF 3 NO. DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING, GARDENS AND HARDSCAPING WORKS

Application Number: 22/1117

Case Officer: Oliver Horne

Applicant: PSK Pubs Ltd

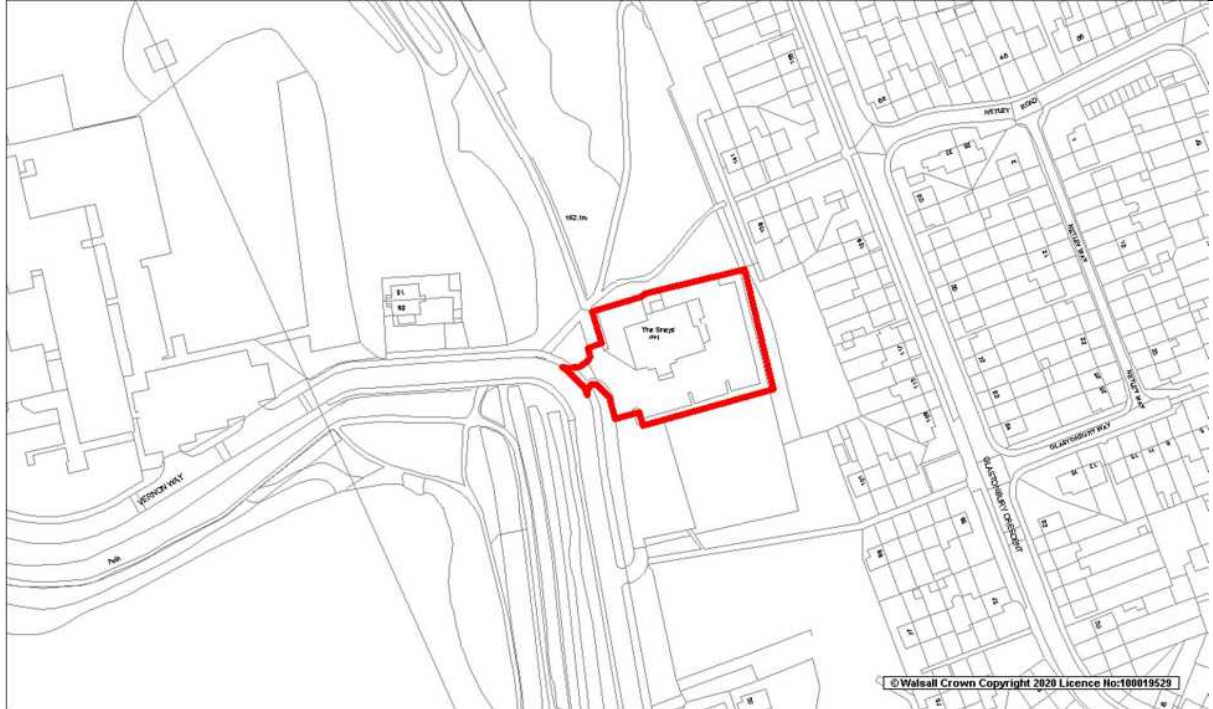
Ward: Bloxwich West

Agent: Jaspreet Bal

Expired Date: 04-Jan-2023

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

Time Extension Expiry:



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Recommendation

Refuse

Current Status

At the Planning Committee meeting of 7th March 2024 Members resolved, 'That application 22/1117 be deferred to a future meeting to provide further opportunity for negotiations between the applicant and officers'.

The following section of this update report will set out any changes since the original report (which follows).

On the 26th of March 2024, the applicant submitted revised plans which included the following amendments:

- 1) Removal of semi-detached pair of dwellings (Units 1 & 2 - House Type A) from proposal
- 2) Amendments to public footpath and greenway
- 3) Alterations to roof profiles of three remaining detached dwellings (Units 3, 4 & 5 House Type B & C)
- 4) Alterations to access drive.
- 5) SAC Section 111 Agreement provided for Cannock Chase Special Area of Conservation (SAC) mitigation.

The planning authority reconsulted consultees for them to consider if the changes had overcome the previous reasons for refusal.

Consultation Replies

Local Highway Authority – The Highway Authority cannot support the proposal in its current form and their concerns have been incorporated into this Addendum Report.

Public Health – No comment

West Midlands Fire Service- No objection. Recommendations made.

Planning Policy – Principle supported on strategic policy grounds.

Coal Authority – No objection subject to conditions

Environmental Protection – No objection, subject to condition.

Natural England – No Objection

Legal Services – Previous green belt objection carried forwards.

Severn Trent Water - No objection subject to conditions

Ecology – Objection. Ecological assessment needs to be updated.

Assessment of Proposed Amendments

- 1) Removal of semi-detached pair of dwellings (Units 1 & 2 - House Type A)
The removal of the proposed pair of semi-detached dwellings from the proposal has reduced the impact of the proposed development on the openness of the green belt. Notwithstanding this, the green belt objection

remains in respect of the proposed three detached dwellings that remain in the proposal.

The existing public house has been demolished and application site cleared leaving just an area of hardstanding. Consequently, any comparison assessment in terms of whether the current proposal represents disproportionate additions to or is materially larger than the former pub is no longer relevant, as the pub no longer exists. Given this current situation, the proposed development of 3 detached dwellings would still have a significantly greater impact on the openness of the Green Belt than the cleared site. The proposal would have an inappropriate impact on the openness of the greenbelt, both visually and spatially and no 'very special circumstances' exist as defined by Paragraph 154g of the NPPF.

2) Amendments to public footpath and greenway and area of open space

Previous concerns regarding the alignment of the public footpath and Greenway to the front of the site have been addressed. Notwithstanding this, no strategy or evidence has been provided for its proposed funding or for its future management and maintenance. Similarly, no strategy has been provided for the future management and maintenance of the open space where the pair of semi-detached dwellings were to be sited within the previous proposal.

3) Alterations to roof profiles of three remaining detached dwellings

The amended roof profiles of Units 3 & 4 (House Type B) have been hipped on both flanks and this is a welcome alteration; however, no amended floor plans have been provided meaning that the current floor plans show an additional bedroom within the roof which can no longer be accommodated.

There remains a concern regarding amended roof profile of Unit 5 (House Type C). The submitted plans now show a hip on the southern flank and a gable on the northern flank. It is unclear as to why both flanks have not been hipped as per the design approach used for Units 3 & 4. Consequently, the proposed unbalanced and bulky roof design poorly relates to the approved adjacent development in terms of its scale, mass and appearance. Overall, all three of the proposed units have an excessively tall roof which is considered disproportionately large for the house types which further impacts on the openness of the green belt.

4) Alterations to access drive

Very minor alterations have been made to the previously proposed access drive with the slight reduction in the unnecessary kink in the road close to its junction with Vernon Way.

2m wide footpaths are proposed around the entire periphery of the access drive; this is unnecessary for the purposes of serving just three dwellings and could be significantly reduced. The access road measuring between 4.4m and 5.0m appears to have been designed around auto-tracking for a Refuse Wagon turning manoeuvre. This is also unnecessary as the layout proposes a refuse collection point close to Vernon Way for use on collection days implying a refuse collection vehicle does not need to enter onto the private access road. The excessive level of hardstanding could be significantly reduced to further lessen the impact upon the openness of the green belt, whilst still providing the required vehicular and pedestrian accessibility for 3 houses.

The orientation of the access road to the dwellings is at an awkward angle which encroaches significantly into the frontage of Plot 3 thereby impeding the off-street parking serving this proposed dwelling. It is not clear why the access road is designed in this manner and simply not squared off to the dwellings.

SAD T13 Parking Policy requires 5 bedroomed dwellings to have 3 parking spaces. Whilst amended elevational drawings show garage doors serving units 3 and 4 (as titled on the site plan), no amended floor plans have been provided for these units to demonstrate whether garage parking would be accommodated within the revised layout. The proposed site layout shows off street parking for only 2 cars for units 4 and 5, which is below the SAD T13 parking policy requirement for 3 spaces. Additionally, the odd angle of the access road serving the dwellings means it encroaches significantly onto the unit 3 frontage effectively reducing off street parking on this unit to 1 space. This is below the parking policy requirement.

- 5) The application has now provided payment towards the necessary Cannock Chase Special Area of Conservation (SAC) mitigation and this objection has been overcome.

Other Issues and Those Outstanding from Previous Submission

Ground conditions and the environment.

The Coal Authority assessment concluded that there is a potential risk posed to the development by past coal mining activity and recommend intrusive site investigations be carried out in order to establish the exact situation in respect of coal mining legacy features. Suggested conditions for inclusion within a planning permission were provided by the Coal Authority, however, as the application is being recommended for refusal on other grounds, and conditions cannot be imposed on a refusal, this risk posed to development also forms a reason for refusal should there be an appeal it can be then considered.

The proposal was also assessed by Environmental Protection, who advised that the site was likely to suffer from localised land contamination. In the event that planning permission were to be approved, it was advised that a condition be imposed requiring investigations and any remediation measures be undertaken before any building work commences on site. However, as the application is being recommended for refusal on other grounds, this risk posed to public health will also have to form another reason for refusal.

Environmental Protection also advised that the site is located within close proximity to an area of the M6 motorway, which is identified as a 'First Priority Area' within the West Midlands Noise Action Plan on account of excessively high traffic noise levels. Environmental Protection advised that subject to all other matters being resolved, a condition could be imposed requiring an acoustic design statement to set out remedial measures to be submitted and agreed with the Council for implementation in any future development. However, again, as the application is being recommended for refusal on other grounds, it would not be expedient to request the undertaking of an acoustic survey, and this risk posed to future occupiers' amenity and wellbeing forms another reason for refusal.

Ecology

The submitted Preliminary Ecological Appraisal was completed on 11th October 2022 with the field survey undertaken on 20th September 2022. While

the report was acceptable at the time, it is now 18 months old. As such the site and habitat present on site would have likely evolved through natural colonisation and to be deemed out of date following CIEEM good practice guidance and the Natural Environment SPD, especially as the site is reasonably remote and opposite the Sneyd Local Nature Reserve. As such the Preliminary Ecological Appraisal is required to be updated to support the application and allow a full assessment of the ecological impact of the proposals. Consequently, this also forms a reason for refusal.

Conclusion

It is accepted that some of the cited reasons for refusal below could potentially be addressed by way of legal agreements, the submission of additional information and/or the imposition planning conditions. However, the applicant has had plenty of opportunity to address the concerns previously raised and presented at the 7 March 2024 planning committee. Moreover, the fact that the proposal amounts to inappropriate development within the Green Belt that cannot be overcome and the totality of this harm caused by the proposed development is considered to be significant the application remains as a recommendation to refuse.

Reasons for Refusal

1. The proposal represents inappropriate development in the Green Belt and the applicant has failed to demonstrate that either very special circumstances exist or that the harm to the openness both spatially and visually has been outweighed by other considerations. The proposal is therefore in conflict with the NPPF 2023 paragraphs 152, 153 and 154, and Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt) of Walsall's Site Allocation Document (SAD).
2. The unbalanced and bulky roof design of proposed Unit 5 poorly relates to the approved adjacent development in terms of its scale, mass and appearance and all three of the proposed units have an excessively tall roof which is considered disproportionately large for the house types which further impacts on the openness of the green belt. Contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
3. The proposed site plan shows only two parking spaces per dwelling being provided for units 4 and 5 and one space for unit 3. UDP Policy T13 (Parking Policy) requires each dwelling to have three parking spaces and no justification for the shortfall in parking has been provided in a relatively remote location with limited access to public transport. The amended access road design has further constrained the opportunity for each of the units to overcome the parking shortfall for the proposal. This would be contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General), T13 (Parking) and ENV32 (Design and Development Proposals) of the Walsall

Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF.

4. The applicant has failed to provide sufficient evidence in the form of proposed funding, management, and maintenance of the Greenway to the frontage of the site, plus the open landscaping of the site following the amendment of the proposal to the future detriment of the visual amenity of the location contrary to Saved Policies GP2, ENV9, ENV17 and ENV33 of the UDP, Policy ENV6 of the Core Strategy, Policy LC5 (Greenways) of Walsall's Site Allocations Document and the NPPF.
5. The applicant has failed to undertake an appropriate investigation to determine the potential presence of land contamination and/or ground gas to address known ground conditions. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented to ensure the site was safe for human habitation. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV14 (Development of Derelict and Previously Developed Sites).
6. The applicant has failed to provide sufficient evidence in the form of a noise survey to determine whether the site is suitable for residential development, including any amenity areas from motorway traffic noise. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection).
7. The applicant has failed to undertake an appropriate investigation to determine the potential risk posed to land stability and public health from former coal mining activity. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented to ensure the site was safe for human habitation. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV14 (Development of Derelict and Previously Developed Sites).
8. The applicant has failed to undertake an up-to-date appropriate assessment to determine the potential risk posed to ecology. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented. The proposal is therefore contrary to Saved Policy ENV22 of the UDP, Policy ENV1 of the Core Strategy, EN1 of the SAD and the NPPF.

THE ORIGINAL REPORT FOLLOWS:

Proposal

Proposed erection of 5 no. dwellings with associated parking, landscaping, gardens and hardscaping works

Site and Surroundings

The application site is located on the outskirts of Bloxwich, approximately 1km northwest from the mainline railway station on the eastern side of Vernon Way. The site measures 0.25Ha and comprises a vacant area of hardstanding following the removal of a former public house.

The character of the area varies considerably from the east to the west of the application site. To the east the area has a suburban feel, characterised by mid-20th Century terraced housing. To the west the land is less developed, with the Sneyd Local Nature Reserve and lake situated to the south and west, and to its north is the Sneyd Community Association and boating / activities lake. Immediately to the south of the site is the former extended car park of the pub where development has commenced in relation planning permission reference 17/0979 for the erection of 3 no. 5-bedroom dwellings, installation of public greenway route, improvements to existing boundary treatments and landscape works. Further south are two isolated houses.

The Councils proposals Map identifies the site as being located within the Mossley/Dudley Fields Neighbourhood, as well as being within a Coal Development High Risk Area and the Green Belt. A public footpath abuts the site to the west where it joins onto Vernon Way and forks northwards and eastwards away.

Relevant Planning History

15/1117 - Outline application for demolition of public house and construction of 21 dwellings and access (access and layout to be considered). – **Withdrawn 4th April 2017**

17/0152 - First floor extension and change of use of vacant pub to 6 bed dwelling. – **Granted 12th April 2017**

17/0979 - Proposed re-development of existing former car park to public house to consist of the erection of 3 no. 5 bedroom dwellings, installation of public greenway route, improvements to existing boundary treatments and landscape works. **Granted 5th December 2018**

19/0220 - Outline application for demolition of former public house and erection of 14 no. apartments with access and layout to be determined. – **Refused 12th June 2019** on the *following* grounds:

1. The proposals represent inappropriate development within the Green Belt and no very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt. As such the proposed development would be contrary to paragraphs 144, 145 and 146 of the NPPF 2018, Policy GB1 of the Walsall Site Allocation Document 2019 and the aims and objectives of the Black Country Core Strategy, in particular Policy CSP2.

2. The proposed layout would create a large building and hardstanding that would dominate the site and its surroundings, be out of character with the street scene and the surrounding pattern of development, adversely impact on the openness and character of the Green Belt and create a poor residential environment for the future occupiers. As such the proposals are considered contrary to The National Planning Policy Framework, policy GB1 of Walsall's Site Allocation Document 2019, policies

HOU2, ENV2, ENV3 and CSP2 of the Black Country Core Strategy and saved policies GP2, H3 and ENV32 of Walsall's Unitary Development Plan.

3. The submission fails to provide accurate up to date evidence about the possible presence of bats, or the impact on their roosts or habitats within the existing building or around the site. The submission is therefore contrary to saved Policy ENV23 of Walsall's Unitary Development Plan and Conserving Walsall's Natural Environment SPD.

4. The site sits within a Development High Risk Coal Area and the submissions fails to include a Coal Mining Risk Assessment to establish the stability of the site for development, which is contrary to Policy ENV14 of Walsall's Unitary Development Plan.

5. The layout of the proposed development would not integrate with the existing built development due to the high density which would be at odds with the surrounding built development along Vernon Way, contrary to the expectations of BCCS policy HOU2. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 56, 58, 60, 61, 64, 79, 87, 88 and 89, The Black Country Core Strategy, policies CSP4, HOU2 and ENV3, and Walsall's Saved Unitary Development Plan policies, in particular GP2, and ENV32.

6. The site sits within a remote location and fails to meet the requirements within Policies T11 and T12 for distance to local shops and public transport facilities and the level of parking proposed fails to meet the requirements of Policy T13 of Walsall's Unitary Development Plan.

7. The proposed building and site layout design, with a single pedestrian access into the building, long corridors to serve all of the flats, front door having limited natural surveillance, lack of detail for securing the site, private amenity exposed to the public realm, lack of detail how the doors and windows of the proposed flats would be secured in a remote location would exacerbate and be at risk of anti-social behaviour to the detrimental impact of future occupiers and public safety. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Policy Framework and the Walsall Council's Designing Walsall Supplementary Planning document.

8. The submission fails to show compliance with Policy LC8 of Walsall's Unitary Development plan to justify the loss of the existing pub as a community facility.

9. The proposal fails to include details of the proposed funding, management and maintenance of the Greenway to the frontage of the site, contrary to Policy LC5 (c) of Walsall's Saved Unitary Development Plan.

10. The submission fails to demonstrate compliance with Policy LC1 of Walsall's Unitary Development Plan and Urban Open Space SPD for the delivery of Urban open Space contribution.

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 8 – Promoting healthy and safe communities**
- **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**

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
- GP6: Disabled People
- ENV7: Countryside Character
- ENV9: Environmental Improvement Initiatives
- 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
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- JP7: Use of Land and Buildings in Other Employment Areas-
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings-
- H4: Affordable Housing parts g, h, i and j
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Community Facilities

Black Country Core Strategy

- CSP4: Place Making

- CSP5: Transport Strategy
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- 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

CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC) GUIDANCE TO MITIGATE THE IMPACT OF NEW RESIDENTIAL DEVELOPMENT (September 2022)

- EQ2: Cannock Chase Special Area of Conservation

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
- 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

Affordable Housing

AH1: Quality of Affordable Housing

- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

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

Public Rights of Way: No objections to the proposed development. There are no Definitive Public Rights of Way across or adjacent to the area of the proposed development and therefore no public rights of way conditions or requirements.

Ecology: No objections on ecological grounds with both Cannock Chase SAC and ecological assessment sufficiently assessed as part of the assessment.

Local Highway Authority– Objections including width of footway, security issues, size and complexity of access point, access to Plot 2 the Greenway and maintenance of public greenspace.

Police Liaison Officer: No objection

Strategic Planning Policy: On balance the proposal can be supported on planning policy grounds, however, the interpretation of Para 154 g) is a matter of legal and planning judgement rather than a policy one.

Environmental Protection: No objections, subject to conditions relating to contamination and the provision of a construction management plan.

Archaeology: No objection

Carden Gas Ltd: No objection subject to an informative being included in any planning approval

Coal Authority: No objection subject to conditions relating to:

- 1) The undertaking of intrusive investigations prior to development taking place
- 2) The provision of a signed declaration by a suitably qualified person confirming safety of site prior to occupation

West Midlands Fire Service: No objections and provide general guidance to be delt with by Building Regulations

Representations

No comments at time of writing

Determining Issues

- Principle of development
- Green belt assessment
- Cannock chase SAC and HRA
- Design, layout and character
- Amenity of neighbours and future occupiers
- Highways
- Ecology and Biodiversity Net Gain
- Ground Conditions and Environment
- Local Finance Considerations
- The Greenway

Assessment of the Proposal

Principle of Development

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 last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Paragraph 70 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Under the provisions of Saved Policy ENV14 of the Walsall Unitary Development Plane, the Council encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible and in accordance with other policies of the Plan. Saved Policy LC8 of the UDP states that the loss of community facilities, including public houses, will only be acceptable in the following four specific circumstances:

- I. There are other existing facilities, in an equally or more convenient location, which could accommodate any community activities displaced by the proposed development; or
- II. A replacement facility could be provided in an equally or more convenient location; or
- III. There is no longer a need for the facility, or for any other community use which could be appropriately provided on the site in accordance with other policies of this Plan; or
- IV. It would not be possible to retain the facility, or provide an alternative community facility because, despite all reasonable efforts, this would not be viable.

Under Objective 2 of the Walsall Site Allocation Document, the Council will strive to deliver sustainable communities through the development of new housing on vacant, derelict, and under-used land (including redundant employment land), as well as the regeneration of existing housing areas to provide a range of homes that meet the needs of all members of the community. Under the provisions of Policy HC2 the provision of housing on other previously developed sites will be encouraged provided

specific criteria are met, such as; the residential development would not conflict with any national or local designation relating to the site itself.

In refusing the previous planning application for a residential redevelopment of the site (19/0220) the principal of the loss of the existing pub as a community facility was included as a reason for refusal, as no justification was provided. In the time that has passed since this application was determined the existing public house has been demolished; this was noted by the Councils Enforcement Officer in March 2023. It is understood that Planning Enforcement have completed their investigation of this potential breach of planning control and no further action is being pursued for the demolition of the building.

As the demolition of the pub has already occurred, saved UDP Policy LC8 no longer applies and so the principal to develop the site is supported by Saved UDP Policies H3, HOU1, HC2, ENV14 and Objective 2 and Policy HC2 of the SAD and the NPPF, subject to satisfactorily addressing other policies, such as Green Belt.

Green Belt Assessment

This site lies in an isolated location within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (para 152 NPPF). Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations (para 153 NPPF).

The NPPF paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, with some exceptions including part 'g' which is set out *below*:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Planning Practice Guidance states that the courts have identified a number of matters which need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume.
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Policy GB1 of Walsall's Site Allocation Document (SAD) states that inappropriate development as defined within the NPPF will not be supported in the Green Belt unless '*very special circumstances*' exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm. Planning permission was approved for a first-floor extension and change of use of the existing public house into a 6-bedroom dwelling (ref. 17/0152); however, this was not implemented. There is no evidence that commencement works safeguarded this consent, and as such this permission is no longer extant, especially as the building that was to be extended has been removed.

In refusing the previous outline planning application for a development of 14 apartments on the site (ref. 19/0220), reason for refusal 1 stated that the proposed development constituted inappropriate development within the Green Belt. The officers report identified the vacant public house was in situ at that time and the officer considered the size, volume and position of the proposed building would adversely impact on the openness and character of the Green Belt. The proposals were larger than the existing pub and amounted to inappropriate development in the Green Belt, for which no very special circumstances were identified, in direct conflict with the NPPF.

The current proposal to erect five dwellings would be smaller in scale than the previous outline proposal, however, it is recognised that the proposed development may not represent disproportionate additions to the previous public house in terms of its floor area (22% increase in GIA). Nevertheless, the impact of the more expansive and prominent nature of the proposals including a new access road, parking and turning area, as well as gardens and new boundary treatments, is more contentious and adds a greater level of domestication to the green belt.

Notwithstanding the above, since the determination of the previous application for development, the existing public house has been demolished and application site cleared, leaving just an area of hardstanding. Consequently, any comparison assessment in terms of whether the current proposal represents disproportionate additions to or is materially larger than the existing pub is no longer relevant, as it no longer exists. Given the current situation, the proposed development of a pair of semi-detached, and 3 detached dwellings would have a significantly greater impact on the openness of the Green Belt than the current open site forming an inappropriate impact on the openness of the greenbelt, both visually and spatially. As the proposal spreads the built form, it is considered the footprint has been disaggregated which has a greater impact on the green belt. The other consideration is the duration of the development and the remediability of the site to an open space. Given the proposal is for housing, it means the level of harm to the green belt will be for a considerably extended time frame. Moreover, the proposed development does not provide for any identified affordable housing need within the area and, therefore, provides no policy backed mitigating circumstances in which the principle of the development of the site

would be acceptable in the green belt. For the reasons given above, the proposed development constitutes inappropriate development that fails to satisfy Paragraph 154 of the NPPF and Policy GB1 of the SAD.

It has been taken into consideration that a similar development proposal (17/0979) for three 5-bedroom dwellings was approved on 5th December 2018 on land abutting the south of the application site, which previously formed the pub car park and is also located within the Green Belt. Given the similarities between the two application sites, the following paragraphs assess the justification for the approval of this application, and its implications, or otherwise, on the current proposal for development. It should be noted that whilst this permission is no longer extant, it has been established that the construction of foundations have been substantially completed and the permission for this development is, therefore, safeguarded in perpetuity.

Planning permission for this adjacent development was recommended for refusal, however, the November 2018 planning committee concluded to approve the application against the recommendation for the following reasons:

- Site is in desperate need of redevelopment for the benefit of the wider community.
- This site has been redundant for a number of years.
- The site has seen increased numbers of antisocial behaviour.
- The site has been a cause for numerous cases of fly tipping.
- The site in question is previously developed land and is in desperate need for development.
- Residents are fully in support of the application.
- The proposals demonstrate the best use of land and bring forward the currently underused site.

The above justifications given by the Committee for approving the 2017 application do not individually or cumulatively amount to 'very special circumstances' as defined by Paragraph 154 of the NPPF. If the current proposal were to be assessed against the same justifications, the following reasoning for non-compliance would apply:

- There is no evidence that delivering some additional open market housing at this location would bring any community benefit and this is not a very special circumstance to outweigh the harm to the greenbelt.
- There are a number of vacant sites in the Borough better placed than this Green Belt site for redevelopment. This is not a very special circumstance for setting aside the harm to the Green Belt.
- The site potential for attracting anti-social behaviour is not a material planning consideration and cannot be used for a very special circumstance. There are other powers to deal with anti-social behaviour.
- If the site attracts fly tipping, the Council has section 215 powers to address this. The potential of fly tipping on a site is not a very special circumstance to overcome the harm to the Green Belt.
- Whilst the site can be considered as previously developed land, now the landowner has cleared the former building the lawful existing development comprises an area of hardstanding. Previously developed land is not a justification for development to overcome inappropriate development in the Green Belt, nor does it form a very special circumstance unless the proposal is judged to cause less than substantial harm, and it would contribute towards meeting an identified affordable housing need. (Para 154g NPPF). The proposal fails on both counts.

- Community support of a development in the Green Belt is not a very special circumstance that can outweigh the harm the development causes to its openness and character.
- The “best use of land” is not a criterion used to address the harm caused to the openness Green Belt set by the government or the courts, nor does it form a very special circumstance. Given the biodiversity depletion across the country, actually improving the natural environment of the site and replanting with diverse local species would be the only way to demonstrate the much-needed improvement to the site.

The assessment of openness, impact or harm must be assessed based on the site as it is and there are several examples of relevant case law. As the building has been demolished, the public house is not now a consideration of the current planning application and the proposal without doubt has a greater impact on the openness of the Green Belt than the current open site. The fact that the land may be considered previously developed land is irrelevant, because the proposed development causes a greater harm/impact on the Green Belt than the existing open site, meaning that the exception provided by paragraph 154g would not apply in this instance.

Given the above reasoning, in terms of Green Belt Policy, the current proposal constitutes inappropriate development in conflict with Policy GB1 of Walsall’s Site Allocation Document and the NPPF and is recommended for refusal.

Cannock Chase SAC and HRA

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 5 dwelling/s. The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”) place a duty on competent authorities (in this case Walsall Council) to consider the potential for effects upon sites of European importance prior to granting consent.

The applicant’s submitted Habitat Regulation Assessment demonstrates that this development would result in an increase in recreational disturbance and significant harm of the SAC.

The mitigation payment of £329.83 (until 31st March 2024) per each net new dwelling is required in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. This payment is non-negotiable.

The applicant completed and submitted the Habitat Regulations Assessment form. Whilst it is likely that the applicant will agree to pay the mitigation payments, this has not yet been arranged by way of a legal agreement and this has been included as a reason for refusal in order to reflect the current situation. It is acknowledged, however, that this refusal reason may be resolved in the event of an approval.

Design, Layout and Character

Paragraph 135 of the NPPF emphasises that policies should, inter alia, seek new development be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting’. Para 139 of the NPPF states ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

BCCS policy CPS4 requires all development to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. UDP Policy GP2 expects all developments to make a positive contribution to the quality of the environment and the principles of sustainable development and will not permit development which would have an unacceptable adverse impact on the environment. Policy ENV32 states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The Urban Design Policies in Walsall SPD gives more detailed guidance with regard to the qualities should be sought from development to create a successful place.

In refusing planning permission for the previous outline planning application on the site (ref. 19/0220), reason for refusal 2 of the decision notice stated the following:

“The proposed layout would create a large building and hardstanding that would dominate the site and its surroundings, be out of character with the street scene and the surrounding pattern of development, adversely impact on the openness and character of the Green Belt and create a poor residential environment for the future occupiers. As such the proposals are considered contrary to The National Planning Policy Framework, policy GB1 of Walsall’s Site Allocation Document 2019, policies HOU2, ENV2, ENV3 and CSP2 of the Black Country Core Strategy and saved policies GP2, H3 and ENV32 of Walsall’s Unitary Development Plan”

The current application has sought to address the above refusal by proposing a significantly reduced redevelopment of the site. Units 3, 4 and 5 as identified on the proposed site plan would conform with the approved building line created by the approved development to the south, and the proposed height and proportions are also comparable. Whilst the general design of the proposed dwellings is broadly in keeping, the proposed dwellings include a gabled roof design which would conflict with the hipped design of the adjacent approved development. Consequently, the proposals would appear bulkier with a perceptible and unwelcome increased scale and mass.

Units 1 and 2 identified on the proposed site plan would sit forward of the building line created by the approved development to the south, and that of proposed Units 3, 4 & 5. These two units would also be positioned at right angles to the adjacent development and the highway. By virtue of their siting, design and proportions, proposed Units 1 and 2 would have an awkward relationship with the adjacent development and would upset the rhythm of adjacent development. Insufficient justification has been given for the introduction of these two units in terms of why they have been set forward to step out of line with the remainder of the development on this and the adjacent site.

For the reasons outlined above, in terms of design the proposal fails to comply with BCCS Policy CPS4, UDP Policies GP2 and ENV32, and fails to reflect local design policies DW4 and DW3 of the Urban Design Policies in Walsall SPD.

Amenity of Neighbours and Amenity of Future Occupiers

Neighbouring Residents:

Under the provisions of Policy GP2 of the Walsall UDP the Council expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact.

Within the reasons for refusal of the planning application on the site ref. 19/0220 it was determined that the proposed development would have a detrimental impact upon the amenity of future occupiers in terms of the layout, access, surveillance and security and loss of privacy. This revised proposal has sought to address these concerns.

Proposed Unit 3 would be the closest of the proposed dwellings to the nearest existing residential property of No. 139 Glastonbury Crescent. This dwelling comprises of two storeys and is the end dwelling of a terrace of 4 properties which are set at right angles to the majority of the development that fronts the Crescent. The rear elevation of Unit 3 would be located 15m from the southern garden boundary of No. 139 and 17m from the flank elevation of the dwelling itself. The rear elevations of the other properties fronting onto the Crescent would be set approximately 45m from the rear elevations of Units 3, 4 and 5, with their gardens extending to a length of approximately 14m towards the site.

The above separation distances would ensure that sufficient space would be retained between the proposed development and the nearest neighbouring properties within Glastonbury Crescent and would ensure that daylight, privacy and outlook currently enjoyed by occupiers would not be materially impacted. By virtue of the proposed side-by-side orientation of Unit 5 with to the dwellings within the adjacent approved development to the south, the proposals would also ensure no unacceptable impact would be suffered by future residents of these properties once completed. All separation distances between the proposed development and the adjacent existing housing and adjacent approved housing are in excess of the minimum prescribed distances contained within Appendix D of the Designing Walsall SPD. The introduction of the proposed development would bring an intensification of use to the vicinity, however, the increased vehicular and pedestrian movements associated with the occupation of the new dwellings would be unlikely to impact neighbouring residents by way of disturbance or nuisance.

Overall, in terms of all the amenity issues detailed above, it is considered that the proposal would not have any unacceptable adverse impact on adjoining neighbours and the application is in compliance with Saved Policy GP2 of the Unitary Development Plan and the Designing Walsall SPD, subject to overcoming the harm to the greenbelt.

Future Occupiers:

Light impact, outlook and privacy:

No flank elevation windows are proposed in Units 1-4, and the windows in the flank elevations of Unit 5 would comprise obscure glazing and be fixed shut below 1.7m above internal floor levels. Proposed Units 3-5 are oriented side by side and in line with each other, therefore, there would be no loss of amenity in terms of any undue loss of privacy or harmful impact upon daylight between these properties. Proposed Units 1 and 2 are sited at right angles and in front of Units 3 and 4, and the rear garden of Unit 2 would be located less than 13m away from the primary window serving the front first-floor bedroom of Unit 3. Unimpeded views of the rear garden of Unit 2 would be available, however, the minimum required 13m separation gap between habitable windows and blank walls, as required by Appendix D of the Designing Walsall SPD, would be satisfied. Consequently, in terms of the daylighting, privacy and outlook, potential future occupiers of the proposed development should be satisfactorily safeguarded.

If planning permission were to be approved, then a suitably worded condition requiring that any side facing windows in the proposed development should be obscure glazed and fixed shut below 1.7m above internal floor areas. However, as the application is being refused on other grounds, the imposition of such a condition is not necessary.

Standard of accommodation

The National Design Guide 2021 forms part of the Governments Planning Practice Guidance and provides detailed advice pertaining to the principles of good design. The National Design Guide and Technical Housing Standards – nationally described space standard (DCLG March 2015) sets out minimum floor areas for residential development.

The proposed development provides two 3-bed dwellings (108sqm GIA, over 3 stories), two 4-bed dwellings (158sqm GIA, over 3-storeies), and one 5-bed dwelling (150sqm GIA, over 2-storeis plus significant loft space). These proposed dimensions are in compliance with the above standards and the proposals would provide a sufficient quantum of internal living space for future occupiers. All proposed bedroom sizes meet the minimum requirement and adequate storage could be provided within the internal layouts.

Private amenity space:

The guidance contained within Appendix D within the Designing Walsall SPD advises gardens have a minimum length of 12m or a minimum area of 68sqm usable space. All the proposed gardens fall short in terms of the required length, ranging from 9m (plot 1) to 11m (plot 3). However, in terms of useable areas, adequate garden spaces can be provided, ranging from 65sqm (plot 1) to 203sqm (plot 5). Consequently, in terms of amenity space, the proposals are considered to provide sufficiently sized usable gardens for future occupiers.

Overall, in terms of the standard of accommodation for future occupiers, the application is in compliance with Saved Policy GP2 of the Unitary Development Plan, the Designing Walsall SPD, The National Design Guide 2021 and the nationally described space standard (DCLG March 2015) subject to overcoming the harm to the green belt.

Highways

Policy TRAN2 requires development to manage its transport impacts. Policy GP2 of the UDP requires development to be accessible by a choice of means of transport and to provide adequate parking provision. Policy T7 requires an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified within Policy T13. Policy T13 requires provision of 2 spaces per 3-bedroom dwelling and 3 spaces per dwelling with 4-bedrooms or above. The Air Quality SPD requires that electric vehicle charging points and cycle/electric cycle parking provision is provided within new development.

The proposed development provides private off-street parking for two cars per three-bedroom dwelling and 3 cars for the 4 and 5 bedroom dwellings in accordance with the above Policy. Vehicle tracking has been shown to demonstrate that a refuse truck could enter the development, turn, and exit in a forward gear.

The Highways Authority were consulted when the application was originally submitted, and a number of amendments were requested to the proposed layout, access, footpaths and parking. These amendments were subsequently made, and

the proposal now appears to be acceptable. It is noted that the previous planning application on the site (ref. 19/0220) was refused planning permission and a reason for refusal included that the proposal failed to meet the requirements within Policies T11 and T12 for distance to local shops and public transport facilities. This previous proposal also failed to meet parking standards, whereas this revised proposal, does not. Consequently, residents of the proposed development would be less reliant upon walking and public transport and the proposal is acceptable.

On balance, the proposed development is in compliance with Policy TRAN2 of the Core Strategy and Policies GP2, T7 and T13 of the UDP.

Ecology and Biodiversity Net Gain

Policy ENV1 of the Black Country requires development to safeguard nature conservation. Core Strategy Saved Policy EN1 of the Walsall UDP requires development to safeguard nature conservation and the Natural Environment SPD provides guidance on complying with the Black Country Core Strategy and Unitary Development Plan policies for the protection of the natural environment.

The reasons for refusal of the previous planning application on the site (ref. 19/0220) included that the submission failed to provide accurate up to date evidence about the possible presence of bats, or the impact on their roosts or habitats within the existing building or around the site. The current proposal was accompanied by a Preliminary Ecological Appraisal completed by Brown Fisher Environmental.

The Council's Ecology officer was consulted with respect to the application proposal and found that the site has been fully assessed in respect to potential onsite ecological features and protected species. The officer concluded that, should the precautionary methods of working and mitigation measures outlined within the report be implemented, no ecological reasons for refusal would remain. It was recommended that, should planning permission be approved, two planning conditions be imposed relating to a Biodiversity Enhancement Strategy and the implementation of the mitigation and precautionary measures outlined within the submitted Assessment.

Providing the above conditions are imposed the proposal is in compliance with Core Strategy Policy ENV1, UDP Policy EN1 and the Natural Environment SPD.

Ground Conditions and Environment

The NPPF identifies the protection and enhancement of the environment as being one of the three overarching objectives of sustainable development. Policies ENV8 of the Black Country Core Strategy, saved policies GP2, and ENV23 of the Walsall Unitary Development Plan, Policy EN5 and EN6 of the SAD and Conserving Walsall's Natural Environment SPD are all relevant in this regard.

The reasons for refusal of the previous planning application on the site (19/0220) included that the submission failed to include a Coal Mining Risk Assessment to establish the stability of the site for development. This current application was supported by a Coal Mining Risk Assessment, dated 21st October 2022 and prepared by Brown Fisher Environmental. This report appears to have been informed by a range of sources of information. The Coal Authority assessed the report and reviewed the available coal mining and geological information the authors of the Coal Mining Risk Assessment. The report concluded that there is a potential risk posed to the development by past coal mining activity and recommend intrusive site investigations should be carried out on site in order to establish the exact situation in

respect of coal mining legacy features. Suggested conditions for inclusion within any planning permission were provided by the Coal Authority, however, as the application is being recommended for refusal on other grounds, this risk posed to development will have to form a reason for refusal.

Environmental Protection were also consulted with respect to the application proposals. The advice received informed officers that as the site is located within close proximity to an area of the M6 motorway, which is identified as a 'First Priority Area' within the West Midlands Noise Action Plan on account of excessively high traffic noise levels and, therefore, should be given priority investigation in the context of noise action planning. Consequently, it was advised that applicant should conduct an acoustic survey prior to any planning permission being granted to characterise the area, with the subsequent aim of any remedial measures to meet internal levels specified within British Standard BS8233:2014. However, as the application is being recommended for refusal on other grounds it would not be expedient to request the undertaking of an acoustic survey, and this risk posed to amenity will have to form a reason for refusal.

Environmental Protection also advised that the site was likely to suffer from localised land contamination. In the event that planning permission were to be approved, it was advised that a condition should be imposed requiring investigations and any remediation measures be undertaken before any building work commences on site. However, as the application is being recommended for refusal on other grounds, this risk posed to public health will have to form a reason for refusal. A further condition requiring the submission of a Construction Management Plan was also recommended to safeguard against any undesirable impacts from the construction process.

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 5 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 weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

The Greenway

Policy T8 of the UDP the Council encourage the greater use of walking by means such as safeguarding, promoting and constructing a network of segregated Greenways. SAD Policy LC5 requires developers of sites which include or adjoin parts of the Greenway network to fund the construction or improvement Greenways, together with any necessary links from the Greenway network into the development.

The councils footpath officer was consulted with respect to the application proposals and raised no objections as there are no Definitive Public Rights of Way

across or adjacent to the area of the proposed development, therefore, there are no public rights of way conditions or requirements. Notwithstanding the above, a designated Greenway runs north/south across the frontage of the site and across its access. The reasons for refusal of the previous planning application on the site (19/0220) included that the proposal failed to include details of the proposed funding, management and maintenance of the greenway, contrary to Policy LC5 (c) of Walsall's Saved Unitary Development Plan.

The current proposed site layout shows that the alignment of the greenway relocated from the former vehicle access to the Sneyd Public House and onto the footway alongside Vernon Way. A proposed greenway is not part of the adopted highway maintainable at public expense, or a Definitive Public Right of Way and, therefore, no Stopping Up and Diversion Order is required to achieve the proposed revised greenway layout. The greenway, green space and site access do, however, appear to be in Walsall Council Ownership and Public Rights of Way made the *following* recommendations:

- *Clean and Green Services and Planning Policy are to be consulted on the proposed changes to the greenway alignment and green space, between the adopted footway and planning red boundary site outline.*
- *Asset Management are to be consulted on the proposed site access. As the site access is not part of the adopted highway maintainable at public expense, there may be a requirement for the developer and/or proposed residents to agree private access rights to the proposed development with Asset Management.*
- *The revised proposed greenway alignment for the current proposed development 22/1117 does not appear to meet up with the proposed greenway alignment for the adjacent development 17/0979. The proposed greenway alignment and design must provide continuous level and inclusive access between both development sites. The design should not create a cul-de-sac as this may be unsafe for inclusive pedestrian access and encourage ASB/ fly-tipping.*

It is accepted, subject to resolving the harm to the green belt, that the above matters could potentially be addressed through negotiation with the applicant, however, as the proposal is being recommended for refusal on other grounds, it is considered expedient to issue the recommendation rather than incur additional delays. Given the above, the previous reason for refusal of application reference 19/0220 has not been overcome by this revised proposal, which also fails to include details of the proposed funding, management and maintenance of the Greenway to the frontage of the site, contrary to Saved Policy LC5 of Walsall's Site Allocations Document.

Conclusions and Reasons for Decision

This application has failed to provide SAC mitigation payment and the proposal does not accord with local and national planning policies and guidance as set out in this report. The proposal represents inappropriate development in the Green Belt, fails to take account of the local distinctiveness and rural character of the area and the proposed built development would poorly relate to approved adjacent development in terms of scale, mass, design, density and layout. The proposal also fails to include details of the proposed funding, management, and maintenance of the Greenway.

Positive and Proactive Working with the Applicant

Officers have corresponded with the applicant's agent, however, in this instance there

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

Reasons for Refusal

1. The proposal represents inappropriate development in the Green Belt and the applicant has failed to demonstrate that either very special circumstances exist or that the harm to the openness both spatially and visually has been outweighed by other considerations. The proposal is therefore in conflict with the NPPF 2023 paragraphs 152, 153 and 154, and Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt) of Walsall's Site Allocation Document (SAD).
2. Proposed Units 1 and 2 would have an awkward relationship with the adjacent approved development, would upset the rhythm as perceived from the highway and cause harm to the open character and visual amenity of the local area. Insufficient justification has been given for the introduction of these two units in terms of why they have been set forward to step out of line with the remainder of the development on this and the adjacent site in conflict with Policies CPS4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, UDP Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), SAD Policy HC2 (Development of Other Land for Housing), and fails to reflect local design policies DW3 (Character), DW4 (Continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
3. The bulky gabled roof design of proposed Units 3, 4 and 5 would poorly relate to the approved adjacent development in terms of scale, mass and design, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
4. The application fails to provide the necessary Cannock Chase Special Area of Conservation (SAC) mitigation. The proposed development falls within the 15km zone of influence relating to the Cannock Chase SAC and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 6 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. The application is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation) of the Black Country Core Strategy, Saved Policy ENV23 (Nature Conservation and new development) of the Walsall Unitary Development Plan, Policy EN1 (Natural Environment Protection, Management and Enhancement) of the Walsall Site Allocation Document and the NPPF.
5. The applicant has failed to provide sufficient evidence in the form of proposed funding, management, and maintenance of the Greenway to the frontage of the site, contrary to Saved Policy LC5 (Greenways) of Walsall's Site Allocations Document.

6. The applicant has failed to undertake an appropriate investigation to determine the potential presence of land contamination and/or ground gas to address known ground conditions. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV14 (Development of Derelict and Previously Developed Sites).

7. The applicant has failed to provide sufficient evidence in the form of a noise survey to determine whether the site is suitable for residential development, including any amenity areas from motorway traffic noise. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection).

8. The applicant has failed to undertake an appropriate investigation to determine the potential risk posed to land stability and public health from former coal mining activity. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV14 (Development of Derelict and Previously Developed Sites).

Notes to applicant

N/A

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 5

Reason for bringing to committee

- Called in by a Councillor Josh Whitehouse on the grounds of;
 - Lack of parking
 - Inadequate access
 - Traffic Capacity
 - Significant public interest
- Significant Community Interest

Application Details

Location: LIVING AREA, 1, BENTLEY LANE, WILLENHALL, WV12 4AA

Proposal: CHANGE OF USE FROM PUBLIC HOUSE (USE CLASS SUI GENERIS) TO RETAIL (CONVENIENCE STORE - USE CLASS E), INSTALLATION OF UPVC DOUBLE DOORS, PVC ROLLER SHUTTER AND ERECTION OF INFILL REAR EXTENSION.

Application Number: 24/0100

Case Officer: Leah Wright

Applicant: Bar Investments Ltd

Ward: Short Heath

Agent: GT Designz LTD

Expired Date: 18-Apr-2024

Application Type: Full Application: Change of Use

Time Extension Expiry: 24-Apr-2024



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Recommendation:

Refuse

Proposal

Change of use from public house (Use class sui generis) to retail (convenience store - Use class E), installation of UPVC double doors, PVC roller shutter and erection of infill rear extension.

Site and Surroundings

The application site is situated on the corner of Bentley Lane and High Road, Willenhall with the current access from Bentley Lane. The site comprises a two storey, detached property which is currently in use as a public house known as 'The Bridge'. The property is a locally listed building constructed from Georgian stone lintels and rendered. There is parking to the side of the site.

In terms of neighbouring properties, there are both residential flats and commercial properties in the immediate surrounding area.

The application site is within the Lane Head Local Centre. The site is within 15km of the Cannock Chase Special Area of Conservation (SAC) Zone of Influence (ZOI) and is within the Coal Authority High Risk Area.

To the rear of the site is the Wyrley and Essington Canal which passes under the Lane Head Bridge.

Relevant Planning History

1 Bentley Lane, Willenhall, WV12 4AA

11/0463/AD- 1 x externally illuminated set of individual timber letters fitted direct to wall- Grant advertisement for 5 years.

Outside The Bridge Tavern, 1, Bentley Lane, Willenhall, WV12 4AA

23/0992- Installation of a new 9m wooden pole- Not permitted development.

Relevant Policies

National Planning Policy Framework (NPPF)

[Read more on the 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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#) .

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

Black Country Core Strategy (BCCS)
Walsall Site Allocations Document
Unitary Development Plan
Walsall Town Centre Area Action Plan

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Canal and River Trust- Convenience store is in close proximity to the canal corridor and the towpath access point at Lane Head Bridge. A condition will need to be attached to any permission to ensure litter bins are provided and a management plan is in place for their regular emptying.

Coal Authority- Development is in High-Risk Area, however the proposal is predominantly for a change of use of an existing building and there aren't any substantial foundations or earthworks proposed. A Coal Mining Risk Assessment is not required and there are no objections.

Conservation- Principle is supported but existing drawings are incorrect, further details have not been submitted and the Heritage Statement fails to meet the aims and objectives of paragraph 200 of the NPPF.

Ecology- No comment.

Highways- Development will have an unacceptable impact on road safety and the operation of the local road network at this busy junction, contrary to NPPF December 2023 paragraph 115.

Historic England- No comment.

Planning Policy- Accords with policy. No objection.

Public Health- No objections, however questions whether the proposal will increase or decrease employees and questioned whether arrangements have been made for the separate storage and collection of recyclable waste.

West Midlands Fire Service- Must meet requirements of Approved Document B Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

Representations

At the time of writing this report, 36 representations have been received objecting to the application (Officer's comments are in italics):

- Several near misses near the site/accident waiting to happen if approved (*See highways section of the report below*).
- Development would pose a risk to the school nearby (*See highways section of the report below*).
- Do not require another local shop (*Principle is supported in line with local and national policy*).
- Planning has not been passed but they have started works to turn the pub into a shop by way of new PVC windows (*If works are taking place without planning permission, the works would be in breach of planning and enforcement will be notified*).
- Cause issues to residents and surrounding businesses (*See amenity section of the report below*).
- Building has been a historic landmark for years (*See heritage section of the report below*).
- Not in keeping with area (*See heritage and design section of the report as below*).
- Concern with parking and access at major road junction (*See highways section of the report as below*).
- Volume of traffic would increase with the change (*As above*).
- Health and safety risks to pedestrians and vehicle users (*As above*).
- Noise and litter from those using store at night (*See the amenity section of the report below and see the other section of the report which talks about waste bins for the proposal*).
- Unsocial behaviour from youths around store (*As above*).
- Would better operate as a restaurant (*Not a material planning consideration*).
- No jobs to area as people employed would be family (*Not a material planning consideration*).
- Rubbish will affect wildlife on the canal and pollute the water (*See the 'Other' section of this report*).

Cllr Josh Whitehouse has made the following comments on the proposal:

- Pub is over 200 years old and may be locally listed. Any alterations to the site's historical assets would be a loss to local heritage.

- Change of use to a retail unit will increase the traffic on site. This is concerning due to the local nursery opposite the site.
- Concerned about HGVs accessing the shop to receive deliveries.
- Limited parking.
- Canal and Rivers Trust have raised concern regarding litter.

In addition, a public petition signed by over 500 residents and Cllr Josh Whitehouse has been received. The petition states that the pub has a long history in Short Heath and is in the heart of the area. Further, it is located on the junction with Lane head Bridge which is busy. The traffic is high in the area and the entrance to the car park leads onto Bentley Lane which is a busy road.

Determining Issues

- Principle of Development
- Heritage Assessment and Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Impact on Wyrley and Essington Canal

Assessment of the Proposal

Principle of Development

This application is for the change of use from an existing public house (use class sui generis) to a retail convenience store (use class E).

The application states that the site area is 930.47sqm in total, however, this appears to be the size of the entire site rather than that of the proposed store itself.

The site falls within Lane Head local centre (LC11). Policy SLC1 states that the network of vibrant Local Centres provides particularly for day-to-day convenience shopping and service needs. These boundaries are drawn tightly to concentrate investment. Within these areas the retention, enhancement and further development of shops, services and other town centre uses will be encouraged. and is considered to play a key role in serving the surrounding community and has a distinctive boundary.

The key planning policies uses are whether the loss of the public house is justified by saved UDP policy LC8, and whether the proposed use is acceptable in this location.

No justification for the loss of the public house has been provided with the application. However, UDP policy LC8 is not specifically about the loss of public houses, it is about the loss of community facilities that provide an equivalent role as meeting places. Other premises nearby remain that provide community facilities- these include the United Kingdom Pub and Short Heath Liberal Club, as well as a church and school on Stroud Avenue. It is therefore considered that the loss of the Public House is acceptable in this instance, and the proposal accords with UDP Policy LC8.

The site is situated within Lane Head Local Centre and proposes a change of use from an existing public house (use class sui generis) to a retail convenience store (use class E). This use is supported by the development plan as the proposals include the enhancement of an existing town centre use, including meeting day-to-day shopping needs (particularly convenience shopping) which is encouraged as per SAD policy SLC1.

It is assumed that the proposal is for ground floor conversion only and would be below the 500sqm threshold, therefore, it would be considered an appropriate scale to the function of the centre as per policy CEN5 of the BCCS.

As such, the principle of the conversion is supported, subject to other material considerations as below.

Heritage Assessment and Design, Layout and Character.

The application site is a locally listed building, circa 1800, a three-storey building with Georgian stone lintels and rendered. In terms of the National Planning Policy Framework, the site is classed as a non-designated heritage asset.

Paragraph 200 of the NPPF states that *“in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The 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. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”*.

Whilst a Heritage Statement was submitted with the application, it fails to describe the significance of the heritage asset and fails to refer to the correct NPPF paragraph number 209 in respect of non-designated heritage assets. Furthermore, the historic environment record has not been consulted.

Paragraph 209 of the NPPF states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.

Saved Policy ENV28 of the UDP states *“Council will not grant planning permission for a development scheme which proposes the demolition or adverse alteration of a ‘local list’ building”*.

Saved Policy ENV32 of the UDP states *“This policy will be applied to all development in Conservation Areas, on a visually prominent site, the vicinity of a Listed Building, Building of Local Interest or Registered Parks and Gardens. When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-*

- *The appearance of the proposed development, the height, proportion; scale, and mass of proposed buildings/ structures;*
- *the materials proposed for buildings;*
- *external spaces and means of enclosure;*
- *the integration and co-ordination of buildings and external space;*
- *Community safety and security;*
- *the visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood;*
- *the effect on the local character of the area, the proposed vehicular and pedestrian circulation patterns;*
- *the integration of existing natural and built features of value and the maintenance requirements of the development”*.

Policy ENV2 of the BCCS states *“Development Proposals will be required to preserve, and where appropriate, enhance local character and those aspects of the historic environment together with their settings, which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality”*.

The existing plans are incorrect, the first and second floor windows of the main three storey part of the building includes lintel detailing with a keystone, these have not been shown on the drawing. The pilasters have been shown on the plan, but they have not been fully drawn in on the submitted plans. The Bridge Tavern sign at second floor has not been shown on the plans, there is also a large sign on the main front elevation, which sits between the first and second floor, which has not been shown on the plans. The existing door on the front elevation is a timber panelled door and the submitted plan does not depict this detail. There is also a lintel and keystone above this doorway which has not been shown, as well as an advertisement board adjacent this doorway. The window cills are slightly wider than the windows, but this has also not been shown on the plans. The existing plans drawing number GTD1228-02 has not been altered to show the details referred to in the first response from Conservation.

The ground floor window is wider than the first-floor window, however this is not apparent on the submitted drawings. The elevation also shows two infilled openings, a door on the ground floor and a window at first floor and a recessed element adjacent the chimney, these have not been shown on the submitted existing or proposed plans. The existing plan places the infilled doorway closer to the chimney, however it is placed further away from the chimney. The existing plans drawing number GTD1228-02 has not been altered to correctly show the building details as existing.

The proposed plans are also incorrect as architectural detailing as referred to in the original comments received from Conservation have not been included in the amended plans submitted.

The window design on the existing plans do not match up to the situation on site. The current windows are timber sashes three over three, whereas the windows on the existing plans are shown as one over one, which is incorrect. The windows are still shown as incorrect on drawing number GTD1228-02 and do not correctly depict the style and design of the windows as they currently exist. A window on the ground floor has not been shown on this drawing. The proposed plan drawing number GTD1228-04B shows the detailing around the windows, however, the full details are not shown, the keystones include fluting and the stonework either side of the keystone includes horizontal banding. The window on the second floor to the right of the sign indicates a faintness of a stone detail, which is not shown on the drawings.

The plans indicate that some of the windows are rotten, however, they appear to be in a good condition. No window survey has been submitted to support the application. A full window condition survey of every window in the locally listed building (LLB) which outlines the current condition of every window in the LLB was requested, however these details have not been submitted. Further, there is no clarification as to whether the existing timber windows will be retained on drawing number GTD1228-04B or whether the timber panel door as seen on Google Street view is to be retained either. From the submitted plans, it appears that the two new openings are to form the retail frontage, however this retail frontage/s do not match the Shopfront SPD. Whilst a wholly traditional shop frontage would not be expected, some design elements of a shop frontage, for example a stall riser, fascia, window light, mullion would be expected in line with the Shopfront SPD. Furthermore, the proposals include a solid roller shutter which does not accord with Policy SF8 of the Shopfront SPD.

The proposal seeks internal alterations to remove walls and a chimneybreast. The Conservation Officer requested photographs of the interior of the building to further assess the scheme, however at the time of writing this report, they were not submitted.

The proposed works also include a rear infill extension. This extension would be seen to accord with the subject building and would be a subservient addition. There are no objections to this subject to materials being specified.

Whilst the principle of the conversion of the public house is supported, further details and clarification as specified in the above section of this report has not been submitted. As specified, the drawings are incorrect, and the Heritage Statement as submitted fails to meet the aims and objectives of paragraph 200 of the NPPF.

Therefore, the proposal is not supported on Heritage or Design grounds and would be contrary to policy ENV2 (Historic Character and Local Distinctiveness) and Policy ENV3 (Design Quality) of the Black Country Core Strategy, Policy ENV32 and ENV28 of the Saved UDP, Policies DW1 to DW10 of the Designing Walsall SPD and the Shopfront SPD and Paragraph 200 and 209 of the National Planning Policy Framework (2023).

Amenity of Neighbours and Amenity of Future Occupiers

The application site resides on a junction by the Lane Head Bridge. The nearest neighbouring residential properties are 30m to the north-east of the site at Bentley Wharf. There are residential dwellings directly opposite the site and commercial properties to the north-west of the site.

It is considered that the properties former use as a public house would have seen a number of comings and goings late at night and during weekends. Therefore, the proposed change of use to a retail unit would not have a detrimental impact upon the immediate adjacent neighbours and surrounding area in relation to noise and disturbance over and above the previous use if it was bought back to use as a public house. Furthermore, no objections have been received from Environmental Protection or Environmental Health and it's considered that a condition could be implemented if approval were to be granted to control the opening times of the proposed retail unit.

Highways

The site is located on Bentley Lane which is an adopted unclassified District Distributor and fronts directly onto the signalised junction with High Road which is a classified road (A462) and a District Distributor.

The site access to the rear car park is located on Bentley Lane. It is only around 10 metres from the stop line of the signalised junction.

Visibility at the car park access is historically poor and is well below current highway design standards. The access can only achieve around 2.4m x 18m to the north-west compared to the required 2.4m x 43m.

The Local Highways Authority have raised concern regarding the parking on site. As such, the agent provided a revised Block Plan showing a parking layout with 15 spaces and a delivery vehicle space, inclusive of 2 disabled spaces.

For comparison purposes, under SAD Saved T13 parking policy, based upon a GF area of around 330sqm, the extant pub use requires a maximum of **17** spaces,

inclusive of 2 disabled bays and the proposed Convenience Store **26** spaces, inclusive of 3 disabled bays. Therefore, in parking policy terms, the proposed COU requires a higher level of on-site parking than the extant use.

The proposed 15 spaces are close to the provision for the extant public house use, however it is significantly below the maximum 26 spaces (only 57%) for the proposed use as a convenience store.

The level of parking for the proposed use is therefore considered unacceptable, particularly at this location and this site, and is likely to result in over-spill parking or queuing with potential backing up at the access point and obstructing the public highway, contrary to highway safety.

It is proposed to have the Store entrance off the car park. The submitted external layout 'Block Plan' fails to provide a car free pedestrian route to, from and around the Store entrance and the car park, which is unacceptable and poor design in terms of pedestrian accessibility and inclusivity.

No Swept Path drawing has been submitted showing how delivery vehicles will safely and satisfactorily service the development, including access into the car park, turning and egressing the car park through the car parking area. If a delivery vehicle is unable to satisfactorily make these manoeuvres then it could result in delivery vehicles parking at the front of the store for convenience, which would raise significant road safety issues.

The application fails to provide a Waste Management Plan, specifically around how bins will be collected from the rear of the building. No Swept Path drawing has been provided showing that a Refuse Collection Vehicle (RCV) can safely and satisfactorily access, turn and egress the rear car park on collections days. This could result in bins being brought to the front of the site requiring the RCV to stop on Bentley Lane, close to the traffic signal junction, which would be unsatisfactory for a highway safety point of view.

No Transport Statement has been submitted to support the application and address the Highway Authority's previous and above concerns. The proposed change of use from a Public House to a Convenience Store will result in a significant intensification in vehicle trips to the site and across a wider period during the day. Due to the position of the access point close to the signalised junction and the sub-standard visibility to the north west together with the likely significant under provision of on-site parking, the Highway Authority considers the development unacceptable from a road safety and transport policy point of view.

The Highway Authority raises a significant concern relating to the potential for vehicles trying to turn right when exiting the development site car park being unable to join the queue of traffic heading northwest through the junction as a result of queuing drivers not observing the "Keep Clear" markings. This is likely to lead to drivers exiting the car park trying to force their way into the queue by blocking the southeast bound carriageway. This would be a potential hazard to approaching vehicles who have limited visibility due to the pub building and could also potentially block traffic flows through the junction creating significant congestion and delays through the junction. This is of particular concern given the likely change in vehicle trips which will be significantly more concentrated during morning and evening peaks when compared to the trip generation profile of a public house/restaurant.

In terms of pedestrians and cyclists, the revised block plan shows 4 'Sheffield' type cycle stands to the rear of the building but their position and layout appears to show them fixed to the rear building extension and therefore the highways authority would require further details.

In assessing the plan as is, the application would fail to meet SAD Saved T13 Policy and BCCS TRAN4.

In taking all of the above into consideration, the development would have an unacceptable impact on road safety and on the operation of the local road network at this busy junction and hence is contrary to the NPPF December 2023 paragraph 115 and is therefore recommended for refusal on Highways grounds.

Impact on Wryley and Essington Canal

The Canal and Rivers Trust were consulted and have raised concern that the access point to the towpath would be used by the visiting public and staff on a daily basis. As such, a condition attached to any permission granted is recommended to ensure that litter bins are provided, and a management plan is put in place for their regular emptying to prevent litter entering the canal environment. Litter within the canal environment is unsightly and harmful to wildlife and proposals should seek to avoid water pollution as required by policies EN4 Canals, LC5 Greenways and EN1 Natural Environment Protection, Management and Enhancement of the Walsall SAD 2019 and policies ENV1 Nature Conservation, ENV4 Canals and ENV6 Open Space, Sport and Recreation of the Black Country Core Strategy 2011 which are supported by the National Planning Policy Framework.

Conclusions and Reasons for Decision

Given that there are significant material planning considerations against support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

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 proposed development with only 15no. car parking spaces and 1no. delivery vehicle space, inclusive of 2no. disabled spaces, would fail to provide adequate off street parking provision to meet the needs of the proposed convenience store in line with the council's approved parking standards as the provision would be significantly below the maximum requirement of 26 spaces (15 spaces equates to 57%). The level of parking proposed is therefore unacceptable and is likely to result in over-spill parking or queuing with potential backing up at the access point and obstructing the public highway to the detriment of public and highway safety and is therefore contrary to NPPF paragraph 115, UDP Policies GP2 (Environmental Protection) and T13

(Parking Provision for Cars, Cycles and Taxis) and SAD Policy T4 (The Highway Network).

2. The store entrance would be off the car park, however the submitted block plan fails to provide a car free pedestrian route to, from and around the store entrance and the car park which is unacceptable and poor design in terms of pedestrian accessibility and inclusivity. The development is therefore contrary to NPPF paragraph 115, UDP Policies GP2 (Environmental Protection) and T11 (Access for Pedestrians, Cyclists and Wheelchair users) and SAD Policy T4 (The Highway Network).
3. The proposal has failed to provide a Swept Path drawing to show how delivery vehicles would safely and satisfactorily service the development, including access into the car park, turning and egressing the car park through the car parking area or to demonstrate how a Refuse Collection Vehicle (RCV) can safely and satisfactorily access, turn and egress the rear car park on collections days. If a delivery vehicle is unable to satisfactorily make these manoeuvres it could result in delivery vehicles parking at the front of the store for convenience, which would raise significant road safety issues. Further, this could result in bins being brought to the front of the site requiring the RCV to stop on Bentley Lane, close to the traffic signal junction, which would be unsatisfactory for a highway safety point of view. No Waste Management Plan, specifically around how bins will be collected from the rear of the building has been provided. As such, the development is contrary to NPPF paragraph 115, UDP Policies GP2 (Environmental Protection) and T13 (Parking Provision for Cars, Cycles and Taxis) and SAD Policy T4 (The Highway Network).
4. No Transport Statement has been submitted to support the application. The proposed COU from a Public House to a Convenience Store will result in a significant intensification in vehicle trips to the site and across a wider period during the day. In the absence of this supporting information, the development unacceptable from a road safety perspective and would be contrary NPPF paragraph 115, UDP Policies GP2 (Environmental Protection) and T13 (Parking Provision for Cars, Cycles and Taxis), SAD Policy T4 (The Highway Network) and BCCS Policy TRAN2 (Managing Transport Impacts of New Development).
5. In terms of pedestrians and cyclists, the revised block plan shows 4 'Sheffield' type cycle stands to the rear of the building, but their position and layout appears to show them fixed to the rear building extension therefore additional detail is required to assess whether the proposal provide secure cycle spaces and would therefore be contrary to NPPF paragraph 115, UDP Policies GP2 (Environmental Protection) and T13 (Parking Provision for Cars, Cycles and Taxis), SAD Policy T4 (The Highway Network) and BCCS Policy TRAN4 (Creating Coherent Networks for Cycling and for Walking).
6. The proposed development has failed to accurately depict the heritage asset as both the existing and proposed plans are incorrect, and no window survey has been submitted to support the application to describe the windows of the locally listed building. The development does not accord to the Shopfront SPD and is not a typical design that would be expected for this type of development and would include a solid roller shutter, contrary to Policy SF8 of the Shopfront SPD. The Heritage Statement as submitted fails to describe the significance of the heritage asset and fails to refer to the correct NPPF paragraph 209 in respect of the non-designated heritage assets. As such the proposal is contrary

to Policy ENV2 (Historic Character and Local Distinctiveness) and Policy ENV3 (Design Quality) of the Black Country Core Strategy, Policy ENV32 and ENV28 of the Saved UDP, Policies DW1 to DW10 of the Designing Walsall SPD and the Shopfront SPD and Paragraph 200 and 209 of the National Planning Policy Framework (2023).

END OF OFFICERS REPORT



Planning Committee

Report of Head of Planning and Building Control on 20 June 2024

Plans List Item Number: 6

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 1 , Parker Street, Bloxwich, Walsall, WS3 2LE

Proposal: FULL PLANNING APPLICATION FOR CHANGE OF USE FROM C3 DWELLING TO C2 RESIDENTIAL CARE HOME FOR UP TO FOUR CHILDREN AND AT LEAST TWO CARERS AT ONE TIME.

Application Number: 24/0270

Case Officer: Leah Wright

Applicant: Iglu Cottages

Ward: Bloxwich West

Agent: Karl Grace Design Ltd

Expired Date: 23-May-2024

Application Type: Full Application: Change of Use

Time Extension Expiry: 24-Jun-2024



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- The amendment and finalising of conditions.

Proposal

This application proposes a change of use from C3 Dwelling to a C2 Residential care home for up to four children and at least two carers at one time. The children will range from 0-18 years old.

The proposed works also include a garage conversion which will aid in providing education, group sessions for independent living and therapeutic sessions.

Site and Surroundings

The subject site comprises a detached dwelling sited to the north-eastern side of Parker Street onto the corner of Parker Street and Sneyd Lane.

The dwelling is a two- storey brick building with a gable roof and an existing two- storey side extension, partly rendered at first floor with a flat roof over.

The property is residential with a C3 use class, surrounded by other residential properties. The property is in fairly close proximity to local shops in Bloxwich High Street.

The site is within 15km of the Cannock Chase Special Area of Conservation (SAC) Zone of Influence (ZOI).

Relevant Planning History

No relevant history.

Relevant Policies

National Planning Policy Framework (NPPF)

[Read more on the 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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

Article 8 – Right to Respect for Private and Family Life
THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#)

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

Black Country Core Strategy (BCCS)
Walsall Site Allocations Document
Unitary Development Plan
Walsall Town Centre Area Action Plan

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Local Highway Authority - No objection subject to conditions regarding consolidation of parking area, pedestrian visibility splay and cycle shelter.

Environmental Protection - No significant industrial/commercial noise impacts, or any concerns regarding air quality or contaminated land that are material planning considerations for this application.

Severn Trent Water - No objection subject to condition regarding the submission of drainage plans for the disposal of foul and surface water flows.

West Midlands Fire Service -. No adverse comments, however, consideration should be given to the functional requirements of the Approved Document and the impact that this proposal has.

West Midlands Police - No objection, recommend principles of secure by design.

Representations

At the time of writing this report, 6 objections had been received and a separate public petition containing 11 signatures had been submitted. Objections received are summarised as follows (Officer's comments are in italics):

- No notice displayed for change of use (*No notice was displayed; however, 124 neighbouring and nearby properties were consulted which fulfils the statutory requirement of public consultation*).
- No feasible parking (*Parking considered sufficient by Highways, see the below section of this report*).
- Not a good environment, drug deals on daily basis and other crime, next to pub (*Police and Environmental Protection have no objections to application, fear of crime is only a material consideration where there is evidence of such*).
- Noise nuisance and disturbance to residents (*The property would remain in a residential use, the change to C2 is not considered to be over and above what would be expected by any other residential property in the locality*).
- Building work has already started (*No evidence of works needing planning permission started on site*).
- Application says no new materials are to be used externally, however walls and new windows will replace two existing garage doors to the front of the property and others to the rear (*Works are minor and would be considered permitted development. Design is considered further within the report below*).
- Vehicles block existing driveways due to parking situation (*Highways consider development to be acceptable*).
- Outside area for relaxation is not a garden but rough ground (*Plans show that the area will be grassed over*).
- Sneyd Lane is very busy and noisy (*Environmental Protection consider the development to be acceptable in terms of noise*).
- Application says there is a local shop but the nearest is Bloxwich High Street (*The area is considered to be a sustainable location*).
- Can't see any fire prevention specified within the application (*WMFS have no objection to the application*).
- One bathroom for so many residents seems inadequate (*Not a material planning consideration*).
- Property will put area at a higher crime rate and will be a worry affecting daily living situation (*No objection from WMP*).

- Lived near this type of house before and interactions between residents with neighbours and general public have a negative effect on health and well being (*behaviour of people and safeguarding are outside of planning legislation*).

Determining Issues

- Principle / Sustainable Development
- Design / Visual Impacts
- Neighbouring Amenity
- Safety and Security
- Drainage / Flood Risk
- Highways Safety / Access
- Ecology / Biodiversity.

Assessment of the Proposal

Principle / Sustainable Development:

The application site lies within a well-established, built-up, urban area with good access to local transport links serving both local and wider areas.

There are no policies in the development plan specifically about children's care homes. Saved UDP policy H6 is about 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) X 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 minister of state for housing and planning made a written statement to Parliament on 23rd May about planning for accommodation for looked after children:

<https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795> . This states:

"I ...wish to set out the Government's commitment to support the development of accommodation for looked after children, and its delivery through the planning system.

The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.

Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this."

Paragraph 135 of the National Planning Policy Framework 2023 states that:

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal accords with paragraph 135 in that it would retain the residential character of the area, would not impact on the built fabric of the area, and would provide for inclusive and accessible housing for vulnerable people.

The subject property is a large, detached house. Whilst it is not directly in a centre, it is approximately 0.6m from Bloxwich and is therefore considered a sustainable location. It is considered there is the potential for the proposed use to give rise to noise disturbance. This would be mostly consolidated to the external areas such as private amenity space. Notwithstanding this, it is considered that the number of children proposed to be resident would be no different to the number in a single-family household. The application can therefore be supported on planning policy grounds.

As such, subject to the wider considerations within this report, the works are deemed acceptable in principle.

Design / Visual Impacts:

The works only propose minor external changes by way of replacement doors in lieu of garage doors and replacement windows. There are also minor internal changes proposed to facilitate the change of use to a Children's Home.

The change of use from residential to another residential use, in this residential area is considered compatible.

The subject property would continue to have the appearance of a dwellinghouse and a safeguarding condition preventing any external advertisements to the property will be attached to any permission granted to retain this residential character. As such, subject to conditions, the works are deemed acceptable in respect of design and visual impacts.

Neighbouring Amenity:

The neighbouring properties are residential. The existing building is a detached dwelling and would continue to be used for residential living accommodation with the same level of amenity and similar relationship to neighbouring houses as is already the case. The level of noise is anticipated to be no greater than would be expected than any other residential property in the locality.

No evidence has been provided to demonstrate that there would be any safety issues as a result of this proposal, nor any reasonable fear of crime as a result. The home will be staffed by 6no staff members including managers, who will work in pairs in rotation on 8hr shifts so that there will be a minimum of two staff on duty at any one time. This is considered suitable and sufficient to

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impacts.

Safety and Security:

Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is dependant on whether there is significant evidence to show that the increased fear of crime would actually occur in relation to this specific proposal and the specific future occupiers.

The police have no objections to the proposal. A condition will be included to ensure that the proposal meets safety and security requirements for residents and surrounding occupiers.

The behaviour of people in the street and safeguarding are all matters outside the scope of the planning legislation to consider.

Drainage / Flood Risk:

No concerns are raised in respect of drainage / flood risk subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water flows. The works would not increase the level of flood risk vulnerability.

As such, the works are deemed acceptable in respect of drainage / flood risk.

Highways Safety / Access:

Vehicular access to the site is achieved via Parker Street, which provides access to a driveway to the front of the dwelling. Existing dropped kerbs are already in place.

The front driveway has sufficient space for up to 2no. vehicles. Walsall Unitary Development Plan (UDP) Policy T13 requires that a C2 use provides 1 car parking space per 3 bedrooms. In this case, four bedrooms would therefore require 2 car parking spaces. As such, the car parking provision is acceptable and has been supported by the Local Highway Authority. Given the scale of the development it is unlikely to have a detrimental impact on the local highway network.

Appropriate cycle parking needs to be provided and should be located within a secure and sheltered location; this can be secured by a condition.

In line with the comments from the Local Highway Authority it is considered that 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 December 2023 paragraph 115. The proposal is therefore supported from a highways perspective subject to conditions requiring the consolidation of the parking area, a 2.4m x 3.4m pedestrian visibility splay being maintained at all times and full details of a proposed cycle shelter.

Ecology / Biodiversity:

The proposed development is within 15km of the Cannock Chase SAC. In accordance with advice from Natural England, The Cannock Chase SAC Partnerships evidence base and the evidence base which underpins the development plan, any development within 15km of the SAC which is likely to increase recreational disturbance of the area is likely to result in significant harm to the SACs reasons for designation.

The Council's Ecologist has considered that the change of use proposals will not require significant changes to the property or increase the number of residents at the property over that of a typical residential property.

In addition, the proposed change of use will alter the development to a planning use class C2, which falls outside the thresholds to trigger an increase in recreation disturbance for Cannock Chase SAC, as per evidence.

While the development has the potential to result in recreational impacts to Cannock Chase SAC. From the above, it is determined that the application will not result in a net increase in residential units or recreational impacts to the protected site from the current building and its proposed usage.

As such, no mitigation or further action is required in regard to this proposal.

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.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

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.

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:

- 23/040/01- Existing Plans and Elevations received 28/03/2024
- 23/040/04-A- Proposed Plans and Elevations- received 28/03/2024
- Planning Statement- received 28/03/2024

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

3a. 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.

3b. 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.

3c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

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.

4a Prior to occupation of the site, the frontage parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from the area does not

discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

4b The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

5a. Prior to commencement of the development hereby permitted, a plan shall be submitted in writing to and approved in writing by the Local Planning Authority showing a 2.4m x 3.4m pedestrian visibility splay at the new access point.

5b. The development hereby permitted shall not be occupied until the approved visibility splay has been constructed.

5c. Nothing shall be planted, erected or grown within the visibility splay that will exceed the height of 600mm.

5e. The development hereby permitted shall not be carried out otherwise than in accordance with the approved plan and the visibility splay shall thereafter be retained for the lifetime of the development.

Reason: In the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan

6a. Prior to the occupation of the development hereby permitted, details of a secure, covered and illuminated cycle shelter, shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. 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 the Black Country Core Strategy Policy TRAN4.

7: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of a residential care home for up to a maximum of up to four children and for no other purpose (including any other purpose in Schedule 1, Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the level of parking demand and vehicle movements at the property in accordance with UDP Policy T7 and T13 and in the interests of highway safety.

8: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and 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 in accordance with saved UDP policy GP2.

9. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained for the lifetime of the development;

-All external doors to be PAS24; 2022

-All ground floor windows and over accessible roofs to be PAS24; 2022

-All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.

-Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors

Reason: To ensure the safety and security of the development and its occupiers, given the isolated nature of the development in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan

Notes for Applicant

1.Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

END OF OFFICERS REPORT