



Walsall Council

Planning Committee

Thursday 22 June 2023 at 5.30 pm

Council Chamber, Walsall Council House

Public access to meeting via: [Walsall Council Webcasting Portal](#)

MEMBERSHIP:

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

QUORUM:

Seven Members

AGENDA

Part I – Public Session

1. Apologies.
2. Declarations of interest.
3. Deputations and petitions.
4. Minutes of the previous meetings – 27 April 2023 – enclosed (pp. 5 - 9)
5. **Local Government (Access to Information) Act 1985 (as amended):**

To agree that, where applicable, 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. 10 - 75)
7. Field adjacent the Duckery, Chapel Lane, Great Barr – enclosed (pp. 75 - 96)
8. Development Management Performance Update – enclosed (pp 97 - 119)

Part 2 – Private Session

9. Enforcement table – enclosed (pp 120 - 132)

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.

Planning Committee

Thursday 27 April 2023 at 5.30pm

In the Council Chamber, the Council House, Walsall.

Present:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B Bains
Councillor P. Bott
Councillor S. Cheema
Councillor S Cooper
Councillor N. Gandham
Councillor A. Harris
Councillor I. Hussain
Councillor R. Larden
Councillor J Murray
Councillor S Nasreen
Councillor S. Samra
Councillor V. Waters

In attendance:

M. Brereton	Group Manager, Planning
M. Crowton	Group Manager, Transportation and Strategy
S. Hollands	Principal Planning Officer
S. Wagstaff	Principal Planning Officer
G. Meaton	Team Leader – Development Management
K. Gannon	Development Control and Public Rights of Way Manager
R. Ark	Principal Environmental Protection Officer
C. Gibson	Regeneration Officer – Trees
D. Alabi	Senior Planning Officer
A. Sargent	Principal Solicitor
N. Gough	Democratic Services Officer
E. Cook	Assistant Democratic Services Officer

185/22

Apologies

Apologies for absence were submitted on behalf of Councillor B. Allen, Councillor H. Bashir, Councillor A. Hussain, Councillor K. Hussain, Councillor R. Martin and Councillor A. Nawaz.

186/22 **Declarations of Interest**

There were no interests declared.

187/22 **Deputations and Petitions**

There were no deputations or petitions submitted.

188/22 **Minutes of previous meeting**

Resolved

That the minutes of the meeting held on 9 March 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

189/22 **Local Government (Access to Information) Act 1985 (as amended)**

There were no items for consideration in private session.

190/22 **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.

(see annexed)

At the commencement of each item, the Chair advised speakers that they should restrict their address to no more than two minutes.

At this point, the Chair advised members that Items 2 and 3 on the plans list had been withdrawn at the request of the respective applicants.

191/22 **Plans List Item 1 – 22/0287 Unit 3, Walsall Road, Walsall, WS5 4AN**

Speaker in attendance: Mr Wheelwright, agent – in support.

The Principal Planning Officer (S. Wagstaff) presented the report of the Head of Planning and Building Control with additional information provided in the supplementary paper.

(see annexed)

This provided an overview of the location, proposed layout and elevations. Highways considerations including access had been approved by Sandwell Council, who were the responsible authority with the access being located within Sandwell borough. The site was in the green belt but met the exceptional circumstances requirement due to being a previously developed site.

Mr Wainwright spoke in support of the application and explained that the development would bring substantial benefits to the area through the provision of a discount supermarket, employment opportunities and reducing overall road journeys.

Responding to questions, the Principal Planning Officer explained that the lack of a fire hydrant in the immediate proximity to the proposed development did not require a planning condition as this would be resolved according to building control regulations.

It was **Moved** by Councillor Bains **Seconded** by Councillor Statham and upon being put to the vote was:

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 22/0287 subject to conditions and a Section 106 agreement to secure a travel plan and subject to:

- The amendment and finalising of conditions.
- Overcoming the outstanding concerns raised by Lead Local Flood Authority.

192/22

Plans List Item 4 – 21/0168 11 Knights Hill, Aldridge, WS9 0TG

Speaker in attendance: Mr Taylor, applicant – in support.

The Senior Planning Officer presented a report of the Head of Planning and Building Control, which provided an overview of the site, proposed development and the reasons for the recommendations, with additional information provided in the supplementary paper.

(see annexed)

Mr Taylor explained that the proposed development would replace an eyesore building, which had attracted anti-social behaviour with two energy efficient properties to help address housing needs. These would have a positive effect on the area and Mr Taylor highlighted his view that more significant developments had been approved elsewhere. Responding to questions, Mr Taylor explained his view that the proposed development represented 'in-fill' and therefore was permitted on green-belt sites. The increase in floor space

would be 21% and a large concrete hard standing would be removed. The second building would fund the replacement of the existing property but they had been designed so that the second building could be removed.

The Group Manager (Planning) explained that he did not have the information available as to when tree officers had become involved in the application and clarified that the application had been in the system for a long-time which had contributed to the bat report being invalid.

Debating the application, some Members expressed that whilst two properties on the site would not be out of character with the street scene, no reasons had been provided for special circumstances having been met. The additional bungalow did not meet the Council officers' definition of 'in-fill' and should it be removed, a new application would be required.

It was **Moved** by Councillor Samra **Seconded** by Councillor Cooper and upon being put to the vote was:

Resolved (12 in favour, 1 against)

That Planning Committee refuse planning permission for application 21/0168 for the reasons set out in the officer's report.

193/22

Plans List Item 5 – 20/1606 68 Thornhill Road, Streetly, B74 3EW

Speaker in attendance: Mr Pearson, applicant – in support.

The Group Manager (Planning) presented a report of the Head of Planning and Building Control with additional information provided in the supplementary paper.

(see annexed)

This outlined the site and context including road layouts; trees covered by TPOs; the requirements of the Streetly Area of Special Townscape Character; and the history of the application and others at the location. Planning Officers had concluded that the development did not represent an 'annex' but was self-contained and could easily become a separate dwelling.

Mr Pearson explained that the reason for the application was to construct an annex to enable the care of elderly relatives. Responding to questions, he explained that three architects had agreed the proposal conformed to the requirements of size, structure and the local area and that a local architect had been employed. Having an annex separate from the existing property would allow for independent living, but there was no intention to split the buildings into two dwellings in future. A corridor to connect the two buildings could be added if required.

The Group Manager (Planning) explained the requirements of the Streetly Area of Special Townscape Character and that there had been three amendments to the application made to date. Any scheme would require a technical report to overcome the concerns raised by the Tree Preservation Officer.

Debating the item, Members commended the reason for the application's submission but raised concerns about the effect on the street scene and the proposed building's lack of subservience of to the existing property.

It was **Moved** by Councillor Cooper **Seconded** by Councillor Bott and upon being put to the vote was:

Resolved (unanimously)

That Planning Committee refuse planning permission for application 20/1606 for the reasons set out in the officer's report.

Termination of meeting

The meeting terminated at 6:37pm

Signed.....

Date.....



Development Management Planning Committee

Report of Head of Planning and Building Control on 22/06/2023

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2	22/1596	PADDOCK LAND CORNER OF BEACON ROAD, STABLES, BRIDLE LANE, STREETLY, WALSALL, WS9 0RG Ward: Pheasey Park Farm	CHANGE OF USE OF LAND TO A SITE TO PROVIDE DOG DAY CARE/NURSERY FACILITY FOR UP TO 71 DOGS PER DAY AND THE CONVERSION OF THE EXISTING STABLES TO PROVIDE AN OFFICE AND STAFF WELFARE FACILITIES, NEW PERIMETER FENCING AND FENCED SUB-DIVISIONS WITHIN THE SITE	GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS	28 - 49
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Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 1

Reason for bringing to committee

Significant Community Interest

Application Details

Location: LAND AT, FARMER JOHNS, 251, ALDRIDGE ROAD, STREETLY, SUTTON COLDFIELD, B74 2DX

Proposal: ERECTION OF A SAINSBURY'S LOCAL CONVENIENCE STORE WITH ASSOCIATED CAR PARKING, LANDSCAPING AND SERVICING AND PLANT AREAS UTILISING THE EXISTING ACCESS TO FARMER JOHNS PUBLIC HOUSE.

Application Number: 22/0526

Case Officer: Charlotte Van De Wydeven

Applicant: Sainsbury's Supermarkets Ltd

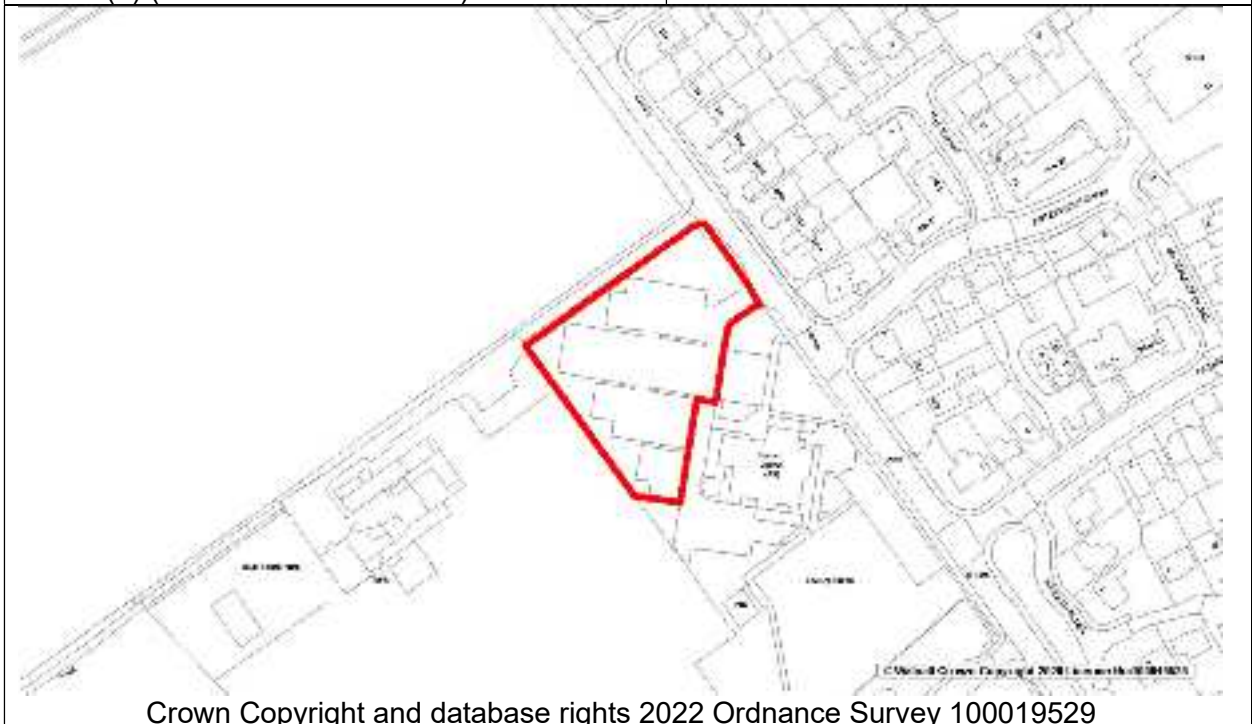
Ward: Streetly

Agent: Alder King Planning Consultants

Expired Date: 07-Jun-2022

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

Time Extension Expiry:



Recommendation

Refuse

Proposal

Erection of a Sainsbury's Local convenience store with associated car parking, landscaping and servicing and plant areas utilising the existing access to Farmer Johns Public House.

Site and Surroundings

The site forms part of the customer car park at Farmer John's public house which is located to the west of Aldridge Road in Streetly. The application site itself extends to approximately 0.3ha and lies to the northwest of the public house directly adjacent to the entrance of the car park.

Farmer John's public house is a two-storey public house set within a 100 space customer car park. The existing pub car park is almost exclusively formed of hard surfacing save for four landscaping strips planted with low level shrubbery, and hedgerows which flank the entranceway from Aldridge Road. The site comprises previously developed land and the public house provides a local facility for this community.

A line of hedging and trees borders the car park to the north, and a line of trees along the western edge provides separation/screening from the adjacent land.

The surrounding context of the site is of mixed character. Aldridge Road effectively forms the boundary of Streetly, with some limited exceptions (including the application site). Despite this, the site is surrounded on three sides by development; immediately west and separated by a dense line of trees is Blue House Farm, comprising a large paddock, reclamation yard, and a farmhouse with a complex of farm buildings along the northern edge; Hundred Acre Scouting Centre lies to the south, beyond the pub and bowling green and club house. These developed sites comprise of development set within large open plots which contribute to the openness and countryside character of this side of Aldridge Road. The land on the opposite side of the road (to the east) is characterised by suburban residential development. Open farmland extends to the north-west and to south and west of the site, beyond the adjacent land uses noted above.

The site falls within the Green Belt, the boundary of which runs along Aldridge Road, and it also sits at the edge, but inside, the designated Great Barr Conservation Area. The nearest designated retail centres are Streetly Local Centre, located 1.2km (driving distance) to the north-east of the site, and Blackwood Local Centre lies some 1.4km away, also to the north-east.

Relevant Planning History

The available planning history for the site dates back to March 1987 when outline planning permission was granted for the development of a public house and recreational facilities on land adjacent to Blue House Farm (ref. BB16383P). Following the grant of this outline planning permission, several subsequent applications and amendments were variously approved, refused or withdrawn at the site from May 1987 to February 1990. A summary of the early history of the site is set out below.

- BB16383P OUTLINE: Erection of public house & use of land for recreational facilities. Approved March 1987

- BC19491P Erection of restaurant with associated car parking, bowling green and no. tennis courts.
Withdrawn May 1987
- BC20600P Erection of public house, managers flat, pergolas and changing rooms, construction of car park, access, bowling green and tennis courts.
Refused September 1987
- BC22309P Erection of public house & recreational facilities.
Approved April 1988
- BC25310P Erection of public house and recreational facilities (amendment to C22309P).
Approved February 1989
- BC28283P Pavilion for leisure facilities (amendment to BC25310P).
Approved February 1990

Following the development of public house at the site, several further planning applications have been submitted to, and been determined by Walsall Council. These include an application for the conversion of a former bowling green associated with the pub, to tennis courts (BC14147P) and a play area (BC49449P/C), and an extension of the public house building itself in 2002 (02/0869/FL/E7). The planning history of the site to present is summarised below.

- BC14147P Conversion of Former Bowling Green to Tennis Courts, 6no, 10m high Floodlights, Erection of Chain Link Fence & Landscaping.
Approved March 1996
- BC49449P/C Use of Bowling Green Area As Play Area Containing Play Equipment & Seating.
Approved April 1997
- 02/0869/FL/E7 Alterations to front elevation to form new entrance & canopy. Alterations to existing landscaping to include new lawn areas, additional planting, fencing to road boundary and pathways.
Approved June 2002
- 07/0130/FL/E9 Change of use from beer garden to childrens play area to comprise of a climbing frame including a platform with roof, net and stainless steel slide, together with associated fencing and safety surface.
Refused April 2007
- 11/1185/FL Replacement of smoking shelter with extension, new windows and doors in side elevation alterations to fenestration in rear elevation and screening of service yard.
Approved December 2011
- 12/0502/FL Replacement of garden shelter with pergola, new canopy over entrance, new rear service yard, cladding to gables, alterations to fenestration in rear elevation, enlargement of windows in side elevations and new children's play area.
Approved June 2012

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**

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
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T4: The Highway Network
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

Vision, Sustainability Principles and Spatial Objectives

- CSP2: Development Outside the Growth Network
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

- TRAN2: Managing Transport Impacts of New Development

Walsall Site Allocation Document 2019

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

EN1: Natural Environment Protection, Management and Enhancement

EN5: Development in Conservation Areas

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

Shop Front SPD

- SF1: Historic shop fronts
- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

Beacon Action Group

No comments received.

Clean and Green

No comments received.

Community Safety Team

No objection subject to further details on the position and security of the development to mitigate against any antisocial behaviour. These details could be secured by the imposition of condition(s).

Conservation Officer

Objection. The proposal fails to enhance and preserve the character and appearance of the Great Barr Conservation Area. The siting of the proposed retail unit would harm the open character, setting and significance of Blue House Farm non-designated heritage asset.

Drainage

No comments received.

Ecology Officer

No objection subject to a lighting condition.

Environmental Health

No objections subject to mitigation of potential noise disturbance for early mornings such as the restriction of the deliveries of goods outside the hours of 07:00am and 21:00pm.

Environmental Protection

No objection.

Local Highways Authority

No objection subject to the applicant securing the necessary highways works.

Natural England

No comments received.

Severn Trent Water

No comments received.

Strategic Planning Policy

Objection. The proposal represents inappropriate development in the Green Belt by the impact upon openness, by way of its structure and traffic movements.

Tree Preservation Officer

No objections.

Waste Management (Clean and Green)

No comments received.

West Midlands Fire Service

No objection subject to the development compliant with Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

West Midlands Police

No objection.

Representations

Initially received 77 responses from residents: 35 objecting to the proposal, 41 in support, and 1 neutral. A summary of the responses is below.

Objection

- Detract from openness of the area.
- Impact on green belt
- Antisocial behaviour Lack of controlled pedestrian crossing
- Increase in traffic.
- Loss of view
- Negatively impact independent local grocery stores
- Drainage issues
- Vacant site in local area preferred rather than new building.
- Design and construction materials not in keeping.
- Light pollution
- No additional green space

Support

- Local convenience store within walking distance
- Creates new jobs.
- Drives a competitive economy.
- Makes use of empty car park
- Reduce need to use car.

Following the amendment of the proposal, a total of 16 responses were received: 13 objecting and 3 in support. A summary of the responses is below.

Objection

- Lack of controlled pedestrian crossing
- Increase in traffic.
- Loss of view
- Negatively impact independent local grocery stores
- Drainage issues
- Vacant site in local area preferred rather than new building.
- Design and construction materials not in keeping.
- Light pollution
- No additional green space

Support

- Drives a competitive economy.
- Makes use of empty car park.

Determining Issues

- Principle of Development and Impact on the Green Belt
- Heritage Assessment
- Character and Appearance of the Area
- Residential Amenity
- Highways
- Ecology
- Trees

Assessment of the Proposal

Principle of Development and Impact on the Green Belt

Inappropriate Development

As set out in paragraph 145 of the NPPF, new buildings in the Green Belt are inappropriate development.

Paragraph 143 states that where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF advises we should give substantial weight 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, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

The NPPF states that only a limited number of types of development are not inappropriate in the Green Belt. NPPF paragraph 149 g) refers to *“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”*.

Planning practice guidance <https://www.gov.uk/guidance/green-belt> states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may 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.”*

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

Openness is, to a large extent, the absence of perceived development, whether in the form of buildings, engineering or other operations or a material change of use of land. When reflecting on openness, in the Court of Appeal decision of Turner (2016) EWCA Civ 466 the court held that the consideration of openness cannot simply depend on a quantitative assessment; rather, it is also necessary to consider the spatial implications of a proposal. In other words, a development scheme cannot rely on the volumetric assessment alone: it is necessary to take account of wider considerations, including, for example, the open rural character of a site and the spatial implications of a proposal in such a location.

The proposal is to replace part of the existing car park with a large building. The building itself will clearly have a greater impact on openness than a car park, this is indisputable.

In addition, the use of the site is also of relevance to perceived openness and the overall impact on the Green Belt. Through the introduction of a retail store in this setting, the development will result in a more intensive use of the remainder of the car park. The current purpose of the car park is to serve the public house. Most users of a public house are likely to be present for several hours, so the number and frequency of vehicle movements will be low. Visitors to a supermarket however are unlikely to stay for more than 10-20 minutes, so there will be a high turnover of vehicles and more movement. Given that the public house is to remain (it has recently been refurbished <https://www.birminghammail.co.uk/black-country/popular-sutton-coldfield-pub-close-26701729>), these vehicle movements will be in addition to those serving the pub.

As such, it is not only the built form that will have a detrimental impact on the openness of the Green Belt, but the degree of activity generated from the retail store.

Visibility

Lack of visibility would not by itself make a proposal reduce the impact on openness. Indeed, any landscaping to reduce visibility would itself impact on openness, and it is unlikely that a retailer would want a store to be unnoticeable from passing traffic.

Farmer Johns building is set back with the car park area towards the front of the site demonstrating the open nature of the site. Clear views across the whole site are available from Aldridge Road. To erect a retail store that would sit in the majority of the site at a height of 5m high, the whole of the building from this view would be visible, and the building would be visually prominent.

The submission of the landscape plan has been helpful to illustrate planting along the northern boundary of the site and it has been helpful to understand this planting would be mature planting at a height of 1.5m to 2m to provide screening of the proposed building. However, the proposed elevations show the building at 5m high is much taller than the existing boundary treatment and glimpses of the roofline would be visible above existing vegetation and proposed planting.

The covering letter states *the 'siting has been revised, so it is set back from Aldridge Road and now well screened'*. The planting scheme shows five trees to be planted towards the front of the site, which would provide some screening of the proposed retail unit from this particular section of Aldridge Road. The retail unit would be visually prominent, as shown in drawing PL-A-2010/B entitled proposed street view visuals. Furthermore, the proposed retail

store would not only be seen from views along Aldridge Road, above the existing low-level hedgerow on Aldridge Road but also from the habitable room windows of the residential properties opposite the site.

In summary, the site lies in an elevated position and is visible from across fields to the north and west. The proposed retail store would be visually prominent when viewed along Aldridge Road; it would stand out as a visually detrimental built form that would be seen above existing low-level hedgerow along Aldridge Road, the track to the north of the site and the habitable room windows of the residential properties opposite. It would visually detract from the existing open spacious character to the north of Farmer Johns PH.

Green Belt Conclusion

The proposal would be inappropriate development in the Green Belt which would result in a significant loss of openness. It would fail to preserve openness and the scale of loss would not diminish the intrinsic harm to the openness of the Green Belt. These are matters which the Framework requires the application of substantial weight.

There are no other considerations in support of the development which individually or collectively clearly outweigh the identified harms due to inappropriateness and loss of openness in the Green Belt.

Heritage Assessment

Non-Designated Heritage Assets

The submitted heritage statement in para 5.10 states *'the site is not close to any other designated or non-designated heritage asset and there are no buildings of architectural significance nearby'*.

Paragraph 203 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'*.

The NPPF also states *'significance derives not only from a heritage asset's physical presence, but also from its setting'*.

Blue House Farm and ancillary outbuildings date back to the 19th century. This site has been nominated for local listing as part of the Local Heritage Fund project.

The setting of this non designated heritage asset, Blue House Farm is one of open space around the site. The land to the west of the site, whilst a car park, is a relatively flat parcel of land that provides an open space towards the front of the non-designated heritage asset. The car park not only provides an open setting to the non-designated heritage asset but a spacious open character to the front of the non-designated heritage asset. The proposal to erect a retail store, in front of this NDHA would harm the open character and setting of this NDHA and as such, its positioning would be harmful to the significance of this NDHA, contrary to para 203 of the NPPF.

Conservation Area and Design and Layout

The Heritage Statement (HS) references the Great Barr Conservation Area - Para 2.4 of the HS states '*the site lies just inside the Great Barr Conservation Area*'. The HS throughout references the site being on the very edge of the conservation area. This is factually incorrect; the site is wholly within the Great Barr Conservation Area and not on the edge of.

Whilst, the draft Great Barr Conservation Area Appraisal and Management Plan recommend the removal of this area from the conservation area, the CAAMP has not been adopted and as such, the application will be assessed on the current basis, of the site still being included within the conservation area.

The HS states the 'store will be of a similar scale to the adjacent public house building directly to the south, and of a comparable height to ensure that the visual amenity of nearby residential properties is not compromised and the store is hidden in views from the wider Great Barr conservation area. It will be low rise with a high-quality contemporary appearance. The design is deliberately simple, with a rural/agricultural aesthetic, similar to the scouting centre, reflecting the rural character of the wider conservation area'.

The design of the proposed retail unit does not resemble agricultural buildings; the agricultural buildings within the conservation area are of traditional brick construction with tiles roof and not metal clad buildings.

With regards to the reference to the scouting centre, the centre is set back within the site and visually unobtrusive in the street scene and screened with some landscaping towards the front of the site.

The design of the proposed retail store due its large industrial shed like appearance, shallow profile roof, and large glazed frontage, and choice of materials of metal cladding, together with the proposed palisade fencing, proposed advertisements and advertisement totem at the site frontage fails to enhance or preserve the character and appearance of Great Barr Conservation Area. The siting and positioning of the proposed retail unit, sitting further forward than Farmer Johns PH on the site, would stand out as a visually prominent feature, which would be visually detrimental when viewed from the street scene along Aldridge Road. Furthermore, through long views from within the conservation area, across agricultural fields the proposed retail unit would be visible, especially in winter months when the deciduous hedge planting is not in leaf.

As such, the positioning and siting of the proposed retail store within the site would not only result in the loss of open space towards the north of Farmer Johns PH, it would harm the open and spacious setting, and character Blue House Farm, which would be harmful to the significance of this non designated heritage asset. The proposed development does not enhance or preserve the character and appearance of Great Barr Conservation Area. The proposal is contrary to Para 203 of the NPPF, Saved policies GP2, ENV29 and EN32 of the UDP, Policies ENV2 and ENV3 of the BCCS, Policy EN5 of the SAD, policies DW3, DW9 and DW10 of Designing Walsall SPD and Policy SF2 of the Shopfront SPD.

Character and Appearance of the Area

Design and Siting

Amended plans show the proposed single storey retail store incorporating a shallow roof design, brick clad finish with a large, glazed frontage to the main retail unit and aluminium grey panels for the remainder of the unit. The proposed roof to incorporate vertical cladding panels in anthracite grey together with the matching fascia. The proposed brick cladding to the exterior of the main retail unit is Eurobond rainspan over clad with Corium brick slips.

The existing built development along Aldridge Road is constructed out of traditional materials, bricks and tiles. Design of buildings include roofs with a decent pitch that add character to the built area along this part of Aldridge Road.

The design of the proposed retail store with its shallow roof pitch is out of character with the existing pattern of development along Aldridge Road, in particular Farmer Johns PH. The covering letter states the 'scheme adds variation and breaks up the mass of the roof form' and the '*overall height is below the lowest ridges; the eaves of the proposed retail unit are taller than the eaves of Farmer Johns PH and the proposed roof is shallow in comparison to Farmer Johns PH*'. The proposed materials of aluminium cladding are not in keeping with the traditional materials of existing built development, Farmer Johns PH and the residential properties on the opposite side of Aldridge Road. The proposal fails to enhance, preserve and reflect the local character of the area.

Whilst the retail unit has been repositioned to sit further back into the site, it now appears as a cramped form of development squeezed into the site adjacent the site boundaries. The plans within the soft landscaping design statement highlights parts the proposed planting to the hedge, retaining wall and part of the development as outside of the red line. Furthermore, it is not entirely sure why a retaining wall is required, as the land levels appear relatively low and uniform across the site.

The proposed retail store due to its design including high eaves, shallow profile roof, large glazed frontage, choice of materials including metal cladding, and the proposed 2.4m palisade fencing would be out of character with the traditional built form of development along Aldridge Road. The proposed retail store due to its positioning and siting within the site would result in a cramped form of development that would fail to reflect the existing spacious pattern of development along Aldridge Road. The positioning and siting of the proposed retail store within the site would not only result in the loss of open space towards the north of Farmer Johns PH, it would harm the open and spacious setting.

Residential Amenity

The proposal will deliver a small-scale and locally focussed retail store. Similar stores in this format are located in residential areas across the country, often with residential flats and apartments directly above. Servicing of the proposed store will take place from the customer car park and the building services plant is located to the rear of the store, well away from the residential dwellings on the opposite side of Aldridge Road. Subject to mitigation of potential noise disturbance for early mornings such as the restriction of the deliveries of goods outside the hours of 07:00am and 21:00pm, it is not considered that the development will have a significant adverse impact on adjacent and neighbouring residential properties.

Highways

The applicant has now addressed the Highway Authority's previous concerns around providing a focal crossing point on Aldridge Road for customers, near the store entrance in the form of a tactile dropped kerb crossing. This would need to be delivered via a 12K financial contribution through a S106 agreement towards an impending Council road safety scheme on Aldridge Road or delivered by themselves via an appropriate highways' agreement. Due to this application being put forward as a refusal, the applicant is unable to secure the necessary highways works via a Section 106 Agreement, and they have failed to include the area of off-site works within the application site boundary to enable the LPA to secure by condition on any permission. This will therefore be included as a further refusal reason.

Ecology

There are no objections to this application on ecological grounds. However, from review of the associated documentation and plans, no details of the lighting to be used within the development have been provided. As lighting along the boundary habitat features have the potential to impact local bat population flightlines, this should be avoided and or minimised, where possible, as part of the design of the development.

Trees

The proposal includes ornamental planting along the site frontage and whilst this type of planting introduces colour, it is not characteristic of native shrub planting found along Aldridge Road. The proposed planting would enhance the site, albeit it is not native planting. A type of Laurel plant is proposed to plug the gap between the site and Blue House Farm. The planting schedule references this plant to be 150-175m tall, it is not clear as whether this is the height of the plants to be planted. If it were the height of plants to be planted, then some immediate screening of the proposed retail store would be available.

Other Considerations

Air Quality

The Tetra Tech Report 784-B045837 dated 16th January 2023 was revised to incorporate the revised air quality objectives in respect of particulate matter PM2.5 as advised by Environmental Protection Team.

The assessment entails a detailed dispersion model of pollutants associated with the additional road traffic generated by the proposal with an operational year of 2023. The long-term (annual) concentrations of nitrogen dioxide, PM10, and PM2.5 have been determined with and without the scheme, and the effect of the proposed development is determined to be 'negligible' as described in EPUK and IAQM guidance at all identified existing sensitive receptor locations.

As such it is considered that the scheme is considered acceptable in this regard.

Conclusions and Reasons for Decision

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and an amended scheme was submitted. However, officers, in this instance are unable to support the proposal. This recommendation of refusal reflects the advice given by the Local Planning Authority at pre-application stage.

Recommendation – REFUSE PERMISSION

1. This site lies within the West Midlands Green Belt. The proposal would be inappropriate development harmful to the character of the Green Belt and to its openness. The Council does not consider that special circumstances exist in this case that clearly outweigh those harms. This application is contrary to Saved Unitary Development Plan Policy GP2 (Environmental Protection), CSP2 (Development Outside the Growth Network) of the Black Country Core Strategy, GB1 (Green Belt Boundary and Control of Development in the Green Belt) of the Walsall Site Allocation Document and the National Planning Policy Framework.
2. The proposed retail store due to its design including high eaves, shallow profile roof, large, glazed frontage, choice of materials including metal cladding, and the proposed 2.4m palisade fencing would be out of character with the traditional character of development along Aldridge Road. The proposal does not preserve, enhance and reflect the local distinctive character of the area. The proposed development does not enhance or preserve the character and appearance of Great Barr Conservation Area. The proposal is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Policies ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document, DW3, DW9 and DW10 of the Designing Walsall SPD, SF2 of the Shopfront SPD, and the National Planning Policy Framework.
3. The proposed retail store due to its positioning and siting within the site would result in a cramped form of development that would fail to reflect the existing spacious pattern of development along Aldridge Road. The positioning and siting of the proposed retail store within the site would not only result in the loss of open space towards the north of Farmer Johns PH, it would harm the open and spacious setting, and character Blue House Farm, which would be harmful to the significance of this non designated heritage asset. The proposed development does not enhance or preserve the character and appearance of Great Barr Conservation Area. The proposal is contrary to Para 203 of the National Planning Policy Framework, Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Policies ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document, DW3, DW9 and DW10 of the Designing Walsall SPD and SF2 of the Shopfront SPD.

4. The proposed retail store would be visually prominent when viewed along Aldridge Road; it would stand out as a visually detrimental built form that would be seen above existing low-level hedgerow along Aldridge Road, the track to the north of the site and the habitable room windows of the residential properties opposite. It would visually detract from the existing open spacious character to the north of Farmer Johns PH. The proposed development does not enhance or preserve the character and appearance of Great Barr Conservation Area. Furthermore, no visual plan has been submitted illustrating if or how much of the proposed retail unit would be visible from Blue House Farm above the existing and proposed planting. The proposal is contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Policies ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document, DW3, DW9 and DW10 of Designing Walsall SPD and the National Planning Policy Framework.

5. This application fails to provide details of lighting to be used within the development which has the potential to impact local bat population flightlines due to the presence of boundary habitat features. This proposal fails to conserve local bat populations and is not in accordance with Saved Unitary Development Plan Policy ENV23 (Nature Conservation and New Development), Black Country Core Strategy Policy ENV1 (Nature Conservation), Site Allocation Document Policy EN1 (Natural Environment Protection, Management and Enhancement), national legislation; wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994, guidance outlined in Note 08/18 bats and artificial lighting in the UK, Bats and the Built Environment Series, BCT, 2018, and the Natural Environment SPD.

6. This application fails to provide the necessary off-site highway works contrary to Saved Unitary Development Plan Policies GP2 (Environmental Protection), T4 (The Highway Network) and Black Country Core Strategy Policy TRAN2 (Managing Transport Impacts of New Development).

Notes for Applicant

None.

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 2

Reason for bringing to committee

Significant Community Interest - Petition received against the application.

Application Details

Location: Paddock Land Corner Of Beacon Road, Stables, Bridle Lane, Streetly, Walsall, WS9 0RG

Proposal: CHANGE OF USE OF LAND TO A SITE TO PROVIDE DOG DAY CARE/NURSERY FACILITY FOR UP TO 71 DOGS PER DAY AND THE CONVERSION OF THE EXISTING STABLES TO PROVIDE AN OFFICE AND STAFF WELFARE FACILITIES. NEW PERIMETER FENCING AND FENCED SUB-DIVISIONS WITHIN THE SITE.

Application Number: 22/1596

Case Officer: Stephanie Hollands

Applicant: Bruces Doggy Daycare

Ward: Pheasey Park Farm

Agent: Bell Cornwell Chartered Town Planners

Expired Date: 17-Feb-2023

Application Type: Full Application: Change of Use

Time Extension Expiry: 30-Jun-2023



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Recommendation

Grant Planning Permission Subject to Conditions.

Proposal

Change of use of land to a site to provide Dog Day Care/Nursery facility for up to 71 dogs per day and the conversion of the existing stables to provide an office and staff welfare facilities. New perimeter fencing and fenced sub-divisions within the site.

Planning permission is sought for the creation of a dog day care facility at the site. The facility operates like a children's nursery but for dogs; it will provide a safe, controlled, and purpose-built environment for the enjoyment, exercising and care of the dogs using the site. The existing stables building will be retained and re-used (with necessary buildings works) for staff welfare facilities and office. External changes are proposed to ensure the appropriate light and ventilation is provided for the users (dogs and people) of the building i.e., the insertion of doors and windows.

The existing vehicle access will be retained to allow entry and exit of two vehicles concurrently. The existing hardstanding for access/ parking in the site will be retained, with parking layout modified to suit the requirements of the business.

The dogs would be separated into different areas across the site depending on criteria. Consequently, fencing through the site would be required to demarcate these areas. Additionally, boundary fencing is necessary to ensure the dogs safety. Fencing locations are detailed on the Proposed Site Plan. All fencing would be under 2m in height. In this case, the site is set back from the highway by vegetation.

The facility would be open between the hours of 0730 and 1800. The majority of dogs are on site between 0830 and 1500. No dogs would remain on site overnight. The Site would only operate Monday to Friday, not on Saturday or Sundays nor on Bank Holidays.

The dogs are collected from their owners' homes from 0700 using a doggy bus (air-conditioned vans fitted with vet approved crates). They are brought to site for the day and dropped home again in the afternoon. Buses arrive at the site around 0830 and leave again around 1500. Where dogs are boarding with staff overnight, they will remain on site until 1800, when they will be taken elsewhere.

The profile of the staff is that they are young employees who don't have the benefit of owning their own car. For that reason, access to bus routes and nearby built-up areas (for a catchment of dogs but also staff) is important. The "doggy bus" concept means that staff have the vans with them. They park at their residential property overnight and then round up a colleague and local dogs in the morning. So, each "doggy bus" brings 2 members of staff to site. They then stay there until home time, at which time the "doggy bus" leaves with its full quota of circa 8 dogs and its 2 members of staff. Therefore, 5 parking spaces are provided for the "doggy busses" which provides for 10 members of staff. This leaves 10 parking spaces for other staff, deliveries and other dog drop offs.

There would be, when fully operational, up to 71 dogs per day on site. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 sets out clear guidelines for the amount of space required for dogs in day care, which is 6 square metres per dog. This site has 228 square metres per dog, far beyond the minimum required. Another important factor is that the dogs have access to sufficient indoor space. Based on the applicant's tested model across 8 sites, 1 sqm per dog of indoor space works well.

Therefore, the application reflects this to calculate the total number of 71 dogs being appropriate for this site.

The Regulations recommend a ratio of 1 staff member for every 10 dogs. The site will be managed by a site manager and deputy site manager and the remainder of the staff will be solely carers or carers/drivers who will bring the dogs to the site and look after them whilst they are on site. If the site is operating at full capacity, then there will be 8 members of staff on site at peak times.

When at full capacity the site would operate 5 dog buses by 5 members of staff. The dog buses are a sustainable method of bringing the dogs to the site (shared trips) but also enables the management of the vehicles used. Where infrastructure allows, the applicants are aiming to have 25% electric vehicles across the business by the end of 2025, 50% by 2028 and 100% by 2030. There would be 10 staff/company vehicles on site per day. The additional staff would likely car share or cycle.

A facility of this nature provides an alternative care option for dog owners within a controlled environment rather than the likes of dog walking services which walk a number of dogs at one time within public open spaces. Experience has found that services offering multiple dogs walked simultaneously can be intimidating to other users of the public open spaces, in particular other dog owners, young people, cyclists, horse riders and runners. There are also challenges when dealing with the excrement that obviously is generated when walking groups of dogs in public spaces. The facility would utilise the services of a dog waste management company to ensure that all dog waste is collected and suitably removed from the Site. This dog day nursery removes this public interaction and therefore potential for intimidation and complaint.

By means of background, Bruce's Doggy Daycare as a provider of doggy day care facilities and pride themselves on their high standards. They are fully committed to sustainability of their sites and contributing to the environment is at the heart of their strategy across buildings, land, and places. This can be seen through their investments into nature, trees, and landscaping. Their plantation plans include providing trees, hedge lines and gardens to contribute to the land in which they occupy, and they recognise that each year planting and long-term management could provide tonnes of CO2 capture. Future plans are for continued, increased investments into internal green infrastructure. This also includes the allocation and creation of microhabitats to support local wildlife.

The following documents have been submitted in support of the application:

- Planning and Heritage Statement which details an introduction, planning policy context and material considerations, Heritage Statement, Flood Risk Assessment and Drainage Strategy, planning balance and conclusions.
- Statement from Mark Plummer, Environmental Protection Officer of Elmbridge Borough Council in relation to noise complaints from Bruce's Doggy Day Care Sites operating at Cobham and Oxshott, Surrey.
- Letter from Oxshott residential neighbour living next door to Oxshott Meadows Bruce's Doggy Day Care on Woodlands Lane, KT11.

Site and Surroundings

The site is located 1.08km to the west of Streetly and approximately 730m north of the built-up area of Pheasey. It is on the corner of Beacon Road and Bridle Lane.

The site is predominantly open nature, with an existing access to the north on to Bridle Lane. The northern, western, and eastern boundaries are contained, with mature vegetation in situ. To the south, the adjacent land is also in equestrian use (authorised in 1998 under reference BC51923P/C).

There is an existing stable building in the north-eastern corner of the site which is to be retained and reused (with necessary modifications to make it fit for the proposed purpose). This structure appears to have been on site since at least 2009 (being visible in Google Earth aerial imagery since this time), indicating a lawful equestrian use of the site.

There is also a ménage at the site, which is in a diminished condition, and hardstanding associated with the access and parking areas.

Beacon Road on the western side of the site has pedestrian pavement and a bus stop.

Relevant Planning History

APPLICATION No.	PROPOSAL	DECISION	DATE
BC56535P/C	Application for submission of schemes in accordance with conditions of permission BC51937P/C & amendment to condition 8.	Grant Permission Subject to Conditions	27/11/1998
BC51937P/C	Erection of stables, fence & gates and change of use of land for horse grazing.	Grant Permission Subject to Conditions	25/03/1998
BC51923P/C	Proposed New Stables & Change of Use of Land from Agricultural to Private Horse Grazing.	Grant Permission Subject to Conditions	25/03/1998

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 8 – Promoting healthy and safe communities**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions**, the NPPF (para 55) 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.

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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial buildings
- T4: The Highway Network
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Outside Regeneration Corridor
- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- TRAN2 Managing Transport Impacts of New Development

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- M1: Safeguarding of Minerals Resources
- RC1: Outside Regeneration Corridor
- EN5: Development in Conservation Areas

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

- DW2 Safe and Welcoming Places
- DW3 Character
- DW9 High Quality Public Realm

Consultation Replies

Beacon Action Group: We wish to object to this application for the following reasons:

- We consider this application to be incompatible with the adjacent and surrounding fields as it is in the centre of an equine area with adjacent fields used by horse owners to accommodate their animals.
- The fencing arrangements necessary to separate the dogs from the horses would have to be substantial to prevent noise from the 71 dogs, which would likely result in will harm the horses, and the design and appearance may not be suitable in a conservation area.

Conservation Officer: No objection subject to conditions relating to external light, boundary fencing, deer and wooden gates and landscaping (see details below).

Ecology Officer: No comments or objections received.

Environmental Health: No objection subject to a condition restricting the hours open to customers.

Environmental Protection: No objection (see details below).

Local Highways Authority: No objection following the submission of amended plans and additional information to address the initial concerns raised (see details below).

Natural England: No detailed comments to make on this proposal.

Public Health:

- Upon review of this application there are no specific areas where there is likely to be a significant concern of potential impact to public health. This application may include potential public health impacts better identified by partners, for example in areas of potential environmental health impacts should noise be a concern.
- This assessment is made with the expectation of adequate provision of necessary care and precautions within the proposed development, for example with regards to proper management of animals to limit the risks of potential disease transmission and proper securing of animals to reduce the potential risk of injury.

Strategic Planning Policy: No objection (see details below).

Tree Preservation Officer: No comments or objections received.

West Midlands Police: No objection.

West Midlands Fire Service: Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England.

Representations

The application was advertised by way of press and site notices being displayed and notification letters sent to surrounding properties. The public consultation time on the latest amended plans and additional information submitted expired 27th April 2023. Forty seven objections have been received from individuals/local residents (some with multiple/duplicate objections) with the following concerns summarised below:

- Noise
- Welfare/safety of horses
- Welfare of the dogs – conditions proposed/extreme weather
- Impact in wildlife
- Increase in traffic
- Highway conflicts/poor visibility
- Parking provision on site
- Disposal of waste
- Proposed fencing sufficient to contain the dogs/blight on the landscape
- Not suitable for business use
- Building in green belt land
- Conservation area – inappropriate development/out of character
- Area is predominantly equestrian and agricultural
- Will lead to more development on the site
- Ruin grassland left in the area
- Trees/hedges effected
- Previous unauthorised actions at the site – Vans stored/footings dug out
- No footpath

- Inappropriate next to UNESCO site (Barr Beacon Local Nature Reserve)
- Visibility not in keeping
- Increase crime
- Flooding
- Land not large enough for number of dogs proposed

It is noted that the majority of the objectors do not live within the immediate vicinity of the application site, however, have horses at the adjacent farm. Some objectors also provided no address.

The British Horse Society has submitted a holding objection with the following concerns raised:

- How is the proposal protecting and enhancing rights of way?
- How is the proposal impacting on other local businesses and how would the proprietor/applicant mitigate these risks?
- How would risks on the highway during the construction/development period and for the running of the business be managed?

A Petition as been submitted against the application for reasons in the objections including safety to many horses and riders with 64 signatures. Again, it is noted that the majority of the objectors who have signed the petition do not live within the immediate vicinity of the application site, however, have horses at the adjacent farm.

Determining Issues

- Principle of Development
- Heritage Assessment
- Design
- Landscape Design
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Ground Conditions and Environment
- Other matters

Assessment of the Proposal

Principle of Development

The proposal would appear to be not inappropriate in the Green Belt. Subject to consideration of the impact on the conservation area, and control being provided over lighting and additional structures, the use is acceptable in planning policy terms.

NPPF paragraphs 149 and 150 provide a 'closed list' of development types that are not inappropriate in the Green Belt. Elsewhere, for example a recent application at Bosty Lane, dog exercise facilities have been considered as outdoor recreation so are listed in NPPF paragraph 150. In the current case however, the applicant has stated that dogs will be collected from their owners' homes and taken to the site by the applicant to be exercised. They do not argue that the proposed use is outdoor recreation (which is listed under paragraph 150 e), but rather that the proposal involves the re-use of buildings (listed under paragraph 150 d)). Strategic Planning Policy do not disagree with this claim but would note that both clauses require the development to preserve the openness of Green Belt and not conflict with the purposes of including land within it.

The only physical alterations proposed are minor alterations to the existing hardstanding and vehicle access to ease vehicle movements, and the sub-division of the field with 2 metre chain link fencing. It is therefore considered these would have little impact on openness of the Green Belt.

Secure cycle spaces will also be required for staff working at the application site, an area has been shown within the site; however, it is unclear from the drawings provided if these will be undercover. The applicant will need to provide secure undercover cycle spaces and provide suitable details. A condition associated with undercover, secure cycle spaces would be appropriate to ensure it would not impact the openness or visual amenity of the Green Belt.

Heritage Assessment

The site is a rectangular parcel of land located on the southern side of Bridle Lane and the eastern side of Beacon Road. To the north of the site (adjacent Bridle Lane) are numerous trees protected by tree preservation orders. In the north eastern corner of the site is an 'L' shaped stable block, and area of hardstanding in front of the stables. To the south of the stables is a large rectangular parcel of land, appears to be a former manege. Access to the site is via Bridle Lane, a hard surfaced driveway and a parking area is located along the northern part of the site to the west of the stables.

The character of the area is one of large open agricultural fields with planted hedgerows and trees, which separate the parcels of land. The site is set at a lower level from both Beacon Road and Bridle Lane and views into the site are available when travelling along both Beacon Road and Bridle Lane. There are low level shrub planting and trees along the boundary here.

There is a low-level timber post fence within the site along Bridle Lane and within the site. The site is within Great Barr Conservation Areas, a designated heritage asset.

To the north of Bridle Lane and the west of Beacon Road is character area C, as identified in the Great Barr CAAMP. These parts of character area C are identified as areas of high historic landscape values. To the west of character area C, along Beacon Road is an area of high historic townscape value.

The site is within the intermittent setting of:

- Cofold Farmhouse (Grade II);
- The Pinfold (Grade II);
- barn approx. 20m north of Old Hall Farmhouse (Grade II);
- Old Hall Farmhouse (Grade II)

all designated heritage assets. To site is also within the intermediate setting of Barr Beacon war memorial, which is locally listed, and classed as a non-designated heritage asset.

Paragraph 194 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and the relevant historic environment record should have been consulted.

A Planning and Heritage Statement has been submitted which includes sections of the draft Great Barr CAAMP. It identifies the site as being in character area D, which recommended for exclusion in the draft Great Barr CAAMP. It also identifies adjacent listed heritage assets, areas of both high historic townscape and landscape value. The HS concludes:

The draft Conservation Area Appraisal and Management Plan proposes that the extent of the Conservation Area designation be reduced, so that the site and the area around it would no longer be designated as such. This is because the area has low historic or architectural value or significance. The proposal maintains the openness of the site and does not involve the erection of any new buildings. The proposal will preserve and enhance the character of the Conservation Area; there will be no harm to features that contribute to the Conservation Area.

The draft Great Barr CAAMP has not been adopted, and the proposal will be assessed as the site currently sits within the Great Barr CA. Other than reference to the draft Great Barr CAAMP, there is no evidence that the HER has been consulted, a requirement of para 194 of the NPPF.

The draft Great Barr CAAMP identifies the site being within character area D, which comprises open countryside used as agricultural land, sparsely populated with farmsteads and other sporadic residential development of twentieth century date. In general, field boundaries have formed through the amalgamation of smaller parcels of land since the land was enclosed in the eighteenth century, with further changes undertaken in the twentieth century. This is most obvious in the land to the east. To the west in sub-area D1, the network of lanes and field boundaries dates from likely the 18th century, although these have undergone amalgamation and further alteration of the years. The older origins of this part of the conservation area when compared to the agricultural land to the east are evident in the more organic routes and tracks, which cross the landscape. The character area is of very low architectural interest. In general, the very limited architectural interest of the character area is derived from the partial intactness of its sparse farmsteads. This very low architectural interest is found in the typologies present, of freestanding farmhouses constructed next to ancillary agricultural buildings around courtyards. It also recommends character area D is excluded from the Conservation Area.

Designated and Non-Designated Heritage Assets Significance and Setting

The NPPF states,

- LPA's should take account of enhancing the significance of heritages assets, the desirability of new development to make a positive contribution to local character and distinctiveness (para 197);
- and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para 199);
- Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 200);
- Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 201);
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 202);
- 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 (para 203).

The proposal change of use of the land to provide Dog Day Care/Nursery facility would have less than substantial harm to the significance and setting of the Great Barr Conservation Area and the intermediate setting of designated heritage assets, identified above. The scale of harm would be low to medium.

The proposal would need to be weighed against public benefits and optimum viable use. Planning Practice Guidance, Historic Environment Chapter sets out further guidance on this.

The proposal change of use of the land to provide Dog Day Care/Nursery facility would not harm the significance nor setting of Barr Beacon war memorial, due to the memorial being positioned on higher ground than the application site.

Buildings of Historic or Architectural Interest

Policy ENV27: Buildings of Historic or Architectural Interest (a) Alteration, extension or any other form of development involving a listed building or its setting will only be permitted where it can be clearly demonstrated by the applicant that the internal and/or external appearance, character and value of the building, its curtilage and the contribution the building makes to the surrounding area in which it is situated are not adversely affected by the proposals.

The proposal change of use of the land to provide Dog Day Care/Nursery facility would not harm the intermediate setting of the above referenced Listed buildings.

Enhancement and Preservation of Conservation Area and Design

EN5 of the SAD states:

a) The Council will seek to ensure that development preserves or enhances the significance of conservation areas, including their setting, character and appearance, in terms of the requirements set out in national guidance, and will encourage sustainable new development opportunities that enhance or better reveal this significance in line with the NPPF.

Consideration will also be given to the following:

- i. The degree of harm, loss of or alteration to buildings, structures or features that make a positive contribution to the character and significance of the conservation area.
- ii. The impact of any new, extended or altered buildings, structures or features on the heritage assets, special townscape and landscape features within the conservation area.
- iii. The scale, massing, siting, layout, design or choice of materials used in any new or altered building, structure or feature.
- iv. The nature of any proposed use and the likely provision of parking, infrastructure, utilities and other paraphernalia, and the anticipated levels of traffic and other activities that would result.

Policy ENV29 seeks development to preserve or enhance the character and appearance of a Conservation Area in terms of:-

- I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.
- II. The impact of any new buildings on the special townscape and landscape features within the area.
- III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.
- IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

Paragraph 134 of the NPPF states 'Development that is not well designed should be refused. Saved Policy ENV32 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;
- 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 requires development to preserve, 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.

Agricultural fields in this part of the Great Barr Conservation Area consist of open large fields, which are separated by planting including trees and hedgerows. Whilst the Conservation Officer notes the comments in the submitted document referencing permitted development rights, The Conservation Officer has concerns with the proposed 2m high chain link fence around the site perimeter and within the site.

The 2m high fencing would be visually prominent along both Beacon Road and Bridle Lane and from within the site, especially as both Beacon Road and Bridle Lane sit at a much higher level than the application site, which sits at a lower level, this allows direct views into the site are from both Beacon Road and Bridle Lane. The proposed 2m high, chain link fencing detracts from the open character and setting of this part of Great Barr Conservation Area it fails to enhance and preserve the local rural character of the area and enhance and preserve the character, appearance and setting of Great Barr Conservation Area. Any securing of the site perimeter should be undertaken with appropriate planting, preferably a hedgerow with a mixture of planting species. Any fencing within the site should be low level timber fencing.

The Agent has confirmed no lighting is proposed, as dogs will only be on site until 3pm. A planning condition stipulating no lighting to be erected on site in the form of lighting columns or attached / fixed to the buildings or boundary treatments should be included should the application be recommended for approval. This would safeguard the rural and open character of this part of the Great Barr Conservation Area. Boundary fencing and gate details can be sought by planning condition, as they haven't been submitted with the planning application.

Given the above the Conservation Office would have no objection to the proposed development subject to conditions relating to external light, boundary fencing, deer and wooden gates and landscaping.

Design

The Conservation Officer raises concern that the proposed alterations to the existing stable block are too domestic in appearance. The plans show existing openings to be removed, new windows and a new opening on the southern elevation to be created. The existing openings should be retained, as opposed to creating new openings and those existing openings that are not required sealed shut. The proposal seeks to remove the roof lights from the existing building.

As this would not warrant refusal of the application alone it is considered that a condition requiring matching materials to the existing building would be appropriate in this instance to retain the appearance of the existing building.

Landscape Design

The location of the site on the Barr Beacon Ridge means that it is highly sensitive in landscape terms. The only physical alterations proposed are minor alterations to the existing hardstanding and vehicle access to ease vehicle movements, and the sub-division of the field with 2 metre chain link fencing. It is therefore considered these would have little impact on openness of the Green Belt. Any additional works that could require planning permission however, such as lighting, should be controlled by condition.

Amenity of Neighbours and Amenity of Future Occupiers

Environmental Protection are of the opinion that there will be no significant impacts or concerns about air quality and contaminated land that are material planning considerations for this application.

Environmental Health consider the proposed development is in a rural area with no immediate neighbours and is unlikely to give rise to noise nuisance.

Environmental Health have requested the following condition:

- The use hereby permitted shall not be open to customers outside the following times:
Monday to Friday 08:00 to 18:00.

Highways

The application seeks a change of use to Dog Day Care for up to 71 dogs per day. Works will include the conversion of the existing stables to provide an office and welfare facilities, widening of the access junction and it is proposed to provide 15 parking spaces within the existing parking area associated with the current equestrian usage.

It is not intended to change the current location of access. The site will be accessed via Bridle Lane. Bridle Lane is a narrow two-lane rural lane with limited width. The applicant states that the access will be widened to accommodate vehicles entering and exiting the site simultaneously. The site access width and radii are not shown. The Highway Authority would expect 6m radii either side of the access where it meets Bridle Lane and that a minimum width of access road leading into the site of 5.5m would be required to allow vehicles to safely pass on the access road. Details associated with visibility splays of 2.4m x 43m have been provided on the drawings and is acceptable.

The internal layout of the site is acceptable.

Details provided by the applicant indicate that the level of car parking available to the site will be sufficient for the needs of the site and is acceptable.

Secure cycle spaces will also be required for staff working at the application site, an area has been shown within the site; however, it is unclear from the drawings provided if these will be undercover. The applicant will need to provide secure undercover cycle spaces and provide suitable details. A condition associated with undercover, secure cycle spaces would be appropriate.

It is not considered that the application will create any material impact on the surrounding network.

Improved visibility splays are required, details have been provided which are acceptable.

There are no Local Highway Authority objections to the application based on the drawings and supporting evidence provided subject to the provision of undercover cycle storage will need to be conditioned.

Ecology

The site will host dog trainers handling up to 71 dogs on-site in the day. This is a high concentration of domestic canines in one location otherwise populated by wild animals, which may be an additional consideration in terms of ecological impact. Dog waste is however planned to be taken from the site by a dedicated waste processing contractor.

New fence lines may be expected to restrict the movement of wild animals, with movement likely to be reduced to the periphery of the site's perimeter fence line. The applicant proposes a small 'microhabitat' to offer some additional ecological benefit, though this is directly adjacent to the dog fields, which will be in regular use. Hedges and trees will be retained, which is in support of UDP Policy ENV18 Part (a), while the microhabitat and bird boxes proposed are supported in UDP Policy ENV23 Part (c) on habitat creation.

Ground Conditions and Environment

Environmental Protection are of the opinion that there will be no significant impacts or concerns about air quality and contaminated land that are material planning considerations for this application.

Other matters

Objectors referring to vans being stored on the site have now been removed as confirmed by Enforcement and this case has now been closed.

Conclusions and Reasons for Decision

The proposals would represent appropriate development within the Green Belt under para 145 of the NPPF subject to impact on the openness of the Green Belt.

The use would require no buildings on site, minimal car parking, no lighting due to the daylight hours of use and it is not intended to change the current methods of access resulting in no loss of natural habitat and environment. The fencing proposed would be permitted development, however the details have been conditioned to ensure the fencing would sit comfortably within the natural environment and not intrusively impact on the Green Belt in compliance with Policy GB1 of the SAD.

It is considered that the proposed use would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP.

The proposed access and parking arrangements are considered appropriate for the location and the use in compliance with policies GP2 and T7 of the UDP.

It is considered that the proposals would have minimal impact on the character, appearance or openness of the Green Belt and as such the proposals would represent appropriate development within the Green Belt in compliance with the NPPF para 145.

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 highways and heritage, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Permission with 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:

- Visibility Splays 2023/7186/001 Rev. P1 received 30/03/2023
- Proposed Site Plan - overall P03 Rev D received 30/03/2023
- Proposed Site – Reception & parking P04 Rev C received 30/03/2023
- Proposed stables plans & elevation P10 Rev B received 30/03/2023
- Block plan P02 Rev B received 28/11/2022
- Existing site X01 Rev A received 28/11/2022
- Existing site X02 Rev A received 28/11/2022
- Existing site sections thru access X04 Rev A received 28/11/2022
- Existing stables – plans & elevations X10 Rev A received 28/11/2022
- Location Plan P01 Rev A received 12/12/2022
- Proposed site P05 Rev B received 28/11/2022
- Photographs X03 Rev A received 28/11/2022
- Notice Under Article 13 received 09/01/2023
- Planning and Heritage Statement received 12/12/2022

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 commencement of the development hereby permitted details of landscaping phased in relation to any phasing of the development including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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 and ENV33 of Walsall's Unitary Development Plan.

4a: Notwithstanding the details as submitted and prior to the commencement of the development hereby permitted details of the proposed boundary fencing, deer and wooden gates of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a public highway.

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

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

5a: Notwithstanding the details as submitted and prior to the commencement of development details of the proposed cycle shelter facility, which shall be covered and illuminated, shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development with the cycle shelter being retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

6a: No external lighting in the form of lighting columns or light lamps to be fixed / attached to the building or any boundary treatment at any time.

Reason: To protect the rural character, appearance and setting of Great Barr Conservation Area in accordance with Section 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies GP2, ENV29, ENV32 of the UDP, Policy EN5 of the SAD and Policy DW3 of Designing Walsall SPD.

7: The development hereby permitted shall not be carried out otherwise than in accordance with the proposed changes to the walls, doors, windows and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing 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 of the Walsall Unitary Development Plan.

8: The development hereby permitted shall not operate otherwise than between the following times: Monday to Friday 08:00 to 18:00 and at no time open during Saturdays, Sundays and bank holidays.

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

9: Electric vehicle charging points, to be provided for the development shall be in accordance with the details in the submitted Planning and Heritage Statement received 12/12/2022 and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

Notes for Applicant

West Midlands Police

The below links to information may be of assistance to the applicant:

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>

<https://west-midlands.police.uk/crime-prevention>

https://west-midlands.police.uk/_flysystem/public-sync/inline-files/West%20Midlands%20Police%20Crime%20Prevention%20Handbook.pdf

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

<https://www.securedbydesign.com/guidance/security-advice-for-businesses>

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application Access and facilities for the fire service B5.

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

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

Intention

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

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

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 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Buildings fitted with fire mains

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

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

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

- a. Within 18m, and within sight of, an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

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 2, Table 15.2)

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Vehicle Access

Dead end/cul de sac access routes must not exceed 180 metres in length unless.

- a) an emergency vehicle access is provided which complies with item 3.8.2, or
- b) the carriageway width is increased to 7.3 metres and complies with the requirements of item 3.8.3. The provision of an emergency vehicle access is preferred to the alternative of increasing the carriage width to 7.3 metres.

3.8.2 Emergency Vehicle Access

- a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.
- b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.
- c) Neither end is obstructed by parked cars.
- d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

3.8.3 Increased Carriageway Widths

- a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.
- b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

3.8.4 General

- a) There is no maximum length to a dead end/cul-de sac access route, however, it should accommodate no more than 150 dwellings.
- b) A turning circle or hammer head should be provided in any dead end greater than 20 metres in length. It should be provided either at the end or within 25 metres of the end please see Approved Document B – Volume 2.
- c) When inspecting plans with regard to access it may be necessary to accept a temporary situation or phased approach until the matter can best be resolved.

Industrial Estates

- a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.
- b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.
- c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2.

Section 16: Fire mains and hydrants

Provision of fire mains

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

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

Provision of private hydrants

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

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

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

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

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

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

Section 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and

location of firefighting shafts should comply with paragraphs 17.4 to 17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

17.3 A building with basement storeys should have firefighting shafts in accordance with the following.

a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.

b. There are two or more basement storeys, each with a minimum area of 900m². The firefighting shafts do not need to include firefighting lifts.

The building's height and size determine whether firefighting shafts also serve upper storeys.

17.8 In any building, the hose laying distance should meet all of the following conditions.

a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 17.3).

b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected shaft (although this does not imply that the protected shaft needs to be designed as a firefighting shaft (see Diagram 17.3))

Design and construction of firefighting shafts

17.9 Every firefighting stair and firefighting lift should be approached from the accommodation through a firefighting lobby. Both the stair and lobby of the firefighting shaft should be provided with a means of venting smoke and heat (see clause 27.1 of BS 9999). Only services associated with the firefighting shaft, such as ventilation systems and lighting for the firefighting shaft, should pass through or be contained within the firefighting shaft.

17.10 All firefighting shafts should have fire mains with outlet connections and valves at every storey.

17.11 A firefighting lift installation includes all of the following.

a. Lift car.

b. Lift well.

c. Lift machinery space.

d. Lift control system.

e. Lift communications system.

The lift shaft should be constructed in accordance with Section 6 of BS 9999. Firefighting lift installations should conform to BS EN 81-72 and BS EN 81-20.

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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).

Petition against Planning Application 22/1586

Amble Meadow Stables, Bridle Lane, WS8 0RG – Change of use to Day Day Care 71 Dogs

I wish to object to the following reasons. The level of noise identified after 10 minutes will mean a theory could be applied. There are many parts of the site which are over 100 metres from the 200 yards of the site. The only way to get to the site is by a narrow lane, which is a problem for the local residents. The level of noise is likely to be high due to the site being close to the road. The joining of the site to the main road will be congested for horse and rider and could potentially cause a road accident. Dogs are produced and housed in tight enclosures. This is not only to the benefit of the site but also to the safety of the site. It would require a solid fence to be built around the site to prevent a dog from escaping and could be intrusive, damaging the visual aspect of the site. The level of noise is likely to be high due to the site being close to the road. There are many parts of the site which are over 100 metres from the 200 yards of the site. The only way to get to the site is by a narrow lane, which is a problem for the local residents. The level of noise is likely to be high due to the site being close to the road. The joining of the site to the main road will be congested for horse and rider and could potentially cause a road accident. Dogs are produced and housed in tight enclosures. This is not only to the benefit of the site but also to the safety of the site. It would require a solid fence to be built around the site to prevent a dog from escaping and could be intrusive, damaging the visual aspect of the site.

Officer's name: [Redacted] 10/06/2022 [Redacted]

Name	Address	Signature	Comments
[Redacted]	22 Colman Road Sutton Coldfield B13 6LS	[Redacted]	FIELD AND HOUSE OWNED DIRECTLY NEXT DOOR TO THE SITE, ONLY 22M AWAY (See objections also from Mrs M. Smith)
[Redacted]	105 Pomeroy Rd Great Barr B15 2LP	[Redacted]	House owner at nearby Rugby School, Foxhills
[Redacted]	101 Water Road East Widleybury WS8 0RH	[Redacted]	4 horse barns & 2 1/2 acres from field 100 yards from the site Physic [Redacted] use. Site adjacent
[Redacted]	Brown Farm, Rugby Lane, Alcester WS9 0DS	[Redacted]	Fences & neighbouring land. [Redacted] regularly have noise adjacent land?

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 156, TYNDALE CRESCENT, GREAT BARR, BIRMINGHAM, B43 7HU

Proposal: PART RETROSPECTIVE: PROPOSED CHANGE OF USE FROM DWELLING HOUSE (PLANNING USE CLASS C3 - DWELLINGHOUSES) TO SMALL CARE HOME (PLANNING USE CLASS C2 - RESIDENTIAL INSTITUTIONS) AND RETENTION OF BAY WINDOW, PORCH INFILL AND INTERNAL ALTERATIONS. THE C2 USE HAS NOT COMMENCED.

Application Number: 23/0394

Case Officer: Helen Smith

Applicant: Crestos Care

Ward: Pheasey Park Farm

Agent: Visionary Planning UK

Expired Date: 15-Jun-2023

Application Type: Full Application: Minor Use Class C2 (Residential institutions)

Time Extension Expiry:



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Recommendation

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

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

Petition

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



Reference number: 23/0394

To Whom it may concern,

We would like to appeal the decision for 156 Tyndale Crescent to be changed from a dwelling house to a small care home based on the points below:

1. The impact this change may have on the value of our properties
2. We do not think this is an appropriate place to have a care home
3. The additional vehicles that may need to park in the street and how this will impact us if we have visitors who also need to park

Please find attached signatures from the list of neighbours who are also against this decision.

Proposal

This planning application is part retrospective (for physical changes) and is for the proposed change of use from a dwelling house (planning use class C3 - dwellinghouses) to a small care home (planning use class C2 - residential institutions) along with the retention of new bay window extension, porch infill and internal alterations. The proposed C2 use has not commenced.

A previous application for a Lawful Development Certificate for Planning Use class C3(b): defined as up to six people living together as a single household where care is provided was refused consent as it would not have complied with the planning use classes order legislation. This was refused consent on the basis that the proposal reflected a change of use under planning use class C2 – Residential Institutions and a full planning application was required.

The internal layout has been reconfigured to provide two separate lounges at ground floor with one providing access to a bedroom and WC. At first floor two bedrooms and a WC would be provided leading off the larger bedroom of the two. Off-street parking for 3 vehicles is available on the hard-surfaced frontage.

The planning statement provided in support of this application states that the current use of the property is a permanent residence for up to two adults (aged 18-64) with learning disabilities, receiving 24/7 care, with the carers residing elsewhere. The statement says that the individuals would stay in the property long term.

No office is provided within the property.

The planning statement confirms that 2 carers would be working in a 3-shift pattern 24 hours a day as follows;

08:00 to 14:00 hrs

14:00 to 20:00 hrs

20:00 to 08:00 hrs

The Applicant has confirmed that there would be 2 carers per shift so there would be 6 carers in total over 24 hour period with 3 change overs per day. The planning agent has advised that the carers mostly travel to work by bus.

All staff have skills for care standard certificate or NVQ.

The statement comments that their client provides specialist support in a community living environment, with a caring and therapeutic approach to meet the needs of people who have learning disabilities, cognitive impairment, complex needs, and autism. In addition, the submission considers that the occupants are ideally suited for community service to enable people to live a successful life in the community with 24/7 staff support. The service is for people who require staff supervision and support to manage themselves, on a day-to-day basis.

The statement advises that their clients' specialist services provide care and support for adults with learning difficulties who are unable to live on their own without staff support and this service allows them to live in their own home to meet their physical, emotional, vocational, education, spiritual, safety and social needs 24 hours per day.

The applicants state that everyone in their care is encouraged to take part in as many everyday activities as they can, whatever their needs and that the support provided focuses on giving their residents as much control as possible over their lives, from doing household chores to supporting people to eat and drink on their own.

The statement goes on to advise that a range of support is offered, based on people's individual needs, and can include support with:

- Managing risk/staying safe
- Learning new skills
- Household tasks
- Personal care
- Taking medication
- Money management
- Avoiding social isolation
- Building links with friends, family, and the community
- Social and leisure activities
- Making healthy lifestyle choices
- Attending GP and medical appointments

Site and Surroundings

The application property is currently a two storey, end-terraced, residential property with existing off-street parking on the frontage and a private rear garden area.

The surrounding area is predominantly residential in character consisting of similar pairs of semi's and terraced dwellings.

The Pheasey Community Hub is located 68 metres to the east of the application site

The site does not lie within the Cannock Chase Special Area of Conservation (SAC) 15km Zone of Influence.

The site is located within walking distance of Collingwood Drive Local Centre and there is access to regular bus services from the application site near to the community hub. Bus service 25 to Kingstanding is a limited frequency service running hourly during daytime shopping hours only however there are more frequent bus services nearby. Bus route no's 997 and 33 operate to and from Birmingham with stops on Collingwood Drive and Hillingford Avenue. The 934 bus operates to Walsall from Collingwood Drive.

The adjoining house is 158 Tyndale Crescent and is in residential use. To the south-east of the application property is 154 Tyndale Crescent, a semi-detached residential property.

Relevant Planning History

22/1578 - Certificate of Lawful Existing Use for Planning Use class C3(b): defined as up to six people living together as a single household where care is provided.

The current residence consists of two persons receiving 24-hour care provided by staff residing elsewhere – Refused 28/3/23

22/0275 - Lawful Development Certificate for proposed single storey side and rear extension – Approved 31/3/22

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions**, the NPPF (para 55) 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.

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- H6: Nursing Homes and Rest Homes for the Elderly
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- 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

- CSP4: Place Making
- DEL1: Infrastructure Provision
- TRAN2: Managing Transport Impacts of New Development
- 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

T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW7 Diversity
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Fire Officer – No objections

Local Highway Authority – No objections subject to the inclusion of a planning condition restricting occupancy to two care home residents.

Environmental Health – No objections

Environmental Protection – No objections

Housing Standards – To be updated at Planning Committee

Police – No objections and recommend the principles of Secured by Design. An informative note can be included for the applicant.

Strategic Planning Policy – No objections

Representations

(Local Planning Authority Comments in brackets and italics)

A public petition with 17 signatories has been received objection on the following grounds;

- Impact on property values *(not a material planning consideration in this instance)*
- Inappropriate location for a care home
- Parking impacts

9 further objections have been received from residents on the following grounds;

- Inappropriate use in a residential area
- Impact on property values *(not a material planning consideration in this instance)*
- Insufficient parking
- Noise
- Insufficient access or space for emergency vehicles
- Increased traffic with staff and visitor parking
- One way/blackout glass installed in the development *(not a material planning consideration)*.
- Residents' safety concern
- Already listed on the CQC website as registered 23/3/23 with mental health stated *(whilst noted this is not a material planning consideration)*.

Determining Issues

- Principle of Development
- Character of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Air Quality
- Access and Parking

Assessment of the Proposal

Principle of Development

This existing house is in a sustainable location located within a well-established residential area close to amenities and services available within Collingwood Drive Local Centre.

The NPPF seeks to deliver a wide choice of quality homes to create sustainable, inclusive, and mixed communities. The NPPF and SAD policy HC2 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations.

The proposal has made minor external visual changes by adding a bay window extension and porch infill to the front both of which have a residential character. The application property would continue to have the appearance as a dwellinghouse and a safeguarding condition preventing any external advertisements to the property may be imposed. SAD Policy HC3 encourages the provision of housing for people with special needs including groups that require specialist accommodation, in locations that would be acceptable for general housing. Such housing will be particularly encouraged in and close to centres particularly where there is good public transport access. Bus service 25 to Kingstanding is a limited frequency service running hourly during daytime shopping hours only however there are more frequent bus services nearby. Bus route no's 997 and 33 operate to and from Birmingham from Collingwood Drive and Hillingford Avenue. The 934 bus operates to Walsall from Collingwood Drive.

When the local planning authority assessed the lawful development certificate at this property, the proposal fell outside of planning use class C3(b), due to caselaw defining what makes a family living together and level of staffing. The proposal is considered to fall within a planning use class C2 planning use rather than a C3(b) use class which does require planning approval.

The property would retain all primary facilities along with a good sized rear private garden providing sufficient amenity for future occupiers. The proposals aim is to ensure that up to two residents requiring assistance are given 24 hour support to help them become a positive part of the community.

Taking into account the aforementioned it is considered, the principle of the change of use to a C2 care home for up to two residents is considered appropriate in this sustainable residential setting subject to having a minimal impact upon adjacent residential amenity.

Character of the Area

The character of the area is defined by residential uses, dominated by detached and semi-detached houses. The change of use from residential to another residential use, in a residential area is considered compatible with this character. The internal layout changes, minor external alterations and additional extensions that are already completed are considered do not harm the character of the surrounding area and are similar to other residential extensions in the locality.

Amenity of Neighbours and Amenity of Future Occupiers

The neighbouring properties are residential. The existing building is a house 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 safety issues as a result of this proposal. There would be staff support and supervision for the two residents on a 24 hour basis.

Air Quality

Environmental Protection officers have no objections to the proposal and have advised that an informative note should be included as the installation of an EV charging point may be required under Building Regulations Part S.

Access and Parking

The Local Highway Authority has advised that in terms of UDP saved T13 parking policy, Residential Homes require 1 space per 3 bedrooms and therefore, in parking policy terms, the development requires a single parking space.

It is noted however that parking for two cars is possible on the extended hard standing front drive area and there is unrestricted on street parking available if required. The level of parking is considered acceptable in this instance for the proposed development. A planning condition restricting the care home occupancy to a maximum of 2 residents is recommended by the Local Highway Authority.

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.

Conclusions and Reasons for Decision

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

There is no evidence that the proposal would increase crime and anti-social behaviour in the area or give rise to an unacceptable level of noise and disturbance. The proposal would not result in a significant loss of amenity for adjoining neighbours. The application has demonstrated sufficient off-street parking to serve the needs of the development and the

inclusion of a planning condition to restrict occupancy of the care home to a maximum of two residents can be included.

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

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed

Conditions and Reasons

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: -

- Site and Block Plan, drawing no. 60060-03-01, deposited 31/3/23
- Existing Elevations, drawing no. 60060-03-03, deposited 31/3/23
- Existing Floor Plans, drawing no. 60060-03-02, deposited 31/03/23
- Planning Statement by Visionary Planning, deposited 31/03/23

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

3: Prior to the occupation of the development hereby permitted one electric vehicle charging points shall be installed and shall thereafter retained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy (*Please see Note 1 for Applicant*)

4: 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 two adults between the ages of 18 and 64 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.

5. 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.

Notes for Applicant

Electric vehicle charging points shall be in accordance with the requirements of the Building Regulations Approved Document Part S

2. Police

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see : [HOMES GUIDE 2023 web.pdf \(securedbydesign.com\)](#)

External LED lights with daylight sensors to external walls, particularly by entrances and parking areas.

This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2).

Advice on alarms and CCTV <https://www.policesecuritysystems.com/>

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

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

Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9).

PAS 24: 2022 standard doors for houses and apartments.

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

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 4

Reason for bringing to committee

Councillor application

Application Details

Location: 77, SKIP LANE, WALSALL, WS5 3LP

Proposal: SINGLE STOREY FRONT EXTENSION TO FORM GARAGE, SINGLE STOREY FRONT PORCH EXTENSION, NEW BRICKWORK TO GABLE AND ADDITIONAL FRONT GABLE ROOF ABOVE REPLACEMENT WINDOW . TWO STOREY, FIRST FLOOR AND SINGLE STOREY REAR EXTENSIONS.

Application Number: 22/0124

Case Officer: Claire Woodcock

Applicant: Gurmeet Singh Sohal

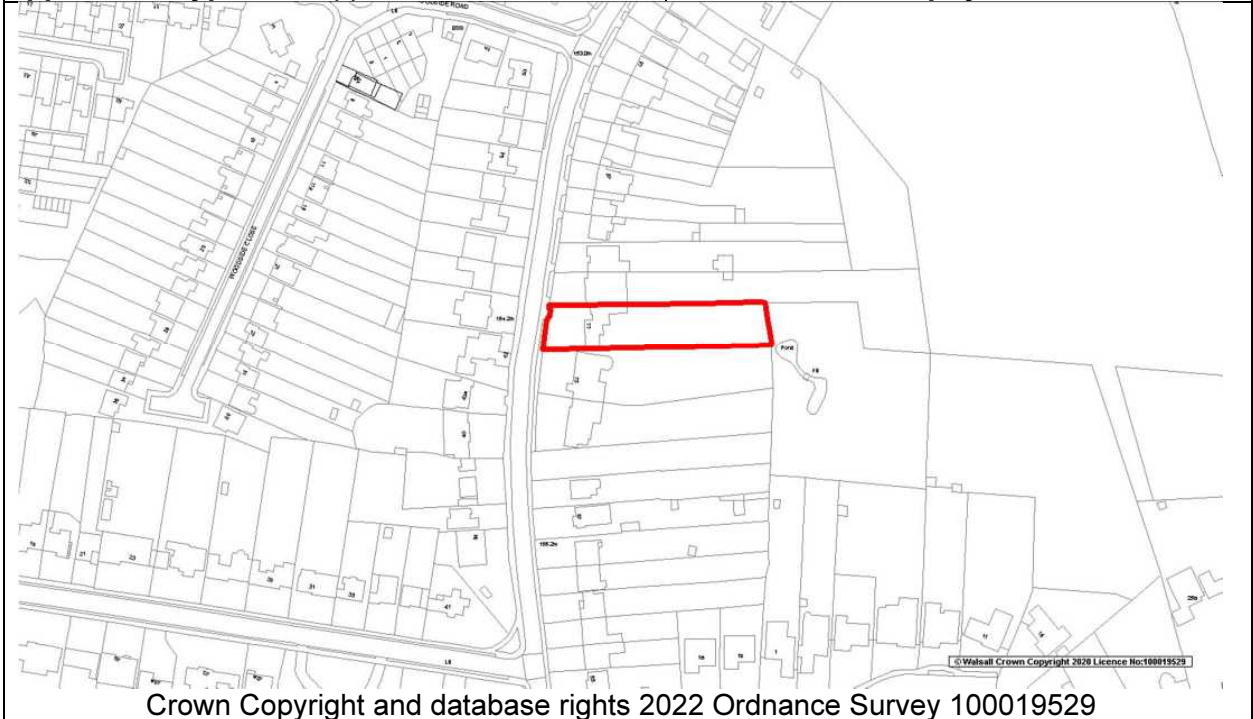
Ward: Paddock

Agent: Mr Robert Smith

Expired Date: 09-May-2022

Application Type: Full Application: Householder

Time Extension Expiry:



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Recommendation

Grant Planning Permission Subject to Conditions

Proposal

The proposal is for single storey front extension, single storey front porch extension, new brickwork to gable, and additional front gable roof above replacement window, two storey, first floor and single storey rear extensions.

The single storey front extension will provide a double garage and single storey front porch and hallway and include new brickwork to the main front gable. The two storey, first floor and single storey rear extensions, will create a lounge and larger kitchen area at ground floor, and at first floor will enlarge the four bedrooms one of which having an en-suite.

Having garage doors and porch door with glazing around at ground floor and replacement window with gable roof above at first floor, on the front elevations. Two sets of bi-folding doors and a window at ground floor, four windows on the first floor on the rear elevation. There will be no additional windows on the side elevations.

The single storey front garage extension dimensions are:

5.8 metres wide
2.1 metres deep

Having a mono tiled roof
2.3 metres high to the eaves
3.8 metres high overall

The single storey front porch extension dimensions are:

0.9 metres deep on the elevation towards number 79, and 1 metre deep on the elevation nearest to number 75.
3 metres wide

Having an pitched tiled roof
2.3 metres high to the eaves
3.4 metres high overall

Additional gable roof above replacement window on front elevation.

Set down 0.6 metres from the main roof ridge
4.9 metres high to the eaves
6.4 metres high overall

The two storey and first floor extension will run across the rear elevation 18.1 metres wide.

1.4 metres deep on the north elevation nearest to number 79
Stepped back 3.1 metres above single storey rear extension and 2.4 metres deep on south elevation nearest to number 75.

Having a tiled hipped roof set down from the existing roof ridge by 0.3 metres
6.7 metres high overall
4.9 metres high to the eaves in line with the existing

The single storey rear extension dimensions are:

5.4 metres deep
6.7 metre wide

Having a flat roof the dimensions are:
3 metres high to the eaves
3.1 metres high overall

Site and Surroundings

The application dwelling is a 5-bedroom extended detached house with front gable features. Facing materials are white render and tiles to front gable and pitch roof above existing windows and wood cladding above front bay window. There is a driveway in with brick boundary wall in the front of the dwelling with sufficient space to park at least 3 vehicles and a separation distance of 15 metres from the principal elevation to the front boundary with the public footpath. To the rear of the dwelling is a long garden of a length of over 63 metres which borders open fields that form part of the Great Barr Conservation Area and Green Belt land. There are no dwellings to the rear in the visible vicinity. Mature trees surround much of the rear garden boundaries.

Houses in the street are large, detached properties of varying designs, the majority of which have been extended, some quite significantly.

Number 79 is adjacent to the north boundary of number 77. Number 79 has the benefit of several extensions both at ground and first floor level. Whilst there is a negligible separation distance between the houses when viewed from the street, the proposal will not change the existing gap between the two properties.

Number 75 is set at the southern boundary of number 77. Number 75 also has the benefit of several extensions, the existing separation distance of 2.7 metres on the front elevation rising to 3.9 metres at the rear will remain unchanged.

Opposite the dwelling is no 44 Skip Lane with a separation distance of 39 metres across the highway.

Relevant Planning History

Applicant property:

BC33378P SECTION 63 RETROSPECTIVE: Pool House, Conservatory & Alterations to Elevations. Refuse 05-Nov-1991

BC35222P Lounge & Alterations to Elevations. GSC 31-Mar-1992

75 Skip Lane

BC24640P Erection of Porch & Construction of Canopy to Front Bay Window. GSC 06-Dec-1988

BC26302P Construction of Conservatory GSC 10-May-1989

BC28441P Two Storey Side Extension & Conservatory at Rear GSC 10-Jan-1990

21/0525 T1- Beech - Reduce the tree by approx 1-2m to clear the BT lines. T2- Maple - Remove approx 6-7 lower branches. No TPO Permission not required 27-Apr-2021

79 Skip Lane:

21/0660 Ground Floor and First Floor Rear Extensions, Two Storey Front Gable Extension and Front Elevation Alterations, Hip to Gable Roof Extension including Increased Roof Ridge Height and Rear Dormer GSC 08-Jul-2021

BC02137P – erection of lounge extension – granted permission – 14/01/1982

BC17119P – extension over existing dining room, garage and lobby to form 3.no new bedrooms and 2no. bathrooms. Installation of dormer window and construction of new roof – granted permission – 08/07/1986

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 4 – Decision Making**
- **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.

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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
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN5: Development in Conservation Areas
- 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

- DW3 Character
- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

Consultation Replies

None received.

Representations

None received.

Determining Issues

- Impact on the Green Belt and Great Barr Conservation Area
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking

Impact on the Green Belt and Great Barr Conservation Area

Whilst the applicant dwelling does not fall within Green Belt the rear end of the garden of the application site borders the Green Belt, with a separation distance of around 60m from the rear elevation to the Green Belt boundary. It is considered the proposed extensions to the existing house would not harm the openness and character of the Green Belt.

Maintaining the character of the Great Barr Conservation Area also holds significant weight when considering the design of the proposal. In accordance with saved UDP paragraph 3.14 to 3.15 and Walsall SAD policies EN5 and EN7, the Council will preserve or enhance the character of each Conservation Area and will not permit demolition, inappropriate alteration or insensitive redevelopment which will harm the individual or group value of buildings, spaces, or townscape.

There would be a separation distance of around 120m from the boundary of the Great Barr Conservation Area to the rear of the extended dwelling. This distance and the number of mature trees, obscures the view of the house from the Conservation Area. In this instance it is considered that the separation distance and obscuring tree coverage, in conjunction with the fact that this part of the Conservation Area this proposed extension would not add further impact above and beyond the existing situation.

Design of Extension and Character of the Area

Extensions to the rear of the property would not be visible from the public vantage point and are considered acceptable in terms of impact on the street scene. Whilst it is acknowledged that the character of the frontage of the house would be altered, the design is acceptable to the existing extended dwelling and incorporates a pitched roof above the replacement bedroom window which mirrors that on the opposite side of the property and is a characteristic feature of many nearby dwellings. It is considered that the design would integrate with the street scene.

The existing separation distances would be retained between adjacent neighbouring houses, so there would be no further impact on the terracing effect that is already in existence to a degree.

Proposed facing materials are a mixture of brickwork and white rendering, which would reflect the existing facing materials. Proposed roof tiles are to match existing.

It is considered that the extensions and alterations to this property would integrate with the street scene and would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Nearby Residents

The ground floor rear extension would not extend beyond the rear elevations of both adjacent neighbouring properties and the only increase in depth at the front adjacent to the side boundaries would be the single storey garage extension with the extension of a front catslide roof above the existing first floor front elevation. The single storey front porch extension would be located centrally across the front elevation and would have little further impact.

It is noted that there are a number of windows on the side elevation of number 75 that face towards number 77, however the view of these windows is already impeded by the existing dwelling of number 77. Furthermore, number 75 is set towards the south of number 77, as the sun rises in the east, facing the rear elevations of both number 75 and 77 and would move across the side elevation of the adjoining property of number 73. Therefore, it is considered that the proposal would have limited impact on sunlight availability or light availability in general for this neighbouring occupant.

The front and rear extensions would comply with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D and as such are considered would not cause any significant further harm to the visual amenity of neighbouring occupants.

The rear gardens of this row of houses have an easterly orientation. It is considered that this proposal would have limited impact on sunlight availability or light availability in general for any neighbouring occupant.

It is considered that this proposal meets the amenity requirements of saved UDP policy GP2.

Protected Species

The site falls within an area of known bat activity and there are neighbouring lines of mature gardens, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof and works to the frontage of the dwelling near to the existing hanging tiles, if bats are present in the house disturbance and destruction to them could occur.

Consequently, in accordance with NPPF section 15 and Conserving Walsall's Natural Environment SPD, and saved UDP policy ENV23, a bat survey report in support of this proposal was requested and was provided, whilst this concluded that the site is not a bat roost, and no further surveys or mitigation measures are required. The report raised concerns regarding the proposed works to the brick work on the front elevation above the existing front bay window and close to the existing hanging tiles. The report recommended that the proposal should be amended for the new brickwork to be limited to below the hanging tiles. Amended plans have been received to address this concern. The Council's Ecology Officer has been verbally consulted and is satisfied with this amendment along with the addition of a safeguarding condition and note to be included in case of bat presence during the works.

Conclusions and Reasons for Decision

This application has demonstrated that these proposals would not result in detrimental harm to the neighbouring amenity thus complies with the 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.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the issues raised by the submitted bat report, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Subject to 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:

- Location and Block Plan drawing number 4713/5b received 02-12-2022
- Existing Elevations drawing number 4713/2 received 26-01-2022
- Existing Plans drawing number 4713/1 received 26-01-2022
- Proposed Elevations drawing number 4713/4D received 08-06-2023
- Proposed Plans drawing number 4713/3d received 08-06-2023
- Bat and Bird Survey received 28-02-2023

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: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing 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 of the Walsall Unitary Development Plan.

4a: Notwithstanding the bat survey carried out by S. Christopher Smith dated 22-02-2023 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise that with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

4b: If during the construction period bats or evidence of bats or their roosts are found:

1. bats shall not be handled or touched
2. the vicinity of the roost shall be immediately reinstated
3. no further destructive works shall be carried out until the need for Natural England licence has been established
4. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose

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appropriate mitigation measures, including a timetable for their implementation

5. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

Notes for Applicant

It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping roof tiles should be carried out carefully by lifting rather than sliding tiles. Soffits should also be dismantled carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Agenda Item

Application Details

Location: FIELD ADJACENT THE DUCKERY, CHAPEL LANE, GREAT BARR

Proposal: CONSTRUCTION OF A TEMPORARY 49.35MW BATTERY STORAGE FACILITY TO INCLUDE 28 ENERGY STORAGE CONTAINER UNITS, ASSOCIATED CONTROLS, PCS INVERTERS, COOLING AND FIRE SAFETY SYSTEM, 14 TRANSFORMER FEEDER PILLARS, TWO SUBSTATIONS AND COMPOUND, EACH WITH AN OPEN AIR TRANSFORMER, DEDICATED ACCESS TRACK, SECURITY FENCING ENCLOSING THE SITE, 14 LOW VOLTAGE CABINS EACH WITH AN OPEN AIR TRANSFORMER AND HIGH VOLTAGE SWITCHGEAR. INTENDED LIFESPAN OF 40 YEARS.

Application Number: 21/1720

Case Officer: Sally Wagstaff

Applicant: Anesco Ltd

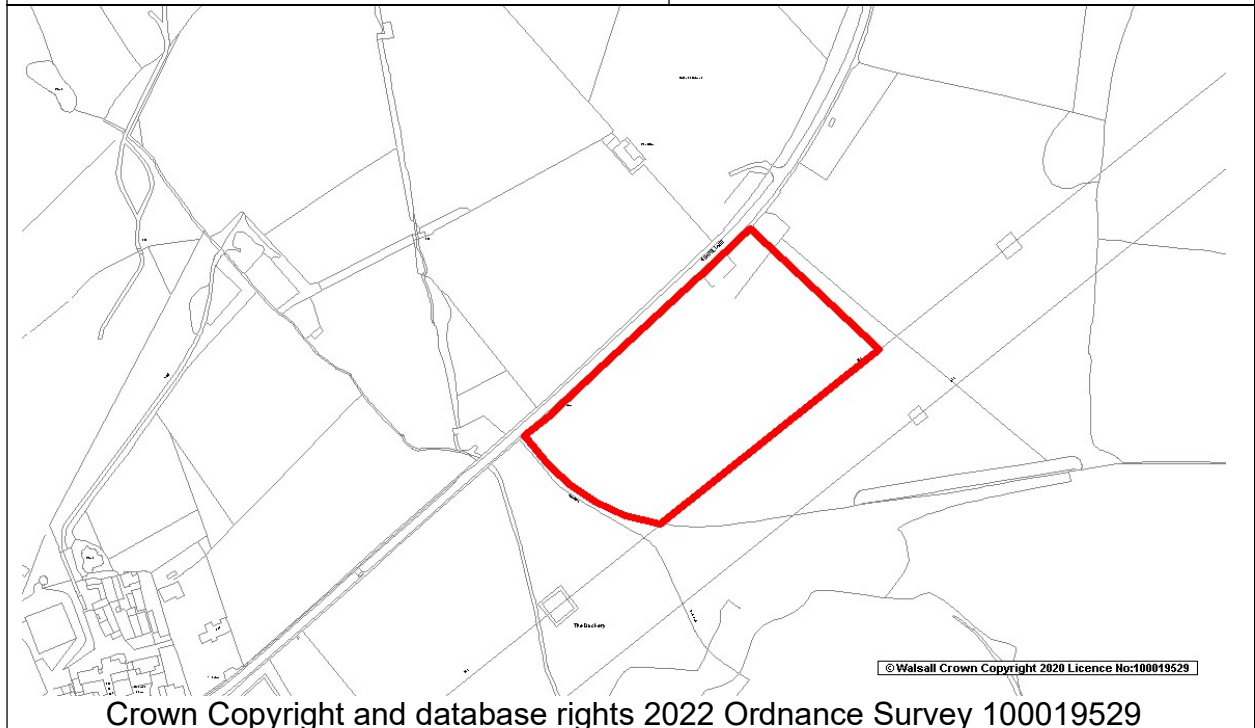
Ward: Pheasey Park Farm

Agent: Stuart Natkus

Expired Date: 07-Mar-2022

Application Type: Full Application: Major Use Class Sui Generis

Time Extension Expiry:



Current Status:

The 1st December 2022 Planning Committee resolved to refuse planning application 21/1720 as set out in the officer's report adding two further reasons for refusal relating to:

1. *Introduction of an industrial feature in the Green Belt*
2. *Additional highways traffic management reason*

Planning application 21/1720 was issued on the 13 December 2022 for the following refusal reasons, set out below;

1. The proposal would represent inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and there are no very special circumstances which would outweigh the harm by reason of inappropriateness. The application is therefore contrary to Saved Policies GP2 (Environmental Protection), ENV6 (Protection and Encouragement of Agriculture) and ENV7 (Countryside Character) of the Walsall Unitary Development Plan, Policy CSP2 (Development Outside the Growth Network) of the Black Country Core Strategy and Policy GB1 (Green Belt and the Control of Development in the Green Belt) of the Walsall Site Allocation Document.

2. The proposal would fail to enhance and preserve the character and appearance of the Great Barr Conservation Area and heritage assets in the areas, resulting in less than substantial harm to the heritage asset, with the scale of harm not being outweighed by the overall public benefits of the proposal. The application is therefore contrary to Saved Policy EN32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy and Policy EN5 (Development in Conservation Areas) of the Walsall Site Allocation Document.

3. The proposal would be unduly detrimental to the character of the area due to the introduction of metal cabins and associated equipment which would be an industrial feature creating an industrial estate type character within the Green Belt and Conservation Area. The application is therefore contrary to Saved Policy EN32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy and Policy EN5 (Development in Conservation Areas) of the Walsall Site Allocation Document.

4. Perceived impacts on highways safety arising from an increase in large delivery vehicle movements along Chapel Lane, notwithstanding an existing 7.5t Environmental Weight Limit, over the course of a 30 week construction period contrary to Policy T4 (Highway Network) of the Site Allocation Document, TRAN2

(Managing Transport Impacts of New Development) of the Black Country Core Strategy and NPPF Paragraphs 110 and 111 (Highways Safety).

Following the issue of the refusal of the planning application, an appeal has been made against the Local Planning Authorities decision. The appeal will be heard by way of a 5-day Public Inquiry in August 2023.

Reviewing the Council's case, the Local Planning Authority are seeking guidance from Planning Committee if they still wish to continue to pursue the fourth reason for refusal;

4. Perceived impacts on highways safety arising from an increase in large delivery vehicle movements along Chapel Lane, notwithstanding an existing 7.5t Environmental Weight Limit, over the course of a 30 week construction period contrary to Policy T4 (Highway Network) of the Site Allocation Document, TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and NPPF Paragraphs 110 and 111 (Highways Safety).

In addition, following the review of the Council's case. The Local Planning Authority is also seeking guidance from Planning Committee if they would agree to some minor word changes to third reason for refusal;

3. The proposal would be unduly detrimental to the character of the area due to the introduction of metal cabins and associated equipment which would be an industrial feature creating an industrial estate type character within the Green Belt and Conservation Area. The application is therefore contrary to Saved Policy EN32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy and Policy EN5 (Development in Conservation Areas) of the Walsall Site Allocation Document.

Background;

Chapel Lane is an unclassified road, which would provide access to the proposed development. Chapel Lane runs from Pinfold Lane Walsall in a south westerly direction to the Walsall Borough boundary and continues into Sandwell Borough.

Chapel Lane is subject to a 30 mph speed limit, although the actual speed of vehicles is higher with the road recording an 85th Percentile speed of 43mph.

Chapel Lane is subject to a Traffic Regulation Order which came into effect in 21st January 2008. Walsall Council exercised its powers under Sections 1(1) and (2), 2(4) and 3(2) of the Road Traffic Act 1984, and is cited as the "*Walsall Metropolitan Borough (Various Roads, Bar Beacon) (Prohibition of Heavy Commercial Vehicles) Order 2007. The intention of the Order was to prevent the lanes being used as through routes, but this does not prevent access for HCV (Heavy Commercial Vehicles) drivers that have a legitimate cause (Article 4 of the Order.)*"

The TRO continues at part 3; Save as provided in Article 4, no person shall, except upon direction or permission of a police constable... or traffic warden, cause any

heavy commercial vehicle to proceed in any length of road...

TRO part 4 lists a number of exceptions;

a... conveyance of persons, goods or merchandise to or from the premise situate on or adjacent.. the road

b... used for... agriculture in connection with land adjacent... the road

c... in connection with any buildings, industrial operation of demolition... adjacent the road

d... used in an emergency for fire... police or ambulance

e... to be garaged, serviced or repaired at any premises

f... in the service of a local authority

g... in connection with a circus, fair or other event... authorised by the Council

h... conveyance of goods for sale from the vehicle in or adjacent the ... road

i... in connection with the movement of an abnormal load where no suitable alternative... exists

Discussion regarding the perceived impacts upon highway safety;

The 1st December 2022 Planning Committee discussed the nature of the development and its construction programme of 30 weeks.

Notwithstanding the applicant's transport statement submitted with the planning application and the Local Highway Authority broadly accepting the recommendations in the applicants transport statement, Planning Committee, based on their local knowledge of the area were concerned about the level of traffic from the M6 Motorway currently using Chapel Lane cut through. In addition to traffic from the construction phase, the level of HCV traffic could have a perceived negative impact and effect on road safety and the highway, which resulted in the highway refusal reason.

During the planning application the local highway authority reviewed the applicant's (now appellant) transport statement and had no highway objections to the planning application. The increased vehicle speeds along Chapel Lane had been addressed by providing appropriate visibility splays at the entrance of the proposed development in accordance with national guidance on (SSD) Stopping Sight Distances. (Manual for Streets 2007).

The local highway authority reviewed the applicants submitted 'traffic management plan' and had no objections subject to the imposition of a planning condition for a dilapidation survey of the Chapel Lane highway and verge to be carried out before and after the construction phase, to take account for any damage sustained, during the development works. The cost of any subsequent repairs would be met by the developer. A safeguarding condition can be imposed subject to it not asking for a physical payment for the council to undertake the repairs.

A new site entrance would need to be created from Chapel Lane, sufficient to accommodate 16.5 metre articulated vehicles. Vehicles for the duration of the construction period would be able to access the site using this new site entrance. Visibility splays of 88m west and 118m east are shown that takes into account the actual road speeds.

Swept path analysis showing a 16.5m articulated lorry turning into the new site entrance and turning around has been demonstrated and accepted by the local highway authority. The provision of an area of hardstanding within the application site for vehicles to manoeuvre in and over which they would drive prior to accessing the public highway will reduce the risk of mud being trafficked onto the public highway.

Parking would be provided on site for service vehicles. The highest increase in average two-way daily traffic movements is expected during the 30-week construction phase. The cumulative impact on the highway is considered to not be severe. The average two-way daily commercial vehicle movements are expected to amount one two-way movements per week. During the operational phase, traffic movements are expected to be minimal and therefore the highway authority have no concerns with operational traffic to and from the application site.

Due to the proximity of the application site to the Strategic Road Network it is likely that commercial vehicle movements in the vicinity of the site are sufficiently high that an increase of one two-way weekly vehicle movements will be imperceptible against background traffic to cause a disturbance to other users.

On completion of the 30-week construction period, construction traffic will cease. There would therefore be no residual traffic related impacts arising from the temporary construction phase of the proposed development.

There will be up to a total of 189 deliveries to the site during construction. This equates to approximately 1.31 deliveries per day on average over the 24-week. During peak construction activities it is expected that up to 12 deliveries per day over an 8-week period (Monday to Saturday). This will vary in line with the build process. The highway authority considers the cumulative impact of the development based on deliveries on the highway to not be severe.

The Local Highway Authority considers in terms of policy and guidance 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.

Refusal Reason 3

The 1st December 2022 Planning Committee discussed the nature of the development and its impact on the character of the area due to it creating an industrial nature feature. This led to the formation of refusal reason 3. When assessing the appeal case, the Local Planning Authority is of the view it would be better to remove the following words from the reason for refusal; '*creating an industrial estate type character*' and replace with '*fails to properly take account of the context or surroundings*'. It is considered, it would be difficult to demonstrate the battery storage facility would form an industrial estate type character in this particular instance. The replacement words the Local Planning Authority is suggesting, are from council planning policy and are considered to better serve what planning committee were

trying to achieve with their reason for refusal, whilst not introducing any new reason to the planning appeal.

Conclusion

Whilst the Local Planning Authority recognises the concerns of the planning committee and local ward members relating to Chapel Lane highway safety from this proposal, based on the advice of the local highway authority that there are no highway safety implications to Chapel Lane from the proposed development. Without clear and evidential data to demonstrate Planning Committee's concerns for highway safety concerns, the Local Planning Authority would be unable to defend the fourth refusal reason as part of the Public Inquiry.

The Local Planning Authority is seeking confirmation from planning committee on how the local planning authority should move forward with their statement of case for the appeal. The Local Planning Authority would either require clear evidential data of the highway safety concerns that can be endorsed by the Local Highway Authority or for planning committee, to agree to withdraw the fourth reason for refusal from council's reasons for refusal and the appeal.

The Local Planning Authority is also seeking confirmation from planning committee that the exchange of words in refusal reason 3 are also acceptable.

Planning committee's decision will influence how the Local Planning Authority completes the appeal statement which is due to be with the Planning Inspectorate on the 23 June 2023.

The 1 December 2022 committee report to follow:



Planning Committee

Report of Head of Planning and Building Control on 01 December 2022

Plans List Item Number: 4

Reason for bringing to committee

Major Application

Application Details

Location: FIELD ADJACENT THE DUCKERY, CHAPEL LANE, GREAT BARR

Proposal: CONSTRUCTION OF A TEMPORARY 49.35MW BATTERY STORAGE FACILITY TO INCLUDE 28 ENERGY STORAGE CONTAINER UNITS, ASSOCIATED CONTROLS, PCS INVERTERS, COOLING AND FIRE SAFETY SYSTEM, 14 TRANSFORMER FEEDER PILLARS, TWO SUBSTATIONS AND COMPOUND, EACH WITH AN OPEN AIR TRANSFORMER, DEDICATED ACCESS TRACK, SECURITY FENCING ENCLOSING THE SITE, 14 LOW VOLTAGE CABINS EACH WITH AN OPEN AIR TRANSFORMER AND HIGH VOLTAGE SWITCHGEAR. INTENDED LIFESPAN OF 40 YEARS.

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Case Officer: Sally Wagstaff

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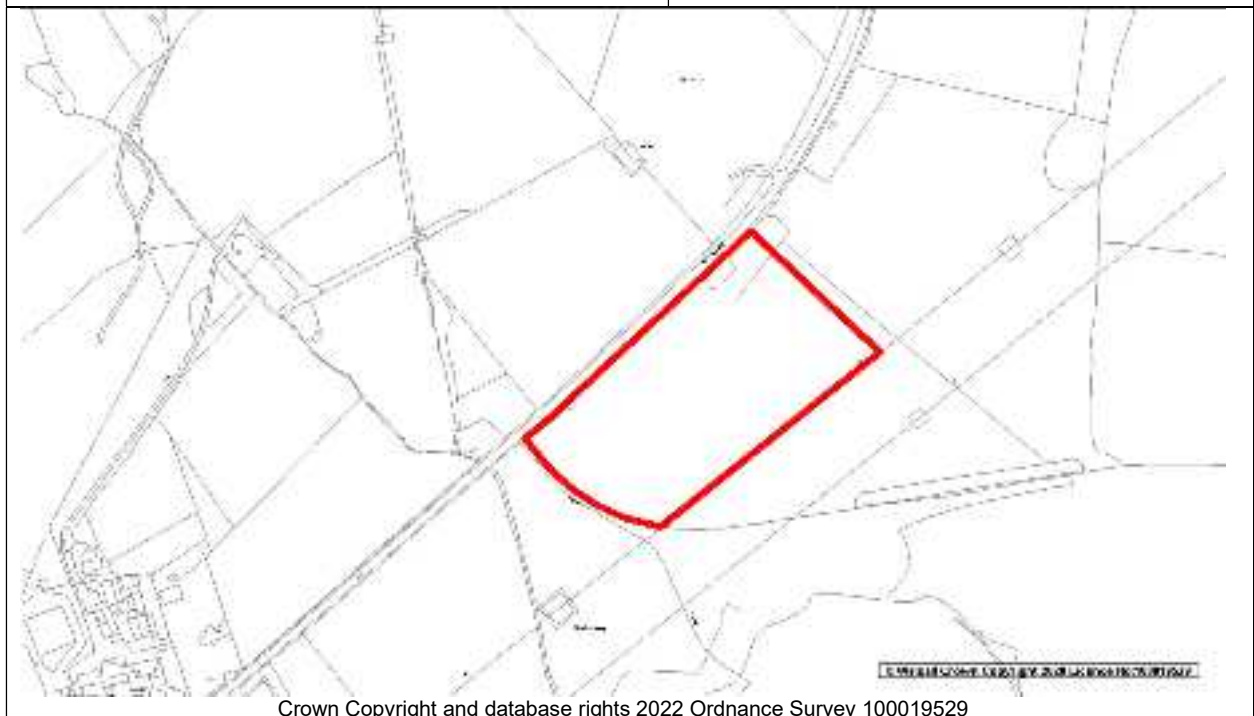
Ward: Pheasey Park Farm

Agent: Stuart Natkus

Expired Date: 07-Mar-2022

Application Type: Full Application: Major Use Class Sui Generis

Time Extension Expiry:



Recommendation

Refuse

Proposal

This application seeks full planning permission for the construction of a Battery Energy Storage System (BESS), capable of importing and exporting approximately 49.35 megawatts (MW) of electricity at a field adjacent to the Duckery, Chapel Lane, Great Barr. The energy storage facility will store energy and release it to the National Grid when required, for example, during times of peak energy demand. The facility has an intended temporary lifespan of 40 years and at the end its operation, the intention is to remove it from the site and return the field to its previous condition.

The proposal includes the following main elements:

- 28 energy storage container units containing the batteries, associated control equipment, PCS inverters, cooling system and fire safety equipment.
- 14 Transformers and feeder pillars.
- A single 132kV substation compound, up to a height of 5.5m with a District Network Operator (DNO) substation (up to a height of 3.4m), customer substation (up to a height of 2.9m) and a communications hub.
- A dedicated access track and security fencing enclosing the site.
- 14 Low Voltage (LV) cabins each with an open air transformer will be installed with the blocks of battery cabinets. The LV cabins are typically 2.2m high, 3.7m long and 2m wide which will be painted green. The transformers are generally 2.5m high, 2.4m long and 2.5m wide.
- High Voltage (HV) switchgear is required to accumulate all the HV cables from the transformers before connecting to the grid network.
- Before connection to the grid, the Distribution Network Provider (DNO) requires an Intake Substation with various protection settings to protect the grid from any faults that the BESS may cause. This intake substation will be built in compliance with building materials approved by the local planning authority.
- A Security system is required to prevent both unauthorised access into the battery storage system, which is an energy import and export system, and to protect the equipment. This will consist of a 2.4m high palisade fence which is a requirement by the DNO to ensure the adequate security of the storage system. The palisade is the usual specified fence system to install from the DNO's. A security beam system will also be installed around the fence perimeter. The security beams will be approximately 1.2m off the ground and will employ laser technology so no artificial lighting will be required.

The following supporting documents are provided:

- Alternative Sites Assessment.
- Design & Access Statement.
- Ecological Impact Assessment.
- Flood-risk Assessment and Drainage Strategy.
- Historic Environment Desk Based Assessment.
- Landscape and Visual Impact Assessment.
- Noise Impact Assessment.
- Planning Statement.

- Soils & Agricultural Report.
- Traffic Management Plan.
- Transport Statement.
- Tree Removal & Protection Plan.
- Tree Survey.

Site and Surroundings

The site occupies approximately 2.07 hectares of agricultural land on the southern side of Chapel Lane, to the north-east of Suttons Drive. The site is located within the Green Belt and the surrounding area is semi-urban in nature. The site comprises an open field with the boundary to Chapel Lane formed of a low post/wire fence in a state of disrepair, as well as some trees toward the south-west end of the boundary. The site also comprises a small wooden stable in the north-east corner. There is a National Grid Suspension Tower and overhead power lines within the field to the south-east of the site.

To the north of the site there are open fields and cricket pitch. To the east is Barr Beacon School and residential properties. To the south is the Great Barr Hall and Registered Park and Garden, as well as the Duckery which is ancient woodland and is a Site of Importance to Nature Conservation (SINC). To the west is an open field and the Great Barr Golf Course. The site is also located within the Great Barr Conservation Area and there are several listed buildings in the area, including the Grade II Listed Great Barr Hall and Registered Park and Gardens, the Grade II Listed Church of St Margaret and Grade II Listed War Memorial, the Grade II listed Old Farmhouse and Barn and the Pinfold. There is also an Article 4 Direction and a Tree Preservation Order affecting the site.

Relevant Planning History

21/1288 – Environmental Impact Assessment (EIA) Screening Opinion for a proposed BESS (Battery Energy Storage System) – EIA not required 22/10/2021

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 6 – Building a strong, competitive economy
- NPPF 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 13 – Protecting Green Belt land
- NPPF 14 – Meeting the challenge of climate change, flooding and coastal change
- 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.

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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

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- 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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations

- ENV6: Protection and Encouragement of Agriculture
- ENV10: Pollution
- ENV11: Light Pollution
- ENV12: Hazardous Installations
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- 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

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- EN2: Ancient Woodland
- EN3: Flood Risk
- EN5: Development in Conservation Areas
- EN7: Great Barr Hall and Estate and St Margaret's Hospital
- T2: Bus Services
- T3: The Rail Network

- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Archaeology – Welcome the submission of an Historic Environment Desk-Based Assessment with the application and agree with the conclusions relating to archaeology within the report. There is potential for archaeological deposits to be present which may be affected by the proposals, however these would be of local significance and not form a constraint on development. A condition is recommended

to require a programme of archaeological work to be undertaken that would ensure preservation by record any remains affected. This would likely be trial trench evaluation in the first instance in advance of any groundworks, which would inform additional mitigation (watching brief or excavation) if required.

Community Safety – Support.

Conservation Officer – Highlights National Heritage Listed Assets affected by the proposals (including Listed Buildings and the Registered Park and Gardens) plus local designations (including local listed buildings, Great Barr conservation area, Article 4 restrictions and archaeological historic environment records) and the legislative context for considering each. A Historic Environment Desk Based Assessment (HEDBA) has been provided. It is agreed that the proposals would have less than substantial harm to the significance of the Great Barr Conservation Areas and the scale of the harm is low to medium.

The proposed site is outside of the Registered Park and Garden but sits adjacent to it. Within the Registered Park and Gardens sits Great Barr Hall, Grade II listed. The bank of trees within the RPG adjacent the site protects significant views across to Great Barr Hall and the pool. The proposal is considered would have negligible harm to the significance of these heritage assets and not no harm. The proposed Battery Park would have less than substantial harm to the significance of Great Barr Hall RPG and Great Barr Hall, that scale of harm would be medium. The proposed Battery Park would have negligible harm to the setting of Great Barr RPG and Great Barr Hall.

St Margaret's Church, Grade II listed and the War Memorial Cross, Grade II listed are located some 320m to the south of the proposed site. The proposal would have negligible harm to the significance of this heritage asset and not no harm. The proposed Battery Park would have less than substantial harm to the significance of St Margaret's Church, that scale of harm would be medium. The proposed Battery Park would have negligible harm to the setting of St Margaret's Church and the listed war memorial.

With regards to the other heritages assets, Barn approx. 20m north of Old Hall Farmhouse, Grade II, Old Hall Farmhouse, Grade II and The Pinfold, Grade II, the proposal would have less than substantial harm to the significance of these heritage assets, and the scale of harm would be low. The proposal would have negligible harm to the setting of these heritage assets.

Paragraph 203 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'.

The nearest non-designated heritage assets are Old Hall Court, Pinfold Lane and Crook House. The proposed Battery Park will have negligible harm to the significance of these non designated heritage assets.

The proposed Battery Park would be visually intrusive when seen from Chapel Lane and from short and long views from the north of the site, as there is limited planting and tree coverage that would provide effective screening. It would also appear what remained of the hedge along the Chapel Lane frontage has been removed. As such, the proposal would fail to enhance and preserve the character and appearance of the

Great Barr Conservation Area. However, through effective planting mitigation along the Chapel Lane boundary, including the reinstatement of the hedge along the site boundary fronting Chapel Lane and effective tree planting towards the northern boundaries of the site, tree planting can provide effective screening of the proposed Battery Park.

Any additional fencing should be kept to a minimum with details of design and colour provided. Palisade fencing may not be appropriate. Further details of access routes, how the battery park connects to the pylons and details of lighting also need to be considered.

An options appraisal should have been undertaken looking at alternative sites and addressing whether there are alternative sites suitable for this proposed use.

The proposed development needs to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

Ecology Officer – No objections. Previous concerns addressed in amendments.

Environment Agency – No comments as the constraints lie outside the EA remit.

Environmental Protection – Conditions and mitigation measures are required to address potential noise impacts upon nearby residential premises from the proposed Battery Storage Facility. Key points from the developers Noise Impact Assessment are:

- The closest noise sensitive receptor has been identified as 121 Chapel Lane, approximately 230 metres away.
- Project will consist of 14No. of battery blocks (3614kWh) and 14No. of PCS containers (3525kVA).
- With the implementation of appropriate barrier mitigation, the resultant impacts from noise associated with the proposed development will be low at the nearest existing noise sensitive receptors.

Based on the noise assessment, the report demonstrates that there may be some minor noise impact at nearby residential premises. To reduce the potential noise impact the Consultant is advising that a noise barrier needs to be constructed around the PCS Container/ Battery Block area and this has been added to the plans.

Due to the variance of background noise levels, Environmental Protection prefer to incorporate a limit based on Noise Rating Curve within planning conditions, rather than relying on BS4142 alone.

The Consultants have provided Octave Band Sound Pressure Levels of Plant Items in Table 4.2. Using the data in Table 4.2 it may be possible that an Octave Band Noise Rating can be calculated for 1metre from habitable room window.

Environmental Health – No comments received.

Fire Service – Provide details of measures to be achieved for this proposal and indicate failure to meet these requirements may result in an objection and an unsatisfactory proposal. Matters to consider being access into the site if security measures are present, specialist advice, Out of Hours access and contacts in the event of an emergency.

Health & Safety Executive - This proposed development does not involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development. Advises that if the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment.

Highways - 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.

Vehicle Access - A new site access will be created off Chapel Lane, this will be sufficient to accommodate 16.5m articulated vehicles. Vehicles for the duration of the construction period will be able to access the site using this access. Visibility splays of 88m west and 118m east are achieved which is more than adequate for a 30mph road.

Internal Layout - Swept path analysis showing a 16.5m articulated lorry turning into the access and turning around has been demonstrated. The provision of an area of hardstanding within the application site for vehicles to manoeuvre in and over which they would drive prior to accessing the public highway will reduce the risk of mud being trafficked onto the public highway.

Vehicle parking - Parking is provided on site for service vehicles.

Traffic Impact - The highest increase in average two-way daily traffic movements is expected during the 30 week construction phase. Average two-way daily commercial vehicle movements are expected to amount one two-way movements per week. During the operational phase, traffic movements are expected to be minimal. Operational traffic would comprise one van accessing the application site twice per month i.e. two two-way vehicle movements per month. Due to the proximity of the application site to the Strategic Road Network it is likely that commercial vehicle movements in the vicinity of the site are sufficiently high that an increase of one two-way weekly vehicle movements will be imperceptible against background trafficked to cause a disturbance to other users. On completion of the 30 week construction period, construction traffic would cease. There would therefore be no residual traffic related impacts arising from the temporary construction phase of the proposed development. Traffic volumes of this magnitude would be imperceptible on a daily basis. No residual traffic related impacts arising from the permanent operational phase of the Proposed Development.

Construction Management - A Construction Management Plan has been submitted. There will be up to a total of 189 deliveries to the site. This equates to approximately 1.31 deliveries per day on average over the 24-week. During peak construction activities it is expected that up to 12 deliveries per day over an 8-week period (Monday to Saturday). This will vary in line with the build process. In addition to the HGV movements, there will also be a small number of construction movements associated with smaller vehicles such as the transport of construction workers and sub-contractors. Reversing will not need to be undertaken as HGVs will drive on to site in forward gear and turn within the turning area and then leave in forward gear.

Other matters - A Highway Dilapidation Survey will be required prior to the commencement of any works on site.

Historic England – Concerns regarding the proposals on heritage grounds. The proposed battery storage facility would be located in the Great Barr Conservation Area immediately adjacent to the Grade II registered park and garden and not far from Grade II listed buildings at Old Hall, the Grade II listed church of St Margaret and war memorial cross. Both greenbelt and conservation area status reflect the scenic and historic importance of this area as a remnant of the open land that forms the setting of the designed landscape at Great Barr Hall and characterised the landscape prior to rapid urban expansion in the C20.

The construction of a large battery facility containing structures up to 5.5m high surrounded by palisade security fencing would be a harmful development in the setting of the registered park and garden and the listed buildings and would radically change the currently open character of the conservation area by introducing industrial structures and an unattractive security fence.

Section 16 of the NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (paragraph 189). To this end it requires local authorities to look for opportunities for new development to enhance significance and to preserve elements of setting that make a positive contribution to significance (paragraph 202). Any harm to significance caused by new development requires a clear and convincing justification that includes public benefits

Lead Local Flood Authority – No objections.

Natural England – No comments. The lack of comment from Natural England does not imply that there are no impacts on the natural environment only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. Other specialist ecological and environmental advice should be sought.

Public Health – No objections.

Public Rights of Way – No objections. Footpath 43 Aldridge crosses land directly to the north of the application site and the Beacon Way runs along Chapel Lane on the highway verge on the opposite side to the proposed development. The proposed application will not impact upon either of these pedestrian routes due to their location in relation to the site.

Sandwell MBC – Objects on the basis that the proposal would harm the openness of the Green Belt by incremental encroachment. The proposal is contrary to the open character of the Green Belt (para 133 NPPF), is not an acceptable use (para 145 NPPF) and does not safeguard the Green Belt from encroachment (para 134 NPPF). Para 147 of NPPF states elements of renewable energy are often inappropriate development in the Green Belt and that very special circumstances are required to justify this harm. BCCS policy CSP2 relates to Development outside the Growth Network and states Green Belt boundaries will be protected from inappropriate development. The applicant should demonstrate why this development is necessary at this sensitive location and could not be sited in an employment area like other power installations e.g. Union Road Generation Site, Oldbury.

Severn Trent Water – No objections and do not require a drainage condition as the proposal has minimal impact on the public sewerage system.

Staffordshire Gardens & Parks Trust – Objects. This application will cause harm to the significance of Great Barr Conservation Area and to the RPG and its setting and has not demonstrated an overriding need or public benefit which would outweigh that harm (NPPF paras 200-202). The application does not satisfy the test of S72(1) of the P(LB&CA) Act 1990 in that it will neither conserve nor enhance the character and appearance of the conservation area. The proposals run counter to your Council's planning policies for the protection of the Green Belt and built heritage. The proposal does not demonstrate exceptional circumstances which would warrant the harm from intrusion into the openness of the Green Belt.

The Gardens Trust – Objects. The application site lies immediately adjacent to the northern boundary of the Grade II Registered Park and Garden (RPG) of Great Barr. It also is in the centre of the Great Barr Conservation Area (CA) and lies within the Green Belt. The woodland of The Duckery, which is described as '*..an area of ancient semi-natural woodland..*'¹, lies within the RPAG immediately adjacent to the proposed development site and is clearly visible from it. The proposed siting of such a large battery storage facility in open countryside and especially within a Conservation Area seems difficult to understand at first glance. The part of the Great Barr Conservation Area within which the proposed battery storage development is to be sited lies clearly within the Setting of the Great Barr RPG and will be seen from it. Connections to the adjacent electricity pylons will either run through the RPG itself or be visible from it, again impacting upon its Setting. No very special circumstances have been demonstrated.

An Historic Environment Assessment looking at alternative, less sensitive sites further from the immediate setting of the RPG should be required. The proposal will likely generate additional proposals for solar arrays within the immediate neighbourhood, or on Barr Beacon itself, compounding the impact upon the Conservation Area, RPG and Green Belt.

Tree Preservation Officer – The application site is situated within Great Barr Conservation Area and the trees are predominantly located around the periphery of the site. The site layout as indicated on drawing no. C0002457-02-PL Rev. B will not necessitate the removal of any of the trees or hedgerows on site to facilitate the proposals and the proposal does not encroach into any of the root protection areas of the trees as recommended in BS 5837: 2012. The tree removal and protection plan (drawing no. 211216-CLGB-TRPP-SD) details the location and specification of tree protection fencing which would afford adequate protection for the retained trees within the applications proposed site layout (confusingly this documents title would suggest there are trees for removal which is not the case). Consequently, the application does not have any detrimental implications for the trees on or adjacent to the site as none would be lost to development and the existing trees can be adequately protected throughout any construction phase. Should the application be given consent the recommendations and guidelines as detailed in the BS 5837: 2012 tree report and tree removal and protection plan should form one of the conditions.

Group of Ramblers – Objects not an appropriate location for this type of development. Concern this will set a precedent for further development within the Green Belt. Query what Walsall MBC’s policy is towards carbon reduction and sustainable energy generation in the longer term and what are the implications if this plant is given approval to proceed? Very special circumstances are required to outweigh the harm and concern developer is relying on need for renewable energy to outweigh harm which Ramblers disagree with. Concern about design of any access potentially allowing parking or attracting fly tipping. Inadequate adequate screening proposed. Makes comments on how wide consultation on the proposals has been.

West Midlands Police – Security required for people’s safety and reduce theft of metals, materials or equipment this is a vulnerable isolated site. Makes recommendations for lighting, security, alarms, CCTV etc and recommends Secure by Design.

Representations

Over 300 comments (from around 200 properties) raising objections to the proposals have been received including those from local ward Councillors, MP Valerie Vaz (Walsall South), MP Nicola Richards (West Bromwich East) and local groups including Beacon Action Group. These are summarised as follows (officer comments in italics):

Green Belt:

- Inappropriate development in Green Belt
- Not met very special circumstances to justify inappropriate development in Green Belt
- This proposal is on agricultural land in open countryside and does not safeguard the openness of the countryside
- This area already under threat to loss of Green Belt land for development
- This green belt land separates Walsall from Birmingham and shouldn’t be lost
- Reported that at a Save our Green Belt meeting a 10 year old commented “our future must be protected, climate change and loss of biodiversity is here, the air we breathe is toxic, noise in the air never stops, we will not forgive you for taking Green Belt and open spaces and destroying our future”
- Commercial development in green belt not appropriate
- Acknowledge energy storage helps protect the planet but need to balance developer profit against community expense and loss of green space forever
- Agree battery storage is essential to national grid but this is one of the last green open spaces in Walsall and should be preserved
- Loss Grade II agricultural land
- The farmland is high quality and should not be built upon

Conservation Area:

- Inappropriate development in Conservation Area
- Harmful visual impact and impact on designated Heritage Assets
- Recognise possible need for this type of development but not in a Conservation Area where LPA duty to preserve and protect character
- Nearby housing in the Conservation area has restrictions on permitted development so these larger scale proposals should not be allowed
- Object to proposal next to Grade II Listed Church and Designated World Heritage Site

- Failure to inform parties such as Historic England and Fire Service (*the LPA has consulted these parties*)

Neighbour Amenity:

- Disruption to local community
- Overlooking and loss of privacy for residents nearby
- Affect on residents' health from pollution plus mental health
- Noise Assessment doesn't not consider impact on Kinross & Nether Hall Estates and does not confirm where receptors considered are
- Mitigation/louvres should be required on all sides to minimise impacts to residents
- Plant noise disturbs residents utilising nearby open space
- 24/7 security may lead to light spillage in the area

Environmental Issues:

- Environmentally important site for flora, fauna and protected species as SLINC and SINC designations
- Environmental impacts on surrounding areas
- No Environmental Impact Assessment undertaken (*this was subject to a separate process – 21/1288*)
- Impacts on landscape and ecological impacts in a highly sensitive area
- Potential impact on endangered species of flora and wildlife
- Contrary to Zero Carbon if Green Belt lost
- Should be planting trees not cutting down
- Uncertainty as to how close to woodlands the proposal may be or how large a site area may be required
- Misleading responses on application form regarding trees and hedges, Flood Risk, proximity to a watercourse, surface water disposal, biodiversity and geological conservation, protected species and designated sites or habitats that would require consideration and supporting evidence
- Noise, light and air pollution
- Potential flooding and contamination

Highways:

- Highway safety and congestion concerns along Chapel Lane which is used as a short cut to A34 motorway junction
- Construction/maintenance traffic could hamper access along Chapel Lane for emergency vehicles
- Traffic Management Plan identifies size and frequency of proposed vehicles is extensive
- Traffic pollution and noise from construction
- Chapel Lane not suitable for large vehicles and no turning facility causing severe disruption
- Chapel Lane periodically closed for repairs already
- Weight limit on Brook Bridge in Chapel Lane

Fire Safety/Health & Safety:

- Battery storage units are a fire hazard and requires access by fire service vehicles at all times, but Chapel Lane is prone to flooding/freezing resulting in lane closures hindering access

- Battery storage in Darlaston has suffered several fires this would be disastrous at this location close to the motorway and affecting homes nearby
- Potential leakage from battery energy storage systems could be catastrophic
- Increased risk of serious fire and explosions releasing toxic gases that are a danger to public and increase pressure on emergency services and concern for public health as there are schools and housing in close proximity
- Please consider safety of public particularly children

Other Matters:

- The site is covered by an Article 4 Direction further restricting development
- Residents have no funding and little time to fight this scheme (*not a material planning consideration as statutory consultations undertaken*)
- Search for alternative sites limited and a site in the Black Country near the national grid discounted
- Brownfield and industrial sites would be more appropriate
- Alternative location should be sought
- Another site is under construction near J7 of M6 in Sandwell
- Disrespectful to locate this close to graveyard and place of worship
- Previous refusal for inappropriate development at the site
- Object to solar panels no mention of size and number (*none are proposed*)
- Large development and very high (5 acres 2.4m high)
- Visible from public paths – next to Beacon Way popular rambling route
- 40 years is not temporary
- No guarantees that the land won't be built on once facility decommissioned
- Agree need for renewables given present energy crisis but outweighed by other considerations
- Anesco report contradicts earlier reports on grade of land and whether suitable to build on
- Drastically impact on this beauty spot
- Querying consultation timescales (*the developer carried out their own consultation exercise prior to submitting the application which may not have captured all interested parties. The LPA has carried out statutory consultations in line with legislation and all representations received prior to determination taken into consideration*)
- Evidence provided relating to legal case regarding similar type of development and inadequate consideration of Environmental Impact
- Reference to public meeting held with MP present
- Could damage property value in the area (*this is not a material planning consideration*)
- Could lead to future developments (*any future applications assessed on their own merit*)
- Query who owns the site (*not a material planning consideration but applicant has served notice B on the owner*)
- Anesco are not local and could build elsewhere (*the LPA have to consider the proposals before us*)
- Welcome MP Valerie Vaz support in fighting this proposal

Determining Issues

- Principle of Development
 - Green Belt Assessment
 - Heritage Assessment
 - Amenity of Neighbours
- Page 89 of 119

- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations

Assessment of the Proposal

Principle of Development

This application proposes the erection of a Battery Energy Storage System (BESS) at agricultural land located within the Green Belt and within the Great Barr Conservation Area. The proposed development consists of a number of buildings/structures including the main battery storage cabinets within the centre of the site, a compound and substation, as well as ancillary works including security fencing, a new access off Chapel Lane, an internal access route and an acoustic barrier. The structures are generally of an industrial style appearance finished in grey and green, with a maximum height of 5.5m (132kv substation compound), with the height of the other structures ranging from 2.3m-3.4m.

The proposed Battery Energy Storage System is a technology which does not itself produce renewable energy, it instead stores energy and transfers it back to the National Grid when required, for example, in times of peak energy demand. However, for the purposes of the planning system, national policy dictates that this type of development is accepted as a form of renewable energy, given that it aids the storage of energy from renewable sources and therefore reduces the reliance on fossil fuels and contributes to reduction of carbon emissions. The NPPF also states that when determining planning applications for renewable/low carbon energy developments, local planning authorities should not require applicants to demonstrate the overall need for renewable/low carbon energy and even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions. Renewable energy projects are also supported in Policy ENV7 of the Black Country Core Strategy, where the proposal accords with local, regional and national guidance and will not significantly harm the natural, historic or built environment of the area.

Notwithstanding that further consideration is required regarding the use of this specific site for the proposed energy storage facility, given its sensitive location within the Green Belt and the Great Barr Conservation Area, the need for renewable energy projects such as this is accepted and is well supported within national and local planning policy. The principle of the proposed development is therefore acceptable, subject to further consideration regarding the suitability of the site for the intended use and compliance with any other material planning considerations.

Green Belt Assessment

The site is located within the Green Belt, the purpose of which as set out in the NPPF is in part to prevent urban sprawl by keeping land permanently open and to safeguard the countryside from encroachment. Inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that the construction of new buildings in the Green Belt is regarded as inappropriate development, subject to some exceptions as set out in paragraphs 149 and 150. 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. For applications in the Green Belt, consideration is also required regarding the impact of the proposal on the openness of the Green Belt, both in terms of spatial and visual openness.

The applicant has submitted a Landscape and Visual Impact Assessment in order to assess the visual and landscape impacts of the proposal on the Green Belt and its spatial and visual openness. The Assessment acknowledges that the proposal may result in a degree of harm (categorised as negligible to minor adverse harm) to the Green Belt, but suggests that this harm will be mitigated by the restricted height of the buildings, the limited extent of the development, the existing enclosure of the site and the enhancements to the site's vegetation and enclosure on Chapel Lane.

The proposed mitigation measures include enhancements to the boundary on Chapel Lane, which is mostly open, with a limited number of existing trees and vegetation providing screening toward the the south-west end of the Chapel Lane boundary only. The proposed screening enhancements involve the retention of the existing hedgerow and planting of new hedgerow at the open sections of Chapel Lane, as well as the planting of wildflower grassland around the buildings. However, the height of the proposed hedgerow as indicated in Figure 6 of the Landscape Management Plan will be maintained at a maximum height of 2m-2.5m, thereby not entirely screening the height of the new buildings. In addition, the wildflower meadow, whilst no doubt will improve the appearance of the field, will not likely provide any meaningful or significant screening of the new buildings.

Notwithstanding the proposed mitigation measures, when comparing the existing appearance of the site with the proposed appearance of the site (including mitigation), the proposal will result in some loss of the openness of Green Belt land. The site is currently an open and undeveloped field, with the only structure present being a small wooden stable in the north-west corner of the site (approximate footprint of 90sqm), albeit the national grid suspension tower and overhead power lines are also visible within the context of the site

The proposal will however introduce a range of new industrial style buildings within the field, with a significantly increased overall footprint of all the buildings of approximately 2000sqm, with building heights ranging from 2.2m-5.6m. Due to the introduction of the new buildings, including the extensive palisade style security fencing in a field which is currently absent of such buildings, the development will appear alien and visually intrusive in this landscape, and will result in the loss of the openness of the Green Belt, despite the mitigation measures. Reference is also made by the applicant of the proposal being for a temporary period only, however, the development has an overall lifespan of 40 years, which is not a time period which would reasonably be considered as temporary. 40 years is in fact considered to be a long period of time during which the harm to the Green Belt would persist and the prospect of the eventual restoration of the site after this significant amount of time does not provide adequate justification to discount the harm caused.

For the above reasons, it is considered that the proposal will result in some harm to the Green Belt, as it constitutes inappropriate development in the Green Belt and will reduce its openness, contrary to the purpose of including land within the Green Belt. In accordance with the NPPF and Policy GB1 of the Walsall Site Allocation Document, the development can only be permitted where very special circumstances exist. This is considered later in the report.

Heritage Impacts

The site is located within the Great Barr Conservation Area and there are numerous heritage assets within the vicinity of the site, including the Grade II Listed Great Barr Hall and Grade II Listed Great Barr Hall Registered Park and Gardens to the south, the Grade II Listed Church of St Margaret and Grade II Listed War Memorial to the south-west, the Grade II listed Old Farmhouse and Barn and the Pinfold to the north-west, as well as several non-designated heritage assets within the wider area.

When considering potential impacts on the significance of heritage assets, the NPPF requires that great weight is given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This is consistent with Policy EN5 of the Walsall Site Allocation Document, which requires that development preserves or enhances the significance of Conservation Areas, including their setting, character, and appearance.

With regards to the impact of the proposal on the significance of the Great Barr Conservation Area, the proposal will introduce a development of an industrial character and appearance in this location, altering the rural character of this specific part of the Conservation Area through the introduction of industrial style structures and fencing. This part of Chapel Lane is fairly open in nature with limited planting and tree coverage; therefore, the development will easily be viewed from Chapel Lane and will become an intrusive feature in an otherwise open/rural landscape. It is acknowledged that planting is proposed along this boundary, but given the height of some of the structures, any such planting will not likely provide effective screening of the site and the facility will become a visible feature within the Conservation Area for a period of 40 years, harming the significance of the Conservation Area and surrounding heritage assets for an extended period of time.

The proposal is therefore considered to result in 'less than substantial harm' to the significance of the Great Barr Conservation Area and the surrounding heritage assets, with the scale of the harm being medium to the Conservation Area and the heritage assets closest to the site (Great Barr Hall and Registered Park and Garden, St Margaret's Church and the War Memorial Cross), and the level of harm being low to the heritage assets further from the site (Old Harm Farmhouse and barn and the Pinfold). The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits of the proposal and consideration of this against the harm is considered later in the report.

Amenity of Neighbours

Notwithstanding the above concerns, the nearest noise sensitive uses to the site are located approximately 230m to the southwest of the site (121 Chapel Lane), 270m to the north of the site (Old Hall Court), 280m to the east of the site (Old Hall Farm) and 345m to the east of the site (Barr Beacon School). A Noise Assessment has been submitted which addresses the noise impacts of the proposed facility on sensitive uses. The Assessment is based on a worst-case scenario and concludes that the proposal may have a minor impact albeit primarily during night-time hours.

Due to the potential noise impacts of the proposal, the development includes noise mitigation measures, including the erection of a 2.8m high acoustic barrier on the north and west side of the central battery module and PCS units which are anticipated to be the noisiest elements of the proposed facility. Whilst the acoustic barriers are anticipated to reduce the noise impacts of the proposal, in order to ensure that noise impacts are acceptable, Environmental Protection have advised that a planning condition would be required which limits the cumulative noise levels, should the application be approved. It is also noted that whilst the acoustic barriers would mitigate the noise impacts of the development, these are likely to be visually harmful, given their height of 2.8m and are likely to be of a similar industrial style appearance as the rest of the proposal, albeit details of their appearance have been provided.

In summary, the application is considered to be acceptable with regards to the impact on neighbour amenity, subject to the conditions recommended by the Council's Environmental Protection Officers.

Highways

The proposal includes the creation of a new access from Chapel Lane, an internal access route and vehicle parking space for service vehicles within the site. In terms of traffic generation, once the facility is operational, traffic movements to the site would be minimal at approximately two by two-way vehicle movements per month. During the construction period (30 weeks), traffic movements to the site will be higher at approximately 1.31 deliveries per day on average for 24-weeks, increasing to 12 deliveries per day for a peak 8-week period. This level of traffic generation is deemed to be acceptable and could be managed by the local highway network. In terms of highways safety, HGV vehicles will be able to drive into the site and manoeuvre within a turning area and will not be required to reverse onto the highway. The application is therefore considered to be acceptable with regards to the highway matters, subject to the conditions recommended by the Council's Highways Officer.

Ecology

With regards to the ecological impacts of the proposal, The Duckery to the south is a designated Site of Importance to Nature Conservation (SINC), comprising ancient woodland. However, the site layout is such that the proposed development would lie outside of the 15m buffer zone to the woodland and the proposal would not therefore result in any harm to biodiversity at and around the site. The application is therefore considered to be acceptable with regards to the impact on ecology.

Trees and Protected Trees:

The site comprises an open field with a small number of trees located primarily around the site's perimeter. Where there are protected trees, these are located outside of the site's red line boundary, adjacent to the application site at the Duckery Park to the south of the site. The Council's Tree Officer has advised that the proposal will not require the removal of any of the trees or hedgerows at the site itself or within the woodland to the south and will not result in any impact on any tree root protection areas. Tree protection fencing will also be used where required to prevent any damage being caused to the trees. The application is therefore considered to be acceptable with regards to the impact on trees and protected trees.

Flood-risk and Drainage

The site is located within flood zone 1 and is at a low risk of flooding. However, given that the site is over 1 hectare in size, a site-specific Flood Risk Assessment and Surface Water Drainage Strategy has been submitted. The Assessment confirms that the site is at low risk of flooding and any additional surface water discharge due to the additional hardstanding will be collected in a series of proposed swales within the application site, prior to discharge into a drain within the southwest corner of the site, with the maintenance of this to be secured by planning condition and operational responsibility falling to the operator of the development. The Lead Local Flood Authority and Severn Water have raised no objections to the proposal and the application is therefore considered to be acceptable with regards to flood-risk and drainage matters.

Ground Conditions and Land Stability

The site is currently within an agricultural use and is outside of the Coal Mining High Risk Area. There is no planning history for the site which indicates any potential land contamination being present and the Council's Environmental Protection Officers have not requested any conditions be attached in relation to ground conditions. The application is therefore considered to be acceptable with regards to ground condition and land stability matters.

Planning Balance and Very Special Circumstances:

In considering the application as a whole, the benefits of the proposal need to be weighed against the harm of the proposal, in order to determine whether very special circumstances exist and therefore whether the development can be permitted.

The overall harm of the proposal can be summarised as including the promotion of inappropriate development in the Green Belt, which is by definition, harmful to the Green Belt, the harm caused by the loss of openness of the Green Belt by virtue of the erection of industrial style buildings/structures in an otherwise open and undeveloped field, as well as the harm to the significance of the Great Barr Conservation Area and nearby heritage assets by virtue of the failure to preserve or enhance their setting. Collectively, this level of harm is considered to be substantial and represents significant conflict with the national and local planning policy.

Very special circumstances will not exist unless the potential harm as outlined above is clearly outweighed by other considerations. To this end, the applicant has provided the following list of very special circumstances within the Planning Statement, in order to justify the application:

- There is an urgent need to secure renewable energy as part of the UK's transition to net zero.
- The UK Government has declared a climate emergency and Walsall Council aspires to be a net zero district by 2020.
- BESS are required to transition to a renewable and low carbon future and are required to secure energy security.
- The site has proximity to an existing grid connection with sufficient capacity, such locations are limited around the country and in Walsall.
- The proposal will delivery biodiversity net gain.
- The proposal is temporary and reversible.

- The proposal will have a minimal impact on the landscape.
- The development will be of a smaller scale, height and massing than existing buildings/infrastructure in the surrounding landscape.
- The proposal will have limited harm to the Green Belt.
- The development is in accordance with planning policy.

These points are acknowledged and the overall need for such a facility is not disputed. However, the applicant's stated very special circumstances do not clearly demonstrate why a site in both the Green Belt and in a Conservation Area is specifically required for the proposal. The applicant's very special circumstances are accepted as demonstrating the overall need for such a facility; however, there is limited information regarding the proximity to the existing grid connection which has sufficient capacity. The applicant's statement is not supported by any further details of this connection, it is not indicated on the proposed plans where the connection is, and it is not clear on proposed plans if the connection will require further works within the Green Belt land. It is not also clear if there are other sites that have sufficient connectivity and capacity that may be less constrained, for example, land outside of the Green Belt and a Conservation Area.

In addition, whilst there is no formal requirement to provide an Alternative Site Selection Assessment, this has been submitted by the applicant and seeks to discount alternative sites in the area. However, this again does not sufficiently demonstrate that this site, above other less sensitive sites, is specifically required for the proposal. The Alternative Site Selection only considers sites which are for sale and there is no evidence that the applicant has approached other landowners with land which has sufficient access to the grid. The Alternative Site Selection also identifies potential sites which are only considered suitable for other uses, such as sites which are allocated for housing and employment or already have planning permission for such uses, therefore not they are not appropriate sites to consider for the energy proposal as the prospect of them being used for this proposal is unrealistic. It is therefore considered that the Alternative Site Selection does not provide sufficient justification or very special circumstances for the use of this site for the facility, above other potentially less sensitive sites in Walsall.

In summary, it is therefore considered that when assessing the planning balance of the application as a whole, very special circumstances do not exist in this instance and the application should be resisted.

Conclusions and Reasons for Decision

Whilst it is acknowledged that there is a need for the proposed energy storage facility, the site's location within the Green Belt and the Great Barr Conservation Area are considered to be significant constraints on the development which in this case, prevent its recommendation for approval.

When viewed collectively, the introduction of a new development of an industrial style appearance which is inappropriate development in the Green Belt and will reduce the spatial and visual openness of the Green Belt, alongside the failure to preserve and enhance the setting of the Great Barr Conservation Area and surrounding heritage assets, will result in substantial harm to both the Green Belt and the Great Barr Conservation Area.

The very special circumstances presented by the applicant in relation to the benefits of the proposal in providing a renewable energy storage facility are acknowledged and afford significant weight, however, given the substantial scale of the collective harm both to the Green Belt and the Conservation Area, in this case the overall benefits of the proposal are not considered to outweigh the overall harm, when considering the application as a whole.

For these reasons, it is considered that very special circumstances do not exist, and that the proposed development should be resisted. Therefore, given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

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

Recommendation

Refuse

Reasons

1. The proposal would represent inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and there are no very special circumstances which would outweigh the harm by reason of inappropriateness. The application is therefore contrary to Saved Policies GP2 (Environmental Protection), ENV6 (Protection and Encouragement of Agriculture) and ENV7 (Countryside Character) of the Walsall Unitary Development Plan, Policy CSP2 (Development Outside the Growth Network) of the Black Country Core Strategy and Policy GB1 (Green Belt and the Control of Development in the Green Belt) of the Walsall Site Allocation Document.
2. The proposal would fail to enhance and preserve the character and appearance of the Great Barr Conservation Area and heritage assets in the areas, resulting in less than substantial harm to the heritage asset, with the scale of harm not being outweighed by the overall public benefits of the proposal. The application is therefore contrary to Saved Policy EN32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policies CSP4 (Place-Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) of the Black Country Core Strategy and Policy EN5 (Development in Conservation Areas) of the Walsall Site Allocation Document.

END OF OFFICERS REPORT



PLANNING COMMITTEE

22nd June 2023

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Development Management Performance Update Report

1. PURPOSE OF REPORT

To inform Members of the Planning Committee of the latest performance and outcomes regarding Development Management, including:

- i) Performance of applications determined for Q3 and Q4 of 22/23 (1st October through to 31st March);
- ii) Decisions made by the Planning Inspectorate on appeals made to the Secretary of State in Q3 and Q4 of 22/23;
- iii) Update of Planning Applications 'called-in' by Councillors in in Q3 and Q4 of 22/23;
- iv) Progress report of enforcement proceedings;
- v) Section 106 Agreements update for 22/23 financial year (1st April 2022 to 31st March 2023) which forms the basis of the Council's Infrastructure Funding Statement for that period.
- vi) Collection of Cannock Chase SAC mitigation payments for 22/23 financial year.

2. RECOMMENDATIONS

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

3. FINANCIAL IMPLICATIONS

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

4. POLICY IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

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

6. EQUAL OPPORTUNITY IMPLICATIONS

None arising from the report. The Development Management service is accredited by an Equality Impact Assessment.

7. ENVIRONMENTAL IMPACT

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

8. WARD(S) AFFECTED

All.

9. CONSULTEES

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

10. CONTACT OFFICER

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

11. BACKGROUND PAPERS

All published.

Mike Brereton
Group Manager, Planning

PERFORMANCE UPDATE REPORT

i. Development Management Performance Update Report

Updated table on the speed of planning application decisions for Q3 and Q4 of 22/23.

Note that the table also includes figures for earlier years.

Description	Target	Q1	Q2	Q3	Q4	Cumulative
		Apr -Jun	Jul - Sep	Oct - Dec	Jan - Mar	
22-23 - Major	60%	67%	67%	63%	62%	65%
21-22 - Major		100%	86%	100%	100%	97%
20-21 - Major		100%	100%	86%	90%	94%
19-20 - Major		100%	100%	100%	90%	98%
22-23 - Minor	70%	78%	69%	59%	48%	63%
21-22 - Minor		85%	82%	79%	80%	82%
20-21 - Minor		96%	86%	78%	83%	86%
19-20 - Minor		91%	92%	98%	90%	93%
22-23 - Other	70%	93%	92%	93%	84%	90%
21-22 - Other		92%	86%	87%	82%	87%
20-21 - Other		93%	92%	93%	91%	92%
19-20 - Other		92%	92%	87%	90%	90%

12.1 The latest performance figures represent a continuation of results exceeding national performance standards in all areas with the exception of minors which has fallen below at 63%. We have also seen a fall in performance for major applications though they are still above the national target. This is to be expected as we continue to issue decisions from our backlog which mostly consists of developments falling within the minor and major categories. Over 130 decisions out of our backlog applications have been issued by contractors since the end of February which demonstrates the service's continued commitment to clearing the backlog. It is anticipated that performance will improve once the backlog has been cleared enabling permanent members of the team to progress a more manageable caseload. There has been recent publicity around under-performance of a number of LPAs across the Country that are not currently meeting government targets. Walsall was not featured, though other nearby Councils with weaker performance were. The recent Government consultation on proposed national planning fee increases also recognised under-investment, and the under-resourced status coupled with difficulties in recruitment, of many LPAs which is affecting performance. This position is not therefore unique to Walsall.

12.2 Notwithstanding the above performance on decision making, the following table highlights decisions made since January 2023 and shows that the team is still

achieving a significant output of decisions. It also shows the vast majority of applications are granted:

RECEIVED:	506
DETERMINED:	616
Of determined that were GRANTED:	308
Of determined that were REFUSED:	91
Of determined that were ALL OTHER TYPES OF DECISIONS:	217
Presented to Planning Committee:	15

- 12.3 Given the difficulties experienced in recruitment and retention of staff there remains a backlog of older complex cases and some staff are still dealing with high caseloads. Whilst caseloads remain high for some senior officers (up to 70 plus cases), overall the number of on-hands per officer across the rest of the team has started to reduce following a recent investment in the service and the bringing in of additional contractors to support the service. However, as some of the contractors nearing the end of their contract period have started to find alternative longer-term contracts elsewhere, this has placed additional pressures on remaining staff and contractors to take on additional caseloads. This is compounded by a current unavoidable absence in the team which has necessitated the bringing in of an additional contractor to offer support.
- 12.4 The service is currently working with the CAM team as part of the Council's 'Wave 2' project. We have identified a number of areas of improvement to support the service. This includes improved web pages and availability of information and signposting on the Council's website. It also includes integration of the corporate SharePoint document management system with the back-office system which is fundamental to improved ways-of-working and to the customer experience. Whilst some of these projects are in the early stages of feasibility and viability testing, the SharePoint integration is scheduled for later this year. It is anticipated that these improvements will help to reduce some of the burden on staff through the promotion of increased customer self-service and digital automation.
- 12.5 Officers are experiencing increased requests to continue negotiations and submission of repeat amendments to applications. The team has been provided with a clear strategy, supported by senior management and Council Leadership, to ensure the large backlog of applications is cleared. This strategy includes a 'one-revision only' policy to avoid protracted negotiations which only adds to the Council's backlog. In some cases, the proposal represents wholly unacceptable development where the LPA considers that revisions would not make it acceptable. In these instances the LPA will not accept revisions and will proceed to refusing the application (this aligns with the PAS Peer Challenge recommendations). This approach also reflects other LPAs with large backlogs and is necessary to ensure we continue to clear the backlog and improve overall performance against government targets. This approach also directs customers to undertake appropriate pre-application advice prior to submitting a proposal; a recent appeal decision made it clear that LPAs are not required to engage in negotiations throughout the life of a planning application, and that the place for negotiation is only at pre-application stage. Whilst we recognise this is a move away from historic working practises at Walsall, it is a necessary, and commensurate approach, which reflects the scale of the backlog and level of resources within the service area. Once the backlog is cleared we will review our processes to identify what measures are necessary to manage future caseloads.

ii. Decisions made by the Planning Inspectorate in Q3 and Q4 2022/23 (between 1st October 2022 and 31st March 2023)

Application:	22/0254
Site:	LAND OFF THE GREEN, ALDRIDGE
Proposal:	49 retirement living apartments
Delegation Level:	Planning Committee
Council Decision:	n/a – non-determination appeal (<i>not included in performance</i>)
Appeal Decision:	Appeal Allowed
Comments:	Necessary Planning Obligations and Cannock Chase SAC mitigation secured at appeal. Outcome as expected and principle of development was supported by LPA prior to appeal being lodged.

Application:	21/1339
Site:	6, LINDEN LANE, WILLENHALL, WV12 5NX
Proposal:	Proposed 2 bedroom detached bungalow
Delegation Level:	Planning Committee
Council Decision:	Refuse (against officer recommendation to approve)
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed that proposal would result in harm to character and appearance of the area.

Application:	22/0739
Site:	SIDE OF 119 POOL HAYES LANE, WILLENHALL
Proposal:	Prior Approval: The proposed installation of a 15-metres high monopole and equipment
Delegation Level:	Delegated
Council Decision:	Prior Approval Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed that proposal would result in harm to character and appearance of the area and that alternative sites were not fully explored.

Application:	21/1313
Site:	STABLES, LAND EAST OF ALDRIDGE COURT NURSING HOME, LITTLE ASTON ROAD, ALDRIDGE
Proposal:	Demolition of stable block and redevelopment to provide 1 x dwellinghouse
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would be inappropriate development in the Green Belt, would result in harm to character of area and harm to non-designated heritage asset and would fail to preserve or enhance the Conservation Area.

Application:	22/0181
Site:	8, FIBBERSLEY, WILLENHALL
Proposal:	Two storey side extension and front porch extension

Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in significant harm to the character and appearance of the area and fails to provide adequate parking provision.

Application:	22/0738
Site:	1, NORTHSIDE DRIVE, STREETLY
Proposal:	Demolition and rebuild of existing garage and loft conversion
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in significant harm to the character and appearance of the area.

Application:	22/1015
Site:	42, WOOD LANE, STREETLY
Proposal:	Resubmission of 22/0504: First floor and two storey side extension and single storey rear extension
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in significant harm to the character and appearance of the area.

Application:	21/1520
Site:	38, BLUEBELL ROAD, WALSALL WOOD
Proposal:	Works to protected trees
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed felling would result in significant harm to the character and appearance of the area and insufficient justification provided.

Application:	21/0276
Site:	21-25, PARK STREET, WALSALL
Proposal:	Creation of 6 self-contained residential units with additional storey to rear and other works
Delegation Level:	Delegated
Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed proposal would result in a poor level of amenity for intended occupiers.

Application:	22/0896
Site:	145, Broadway North, Walsall
Proposal:	Single storey front extension, two storey side extension and part single part double storey rear extensions
Delegation Level:	Delegated

Council Decision:	Refuse
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would materially harm the character and appearance of the area.

Application:	22/0030
Site:	OS 524, QUESLETT ROAD, GREAT BARR
Proposal:	Installation of a 17 metre high monopole and equipment
Delegation Level:	Delegated
Council Decision:	Prior Approval Refused
Appeal Decision:	Appeal Allowed
Comments:	Inspector agreed proposal would cause moderate harm to the character and appearance of the area but considered sufficient justification was provided to support the siting and that no other alternative more suitable sites were available.

Application:	21/1240
Site:	MALI JENKINS HOUSE, THE CRESCENT
Proposal:	Erection of 3 storey 18 x apartments
Delegation Level:	Planning Committee
Council Decision:	Refuse (against officer recommendation to approve)
Appeal Decision:	Appeal Allowed
Comments:	Inspector found the proposal would not result in significant harm to the character and appearance of the area and would provide a satisfactory level of amenity to intended future occupiers.

Application:	21/1434
Site:	LAND EAST OF WINTERLEY LANE
Proposal:	Prior Approval: Erection of agricultural storage building
Delegation Level:	Delegated
Council Decision:	Prior Approval Refused
Appeal Decision:	Appeal Allowed
Comments:	Inspector found the proposal would not represent inappropriate development in the Green Belt and would not harm the character or appearance of the area.

Application:	20/0964
Site:	75, NEW ROAD, WILLENHALL
Proposal:	Creation of 5 x self-contained apartments and other works
Delegation Level:	Delegated
Council Decision:	Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in unacceptable harm to the non-designated heritage asset and to the Grade II Listed building, harm to the character and appearance of the area, and an unacceptable level of amenity for intended future occupiers.

Application:	21/0959
Site:	11, PORTLAND ROAD, ALDRIDGE
Proposal:	Outbuilding for use as Chiropractic Clinic
Delegation Level:	Delegated

Council Decision:	Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in unacceptable harm to the character and appearance of the area.

Application:	20/1099
Site:	LAND BETWEEN FORD BROOK AND FORMER RAILWAY, STATION ROAD, RUSHALL
Proposal:	Erection of 4 x dwellings
Delegation Level:	Delegated
Council Decision:	Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would be inappropriate development in the Green Belt and potential to result in unacceptable highway impacts.

Application:	22/0542
Site:	29, LITTLE ASTON ROAD, ALDRIDGE
Proposal:	Double garage
Delegation Level:	Delegated
Council Decision:	Refused
Appeal Decision:	Appeal Dismissed
Comments:	Inspector agreed the proposal would result in harm to the character and appearance of the area.

Application:	21/0329
Site:	CORAL, 12, BRADFORD STREET, WALSALL
Proposal:	Proposed illuminated fascia sign and illuminated projecting sign.
Delegation Level:	Planning Committee
Council Decision:	Adverts Refused (against officer recommendation to approve - <i>not included in performance</i>)
Appeal Decision:	Appeal Allowed
Comments:	Inspector found the adverts would not result in harm to the character or appearance of the area and would preserve and enhance the Conservation Area.

Application:	21/0327
Site:	CORAL, 12, BRADFORD STREET, WALSALL
Proposal:	Change of use from vacant betting shop (Sui Generis) to Adult Gaming Centre (Sui Generis).
Delegation Level:	Planning Committee
Council Decision:	Refused (against officer recommendation to approve)
Appeal Decision:	Appeal Allowed
Comments:	Inspector found the proposal would not result in a material increase in crime or anti-social behaviour.

Application:	20/0522
Site:	FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSE
Proposal:	Erection of 29 dwellings
Delegation Level:	Planning Committee
Council Decision:	n/a – non-determination appeal (<i>not included in performance</i>)

Appeal Decision:	Appeal Allowed and Costs Awarded to Appellant
Comments:	<p>Inspector found the proposal would not result in unacceptable harm to amenity of existing residents, would not result in unacceptable highway impacts and would make appropriate contributions towards affordable housing in the area.</p> <p>Full costs awarded to appellant on grounds of the Council's unreasonable deferral and delays to an application that should have been permitted in line with the advice provided by the Council's Officers.</p>

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

Total number of qualifying appeals = 17 applications

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

Qualifying appeals not decided in accordance with Councils decision = **24% (4 applications)**

12.6 To enable the Council to ensure it retains the ability to refuse the most harmful applications which may affect the people and businesses in the Borough, it is vital that robust reasons for refusal are given that state relevant National and Local policies. In this way decisions can be presented in the most robust manner possible to the Planning Inspectorate to optimise the Councils ability to defend refusal decisions most effectively at appeal, and minimise the risk of costs being awarded to appellants.

iii. Called in Applications

12.7 Planning Committee requested information regarding the number of applications that have been called in and agreed that this should appear in this performance report as a regular item. The table below shows the following:

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

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

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

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

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

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

Q3 22/23 (Oct-Dec)

Committee	Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Planning Agent	Application Address	Method/Reason for Call In
6 th October	Councillor Amo Hussain	St Matthews	21/0804	Paul Clifton	74 Mellish Road	Further discussion needed
6 th October	Councillor Sohal	Paddock	22/0229	ZS Partnership	30 Lake Avenue	Sensitive planning
31 st October	Councillor Amo Hussain	St Matthews	21/0804	Paul Clifton	74 Mellish Road	Further discussion needed (deferred item from 6 th Oct)
31 st October	Councillor Nasreen	Palfrey	21/1693	N/A	11 Delves Road	Design requires further consideration
1 st December	Councillor Pardeep Kaur	Aldridge Central & South	22/0769	Lapworth Architects	1 Barr Common Road	1. Improvement to character of area. 2. Design requires further consideration.

						3. No harm arising.
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Q4 22/23 (Jan-Mar)

Committee	Called in by Councillor	The Electoral Ward for the Application	Planning Application Number	Planning Agent	Application Address	Method/Reason for Call In
9 th February	Councillor Mazhar	St Matthews	22/1232	N/A	13 Aldridge Road	Design requires further consideration
9 th March	Councillor Mehmi	Pleck	21/1686	Mr Oswell Dhilwayo	Morris Repairs, Rollingmill Street	Improvement to character and amenities of area
27 th April	Councillor Flint	Bloxwich East	23/0248	DCMS	Land rear 107-109 Lichfield Road	1. Provision of new homes. 2. Design requires further consideration. 3. No significant harm to amenities.
27 th April	Councillor Wilson	Aldridge Central & South	21/0168	N/A	11 Knights Hill	Improvement to character and amenities of area
27 th April	Councillor Pedley	Streetly	20/1606	Spoooner Architects	68 Thornhill Road	Improvement to character and amenities of area

iv. Progress on Enforcement Proceedings

- (i) Public session – attached Table 1 and 2
- (ii) Private session – see attached Table 3

Please note that Table 3 contains information which is private and confidential and so is not available for public inspection.

It includes information which reveals that the authority proposes:

- a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
- b) to make an order or direction under any enactment.

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

v. **Section 106 Agreements update for 2022/2023 financial year (1st April 2022 to 31st March 2023 which forms the basis of the Council's Infrastructure Funding Statement for that period.**

- 12.10 Following the appointment of a dedicated Development Monitoring Officer within the planning service to specifically record and update S106 records, substantial work has already taken place to capture and update records. This is an on-going work stream to ensure this, and future updates, provide an accurate position on the securing, receipt, and allocation / expenditure of S106 contributions and other non-financial Planning Obligations. The figures provided in this report are therefore snapshots in time and will not remain static as they are continuously updated to reflect contributions received, allocated and spent.
- 12.11 The Interim Executive Director of Economy, Environment and Communities is continuing to hold S106 Board meetings involving the relevant portfolio holders and officers from various service areas to give further scrutiny to the process of monitoring S106 obligations including assurance and spending that will help support Members understanding and give greater transparency of the process for the Planning Committee. A Member training session will be delivered in future to incorporate full details on the process and what to expect.
- 12.12 Section 106 of the Town & Country Planning Act 1990 enables developers to submit unilateral undertakings, or local authorities to reach agreements with developers, for certain works to be carried out in association with a development. The Community Infrastructure Levy Regulations 2010 (Regulation 122) sets out a statutory requirement that Planning Obligations must be necessary to make the proposed development acceptable in planning terms; relevant to planning; and directly related in scale and kind to the proposed development. They must also be reasonable in all other respects.
- 12.13 The Council is required to comply with the National Planning Policy Framework (NPPF) 2021, Community Infrastructure Levy Regulations 2010 (as amended), policy DEL1 of the Black Country Core Strategy (BCCS) and policy GP3 of the Unitary Development Plan (UDP) when seeking developer contributions.
- 12.14 Under the Community Infrastructure Levy Regulations any authority that receives a contribution from development through the levy or section 106 planning obligations must prepare an Infrastructure Funding Statement at least annually. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must publish online an Infrastructure Funding Statement by 31 December 2020 and by the 31 December each year thereafter. Infrastructure Funding Statements must cover the previous financial year from 1 April to 31 March.
- 12.15 **Appendix 1** forms the basis of the Council's Infrastructure Funding Statement for the period 1 April 2022 to 31 March 2023.
- 12.16 The table below sets out that £4,186,620.76 has been received in contributions to date and that £2,120,578 has been expended and / or allocated to date. The majority of the remaining balance comprises of a series of contributions for development that has either recently been approved, the target dates for expenditure are yet to be reached, or formal allocations of monies are yet to be

confirmed. This also reflects the on-going collaborative work stream with service areas to update the Council's S106 records, and ensuring records are updated.

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

Service Area	S106 Contribution received to date	Spent to date	Committed / Allocated	Balance Remaining
Affordable Housing	£1,538,104.34	£150,245.19	£124,748.37	£1,263,110.78
Children's Services	£534,931.32	£534,931.32	£0.00	£0.00
Clean & Green	£2,113,585.10	£1,310,653.12	£0.00	£803,892.72
TOTAL	£4,186,620.76	£1,995,829.63	£124,748.37	£2,067,003.5

vi. **Collection of Cannock Chase SAC Mitigation Payments for 2022/23 (1st April 2022 to 31st March 2023)**

Planning Application Reference	Site Address	Date of Unilateral Undertaking	Mitigation Sum £	Date Paid
21/0338	Car Park Rear Of 160 To 174, Westbrook Avenue, Aldridge	25/01/2023	£581.16	15/12/2022
22/0166	Garages and land off Selby Way, Fountains Way, Bloxwich	25/01/2023	£1,743.48	15/12/2022
22/1018	Vacant Land at Bonner Grove, Aldridge, Walsall, WS9 0DX	20/12/2022	£871.74	15/12/2022
22/1022	Land Adjacent 36, Poplar Road, Brownhills, Walsall, WS8 6AJ	20/12/2022	£581.16	15/12/2022
22/1431	119 High Road, Willenhall, WV12 4JN	07/01/2023	£290.50	09/01/2023
21/1669	Land Former Pear Tree Cottage Inn, Pear Tree Lane, Brownhills	03/01/2023	£1,452.90	22/12/2022
22/0172	Garages Off, Margam Crescent, Bloxwich	25/01/2023	£1,162.32	15/12/2022
		TOTAL	£6,683.26	

2022/23 Infrastructure Funding Statement

Appendix 1 - 2022/23 Infrastructure Funding Statement

Infrastructure Funding Reporting Period	Update	Planning Ref No.	Planning	Agreement Start Date	Contribution	Council Obligations (Conditions / Clauses)	(£) Contribution Due	(£) Contribution Received	Date Contribution Paid	Service Area	Total Transferred	Update from Service Lead on	(£) Actual Spend to Date	Balance Remaining (£)
Site Address												(£)		
Q4 (Jan - Mar) 2023	New Agreement Signed	19/0295	LAND ADJACENT 48, WOLVERHAMPTON ROAD, WALSALL	09/02/2023	Initial Open Space Contribution The Clawback Affordable Housing Contribution The Clawback Open Space Contribution		£31,500.00							
Q3 (Oct - Dec) 2022	New Agreement Signed	21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	17/11/2022	Affordable Housing Contribution	To utilise the Affordable Housing Contribution for the provision of Affordable Housing in Walsall	£2,500.00			Housing				
		21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	17/11/2022	Cannock Chase SAC Contribution	To utilise the Cannock Chase SAC Contribution for the purpose of mitigating the adverse impact of recreational activities on the integrity of the Cannock Chase SAC and/or interpretation and way marking to the Cannock Chase SAC	£9,589.14			Cannock Chase SAC Partnership				
		21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	17/11/2022	Towpath Contribution	To utilise the Tow Path Contribution for the access improvements and wayfinding to the Wyrley & Essington Canal towpath	£2,500.00			Canal & River Trust				
		21/1781	LAND BETWEEN CANALSIDE CLOSE AND CANAL, CANALSIDE CLOSE, WALSALL	17/11/2022	Urban Open Space Contribution	To utilise the Open Space Contribution for the provision, upgrading or maintenance of Open Space within the locality	£47,265.00			Clean & Green				£0.00
Q2 (Jul - Sept) 2022	New Agreement Signed	21/0564	THREE CROWNS INN, SUTTON ROAD, WALSALL, WSS 3AX	03/07/2022	Non-monetary contributions	The definition of "Development" at Clause 1.1 of the Original Deed shall be deleted and replaced. The definition of "Planning Applications" at Clause 1.1 of the Original Deed shall be deleted and replaced. The definition of "Planning Permissions" at Clause 1.1 of the Original Deed shall be deleted and replaced. Paragraph 3 of Schedule 3, Part 2 shall be deleted and replaced Paragraph 4 of Schedule 3, Part 2 shall be deleted and replaced The form of draft Third Planning Permission attached to this Deed at Schedule 1 shall be inserted into Schedule 1 of the Original Deed.	£0.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Q1 (Apr - Jun) 2022	New Agreement Signed	21/0272	3, BRADFORD PLACE, WALSALL, WS1 1PL	06/06/2022	Urban Space Contribution	The Council covenants with the Owner that the Urban Space Contribution shall not be spent otherwise than in accordance with the provisions of this Deed (i.e. to be applied by the Council towards the provision of Urban Space) To pay the Urban Space Contribution into a separately identified interest bearing section of the Council's combined accounts as soon as reasonably practicable.	£24,535.00							
Q1 (Apr - Jun) 2022	New Agreement Signed	20/0746	FORMER A B WASTE MANAGEMENT LTD, CEMETERY ROAD, DARLASTON, WEDNESBURY, WS10 8NA	26/05/2022	Canal Contribution	To spend to Canal Improvement Works Contribution for the provision of a new stepped towpath to Forsters Bridge and the installation of a wheelie cycling ramp in accordance with Schedule 2.	£10,000.00	£10,000.00	12/04/2023	Canal & River Trust				
		19/0245	FORMER METAFIN SITE, GREEN LANE, WALSALL	29/04/2022	Affordable Housing Contribution	For the provision of Affordable Housing in the Walsall area.	£14,412.85				Housing			
		19/0245	FORMER METAFIN SITE, GREEN LANE, WALSALL	29/04/2022	Clawback Affordable Housing Contribution	Means the sum to be calculated in accordance with the formula specified in Schedule 2 Part 3 to be paid towards the provision of Affordable Housing within Walsall in the Wards specified in Schedule 3					Housing			

Appendix 1 - 2022/23 Infrastructure Funding Statement

		19/0245	FORMER METAFIN SITE, GREEN LANE, WALSALL	29/04/2022	Clawback Urban Open Space Contribution	Means the sum to be calculated in accordance with the formula specified in Schedule 2 to be paid towards the provision of open space in the location specified in Schedule 3					Clean & Green					£0.00	
		19/0245	FORMER METAFIN SITE, GREEN LANE, WALSALL	29/04/2022	Urban Open Space Contribution	For improvements to and maintenance of the access to Reedswood Park	£2,454.15				Clean & Green					£0.00	
Q1 (Apr - Jun) 2022	New Agreement Signed	21/0236	LAND ADJACENT 346 SOUTH OF, HARDEN ROAD, BLOXWICH, WALSALL	14/04/2022	Non-monetary contributions	Social Rented Units as set out in the deed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
		21/0236	LAND ADJACENT 346 SOUTH OF, HARDEN ROAD, BLOXWICH, WALSALL	14/04/2022	Non-monetary contributions	Social Ownership Units as set out in the deed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		21/0236	LAND ADJACENT 346 SOUTH OF, HARDEN ROAD, BLOXWICH, WALSALL	14/04/2022	Non-monetary contributions	Highways Obligation as set out in the deed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		21/0236	LAND ADJACENT 346 SOUTH OF, HARDEN ROAD, BLOXWICH, WALSALL	14/04/2022	Urban Open Space Contribution	to be used by the Council towards parks, amenities and green space	??					Clean & Green					£0.00
Q4 (Jan - Mar) 2023	New Contribution Received	20/0746	FORMER A B WASTE MANAGEMENT LTD, CEMETERY ROAD, DARLASTON, WEDNESBURY, WS10 8NA	26/05/2022	Canal Contribution	To spend to Canal Improvement Works Contribution for the provision of a new stepped towpath to Forsters Bridge and the installation of a wheelie cycling ramp in accordance with Schedule 2.	£10,000.00	£10,000.00	12/04/2023	Canal & River Trust							
Q4 (Jan - Mar) 2023	New Contribution Received	21/0006	BROADWAY NORTH RESOURCE CENTRE, BROADWAY NORTH, WALSALL, WS1 2QA	09/08/2021	Urban Open Space Contribution	To utilise the Open Space Contribution which is payable pursuant to the obligations contained in this Deed for improvements to and maintenance of the Open Space at Walsall Arboretum Park	£64,789.00	£64,789.00	05/01/2023	Clean & Green	£63,817.16			£0.00		£63,817.16	
Q3 (Oct - Dec) 2022	New Contribution Received	18/1267	Beacon Dairy Farm, Doe Bank Lane.	04/11/2019	Urban Open Space Contribution	Improvement of the play area and playing fields at Doe Bank Park, Doe Bank Lane	£42,548.00	£42,548.00	02/11/2022	Clean & Green	£41,909.78			£0.00		£41,909.78	

PLANNING COMMITTEE – 22 June 2023: PROGRESS OF FORMAL ENFORCEMENT ACTIONS

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

Case Number	Officer	Address	Date	Type of Action and date of issue	Current position
E17/0463	RS	Land south of Cartbridge Lane	25 th Sept 18	Enforcement action authorised by planning committee 12/7/18	Enforcement Notice served 26 th July 2018 and notice became effective on 24 th August 2018 and due to be complied with by 24 th October 2018.
			19 th Dec 2018		Agents have sought advice on amending structure to overcome the Enforcement Notice, this is not supported and officers are seeking compliance with notice.
			3 rd June 2019		Owners have submitted a certificate of lawfulness application (relating to the keeping of horses on the land). Additional information requested.
			10 December 2020		19/0091 – CLEUD not yet determined. Site being monitored.
			10 March 2022		As above. 19/0091 – CLEUD not yet determined. Site being monitored.
			17 Nov 2022		CLEUD application allocated to new case officer to progress. A review of the application indicates that it would not address the Enforcement Notice requirements. Consideration being given on potential prosecution.

			June 2023		19/0091 – CLEUD refused 30/11/2022. Case under review.
E14/0515	RH	Cloudwood Arabian Stud, Aldridge Road	<p>3rd June 2019</p> <p>14th November 2019</p> <p>17 July 2020</p> <p>20 July 2020</p> <p>10 December 2020</p> <p>10 March 2022</p> <p>17 Nov 2022</p>	<p>Enforcement action authorised by planning committee on 18/4/19</p>	<p>Enforcement Notice served for material change of use and operational development on 28th May 2019, notice will be effective on 27th June 2019. Compliance to be undertaken by 27th Sept 2019.</p> <p>Original Notice withdrawn and new amended notice served removing reference to flood lighting. Served 28th June 2019, effective on 30th July 2019 and compliance due 20th October 2019. Appeal has been lodged.</p> <p>Appellant signed a legal undertaking to withdraw the appeal against the enforcement notice and three months from covid restrictions being lifted for caravans</p> <p>Planning Inspector confirmed the appeal had been withdrawn</p> <p>Checking compliance on site</p> <p>Owner has been reminded of obligations to clear the site in accordance with legal undertaking. Further monitoring taking place.</p> <p>Caravans have been removed from the site. The owner to be reminded to clear the site of the remaining fence panels.</p>

			June 2023		Case under review
E21/0066	RS	Arrow Industrial Estate	10 March 2022 17 Nov 2022 June 2023	Enforcement action authorised by Planning Committee 6/1/21	A Planning Contravention Notice has been served and responses informed the Enforcement Notice which was served on 25 February. Advice provided to new site owner. Clearance works are ongoing and a review to be carried out in the New Year. Case under review
E21/0315	RS	Wood Farm Cottage, Wood Lane, Willenhall	10 March 2022 17 Nov 2022 June 2023	Enforcement action authorised by Planning Committee 6/1/21	Following expiry of Temporary Stop Notice, no works on site have resumed, therefore enforcement notice not currently required. The situation is being monitored and a planning application is expected. New planning application lodged and valid on 28 th June 2022 under reference 22/0619. Any enforcement action will therefore be held in abeyance until application is determined. 22/0619 refused March 2023. Case under review.
E21/0137	RH	44 Mill Lane, Willenhall	10 March 2022 17 Nov 2022	Breach of Condition Notice (BCN) authorised and served under delegated powers 7/2/22	Failure to adhere to approved plans as required by Condition 2 of permission 19/1497. BCN requires roof shape and other design details to revert to approved scheme by 7 May 2022. Site monitoring required to determine whether compliance has been achieved.

			June 2023		Full compliance not received. To be followed up with owner(s).
E20/0160	RH	53 Charlemont Rd, Walsall	10 March 2022 17 Nov 2022 June 2023	Enforcement notice served on 29 October 2021 requiring demolition of wall, removal of hard surface	Enforcement Notice appealed. Currently waiting for Planning Inspectorate to confirm hearing date. Appeal decision made 7 September 2022. Enforcement notice quashed and permission granted for brick walls, pillars, land level changes and hard-surfaced driveway (Ground A). Grounds B, C and D are dismissed. Planting plans to be submitted in December in relation to replacement planting for the lost TPO tree. Site to be monitored. Additional plans submitted under review.
E21/0104	RSa	117 Sandringham Avenue, Willenhall	17 Nov 2022 June 2023	Enforcement notice served on 28 October 2022 requiring removal of unauthorised structures and associated works	Valid appeal has been lodged and a hearing is to take place. Hearing date to be confirmed. Hearing scheduled for 15th June 2023
E22/0138	RS	8 Brookhouse Road, Walsall	17 Nov 2022 June 2023	BCN issued 10 August 2022 requiring works to dwelling to be revised to reflect the planning permission.	BCN revoked on 1 Nov 2022 due to inaccuracies within the applicant's submitted plans. Retrospective planning application likely to be submitted to try and regularise the position. Case will be monitored. Case under review.

			17 Nov 2022		Site visit has been carried out and case currently under review against the extensive planning history of the site in light of new evidence relating to some previously approved works.
			June 2023		Under review.
E13/0103	RS	Ravenscourt Shopping Precinct	March 2014	Section 215 Notice	<p>Awaiting return of Section.16, this is required to establish all parties responsible for the land before serving Section 215 Notice. Notice being prepared.</p> <p>Update 9-3-15 – Owners of the site have been in contact with the LPA to discuss future the enforcement action and the future of the site. Officers have been negotiating with developers who intend to submit a planning application early 2017. The owner has confirmed they have appointed a highways consultants and are in the process of finalising a planning consultant. In addition they wish to work closely with the Town Centre Manager to ensure the security of the site and minimise ASB issues.</p> <p>Update 18-10-17 – Planning Application 17/1131 for part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Consultation period expires 15-11-17</p> <p>As there is a current application in for consideration at this stage it is not expedient to pursue formal action.</p>
			November 2017		

			<p>May 2018</p> <p>19th Dec 2018</p> <p>4th June 2019</p> <p>10th December 2020</p> <p>10 March 2022</p> <p>17 Nov 2022</p> <p>June 2023</p>	<p>Site visited, action to remain in abeyance pending outcome of application.</p> <p>At last planning committee members resolved to support the planning application to redevelop the site subject to updated ecology report. Matter in is abeyance pending resolution of application.</p> <p>Ecology report submitted and consultation ongoing. Enforcement action held in abeyance pending resolution of application.</p> <p>Planning permission granted on 28th June 2019 and can be implemented up to June 2022.</p> <p>New owner looking to re-develop.</p> <p>New planning application submitted for re-development of the site for a foodstore which is being presented to Planning Committee 1st December 2022 - 22/0171.</p> <p>Planning permission for re-development 22/0171 granted December 2022.</p>
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