



# Walsall Council

Development Management

## PLANNING COMMITTEE

Report to the Head of Planning and Building Control

22<sup>nd</sup> June 2023

### Plans List Supplementary Paper

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

**Plans list Item number: 1**

**Application site address: LAND AT, FARMER JOHNS, 251, ALDRIDGE ROAD, STREETLY, SUTTON COLDFIELD, B74 2DX**

Supplemental Information	Officer Comments
Typographical error on page 8 of the committee report.	The principle of development and impact on Green Belt should be assessed under NPPF paragraphs 147, 148, 149, and not under paragraphs 143, 144 and 145 as stated in page 8 of the Officer's report. The existing wording should be replaced with the following:

	<p>"NPPF paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate with a limited number of exceptions. NPPF Paragraph 147 states that inappropriate development should not be approved except in very special circumstances. NPPF Paragraph 148 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'</p> <p>No change to recommendation.</p>
<p>Typographical error on page 12 of the committee report under the heading 'Conservation Area and Design and Layout'.</p>	<p>The committee report reads; 'The siting and positioning of the proposed retail unit, sitting further forward than Farmer Johns PH on the site...'. The committee report should read; The siting of the store is in line with the existing public house.</p> <p>No change to recommendation.</p>
<p>Applicant's Planning Agent circulated a briefing note on 19<sup>th</sup> June to Members of Planning Committee in advance of this meeting.</p>	<p>All matters contained within the briefing note are already considered and addressed in the officer report with the exception of a reference to Planning Policy Team comments on the Green Belt. Planning Policy comments dated 10/06/22 appear to be based on the content, and conclusions, of the applicant's submitted supporting information. Subsequent comments on 24/04/23 do however make it clear that the Green Belt concerns remain. These later comments accurately reflect the advice provided by the Council at pre-application stage. Whilst consultee comments are taken into account in the LPAs assessment, it is the role of the LPA as the determining</p>

	<p>authority to weigh up all material planning matters as has been set out in the published report.</p> <p>No change to recommendation.</p>
<b>Recommendation: Refuse</b>	

<b>Plans list Item number: 2</b>	
<b>Application site address: Paddock lane corner of Beacon Road, Stables, Bridle lane</b>	
<b>Supplemental Information</b>	<b>Officer Comments</b>
<p>Additional comments received from previous objector summarised below:</p> <ul style="list-style-type: none"> <li>• Public safety Additional traffic will be generated by this business.</li> </ul>	<p>Noted and previously addressed in planning authority report.</p> <p>Highway safety addressed in the committee report. 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; the access will be widened to accommodate vehicles entering and exiting the site simultaneously. 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.</p> <p>It is considered that the application will not create any material impact on the surrounding network.</p> <p>The Local Highway Authority has no 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.</p>
<ul style="list-style-type: none"> <li>• Indoor space for 71 dogs Bruce's Doggy Daycare</li> </ul>	<p>This will be a licencing requirement and not covered by planning legislation.</p>

<ul style="list-style-type: none"> <li>• Additional Structures Bruce's website Q&amp;A confirms that each outdoor space has a heated undercover area yet these are not shown on the plans</li> </ul>	<p>Any additional structures in the future would require planning permission. None are proposed as part of this current application.</p>
<ul style="list-style-type: none"> <li>• Site Access</li> </ul>	<p>No new access proposed only alterations to the existing. Highway safety addressed in committee report. Local Highway Authority has no objections to proposed development.</p>
<ul style="list-style-type: none"> <li>• Height of fence</li> </ul>	<p>Addressed in committee report – Boundary fencing and gate details can be sought by planning condition, as they haven't been submitted with the planning application.</p> <p>Given the above the Conservation Officer would have no objection to the proposed development subject to conditions relating to external light, boundary fencing, deer and wooden gates and landscaping.</p>
<ul style="list-style-type: none"> <li>• Clarification of lighting</li> </ul>	<p>Addressed in committee report - 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.</p>
<ul style="list-style-type: none"> <li>• Mental Health The (potential) noise will compromise the peace and tranquillity for people who specifically visit Barr Beacon, a LNR and Unesco site, in search of a quiet place.</li> </ul>	<p>Addressed in committee report - Environmental Health consider the proposed development is in a rural area with no immediate neighbours and is unlikely to give rise to noise nuisance.</p> <p>Environmental Health have requested the following condition:</p> <ul style="list-style-type: none"> <li>• The use hereby permitted shall not be open to customers outside the following times: Monday to Friday 08:00 to 18:00.</li> </ul>
<ul style="list-style-type: none"> <li>• Dogs collected from owners homes It now states that there will be dog drop offs.</li> </ul>	<p>Addressed in committee report - 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</p>

	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.
<ul style="list-style-type: none"> <li>• Bruce's Doggy Daycare will be immediately adjacent to a Riding School with RDA (Riding for the Disabled) status and Livery yard combined. There is a second Livery Yard and farm 400 yards along Bridle Lane. The Report states 1 adjacent farm?</li> </ul>	Unable to locate this reference in the committee report. Whilst the comments are noted, it is considered the proposal will have limited impacts to adjacent uses, insufficient to sustain a reason for refusal.
<p>Conclusions and Reasons for Decision (Report)</p> <p>* Minimal car parking = 15 spaces</p>	Addressed in committee report - Local Highway Authority raised no objections.
** no lighting = some dogs and staff on site till 18.00	Addressed in committee report - 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.
*** not change to the current methods of access = The Applicant states that the access will be widened to accommodate vehicles entering and exiting the site	Addressed in committee report - No new access proposed only alterations to the existing. Highway safety addressed in committee report. Local Highway Authority has no objections to proposed development.
**** the fencing will be 2 metres high = 2m high, chainlink fencing detracts from the open character and setting of this part of the 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 the Great Barr Conservation Area.	<p>Addressed in committee report - Boundary fencing and gate details can be sought by planning condition, as they haven't been submitted with the planning application.</p> <p>Given the above the Conservation Officer would have no objection to the proposed development subject to conditions relating to external light, boundary fencing, deer and wooden gates and landscaping.</p>
***** the amenities of the surrounding occupiers = 1 Riding for the Disabled Riding School and Livery Yard and 1 Farm and Livery Yard. The very nature of these adjacent businesses will,	This is referring to residential amenity. Competition between businesses is not a material planning consideration.

without doubt, be affected by this proposed new business which could potentially result in their business closure.	
Additional comments received from previous objector:  As per information below provided by The British Horse Society, I would like the Council to be made aware before Thursday's Planning Committee Meeting that I, as the owner of the field and the horses directly next to the site, have the right to request that a fence which must be of adequate height to ensure dogs cannot escape, be erected with a screen. This is to prevent my horses having eye to eye contact with the dogs which will be intimidating and frightening for my horses.	Noted.  Noted. A condition is included requiring the applicant to submit fencing details.
The Committee must be aware that should this application be approved, I WILL be requesting screening for the welfare of my horses.	Noted.
As this is open Greenbelt and a Conservation Area, the Committee should consider the impact this would have on the landscape and visual aspect when making their decision.	Noted & addressed in committee report.
The British Horse Society are aware of and collect data on incidents between dogs and horses. Interactions between dogs and horses, when not suitably supervised and managed appropriately by owners/carers, can lead to devastating consequences for all involved. When considering any occasion where dogs and horses may meet, even if they are unable to make contact with each other, appropriate actions should be taken beforehand to reduce the chance of an incident occurring. In the case of a doggy day care being held next to fields/stables with horses, a number of things should be considered.	Noted. How dogs are supervised and managed is outside the scope of the planning legislation to consider. The planning system considers land use planning matters.
We would recommend that any objections or concerns raised by horse owners on the property directly next to the proposed doggy day care be taken into consideration before planning is approved, to ensure that the risk to current residents (including horses) are minimised or mitigated as much as possible.	Noted & addressed in committee report.

Licensing requirement information provided by Environmental Health	Noted. This business requires a licence under the Animal Welfare (Licencing of Activities Involving Animals) Regulations 2018. Each dog must be provided with a warm, sizeable sleeping area which is not reflected in the plans submitted. This licencing regime and its requirements are outside the scope of the planning legislation to assess and consider
An additional condition will be added to prevent customers from visiting the site.	The development hereby permitted shall not be open to customers at any time.  Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.
Applicant circulated a briefing email on 19 <sup>th</sup> June to Members of Planning Committee in advance of this meeting.	Noted. All matters contained within the briefing email are already considered and addressed in the officer report.
	Recommendation in the committee report will be updated to take account of the additional condition
<b>Recommendation: Planning Committee resolve to Delegate to the Head of Planning &amp; Building Control to Grant Planning Permission subject to;</b> <ul style="list-style-type: none"> <li><b>The amendment and finalising of conditions</b></li> </ul>	

<b>Plans list item number: 3</b>	
<b>Application site address: 156 Tyndale Crescent, Great Barr, B43 7HU</b>	
<b>Supplemental Information</b>	<b>Officer Comments</b>
Housing Standards have advised that smoke detection and the relevant safety documents will be required before letting.	Noted. This is outside the scope of the planning legislation to consider. No change to recommendation
Condition 4 to add the following words at the end of the condition; <i>'and not to be subdivided or split into flats for the lifetime of the development hereby permitted'</i>	Noted  No change to recommendation

**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**

<b>Plans list Item:</b>	
<b>Application site address: Field adjacent the Duckery, Chapel lane, Great Barr</b>	
<b>Supplemental Information</b>	<b>Officer Comments</b>
Page 74, Sentence 5 remove the following words being a typographical error 'are from council planning policy and'	Noted
	Recommendation remains as set out in the committee report
<b>Recommendation: The local planning authority is seeking confirmation from planning committee, do they agree to withdraw reason for refusal 4 and amend reason for refusal 3</b>	