



Walsall Council

Planning Committee

Thursday 25 July 2024 at 5:30pm

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

[Livestream Link](#)

Membership:

Councillor M. Statham (Chair)
Councillor J. Murray (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor M.A. Bird
Councillor P. Bott
Councillor S. Elson
Councillor M. Follows
Councillor P. Gill
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor K. Margetts
Councillor R. Martin
Councillor L. Nahal
Councillor A. Nawaz
Councillor A. Parkes
Councillor G. Singh-Sohal
Councillor S. Samra
Councillor V. Waters

Quorum:

Seven Members

Democratic Services, The Council House, Walsall, WS1 1TW
Contact name: Edward Cook Telephone: 01922 653204 Email: edward.cook@walsall.gov.uk
[Walsall Council Website](#)

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please contact the person above**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

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

Part 1 – Public Session

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

To approve and sign the minutes of the meeting held on 20 June 2024.

Copy **enclosed** (pp.5-13)

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

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

- 6. South Staffordshire local plan review – duty to co-operate**

Copy **enclosed** (pp.14-20)

- 7. 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.21-186)

- 8. Date of next meeting**

The next meeting will be held on Thursday 5 September 2024.

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

Thursday 20 June 2024 at 5.30pm

Committee Members present:

Councillor M. Statham (Chair)
Councillor J. Murray (Vice Chair)
Councillor H. Bashir
Councillor M.A. Bird
Councillor P. Bott
Councillor S. Elson
Councillor P. Gill (arrived at 5.37pm)
Councillor I. Hussain
Councillor K. Hussain
Councillor K. Margetts
Councillor R. Martin
Councillor L. Nahal
Councillor S. Nawaz
Councillor A. Parkes
Councillor G. Singh-Sohal
Councillor V. Waters

Officers Present:

R. Ark	Principal Environmental Protection Officer
M. Crowton	Group Manager – Transportation & Strategy
K. Gannon	Development Control and Public Rights of Way Manager
K. Knight	Senior Transport Planner
G. Meaton	Group Manager - Planning
A. Sargent	Principal Solicitor
A. Scott	Senior Planning Officer
H. Smith	Senior Planning Officer
S. Wagstaff	Team Leader Development Management
S. Hollands	Principal Planning Officer
T. Wilkinson	Development Management Technician
L. Wright	Senior Planning Officer
P. Venables	Director – Regeneration and Economy
F. Hancock	Senior Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

115 **Apologies**

Apologies were received from Councillor Follows and Councillor Samra.

116 **Declarations of Interest**

Councillor Nawaz declared an interest Plans List Item No. 4 – The Sneyd, 67 Vernon Way and Councillor Bird declared an interest in Plans List Item Nos. 2a – 2d - Buffet Island, Queslett Road, Great Barr, Birmingham, B43 7TN.

During the meeting, Councillors Bashir and Singh Sohal declared an interest in Plans List Item 3 – 22/1692 – Land Adjacent 2 Thorpe Road & Car Park, Spout Lane, Walsall.

117 **Deputations and Petitions**

There were no deputation or petitions.

118 **Minutes**

A copy of the Minutes of the meeting held on 25 April 2024 was submitted.

[annexed]

Resolved

That the Minutes of the meeting held on 25 April 2024, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

Resolved

There were no items for consideration in the private session.

120 **Application List for Permission to Develop**

The application list for permission to develop (the plans list) was submitted, together with a supplementary report which provided additional information on items already on the plans list.

(annexed)

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee first. The Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

The Chair advised that Plans List Item No. 5 – Living Area, 1, Bentley Lane, Willenhall, WV12 4AA (24/0100), had been withdrawn by the applicant prior to the meeting.

In addition, the Chair also advised that Plans List Item Nos. 2a – 2d - Buffet Island, Queslett Road, Great Barr, Birmingham, B43 7TN (23/0669, 23/0688, 23/0689 & 23/0690) had been deferred to allow Officers to consider late additional information circulated by the applicant.

121 Plans List Item 1 – 23/0120 - Sandown Quarry, Stubbers Green Road, Aldridge

The Senior Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper. [Annexed]

There were two speakers speaking against the application and one speaking in favour.

Mrs Broadbent, speaking against the application, stated that she could not understand how the opinion had been arrived upon that up to 150 HGV (Heavy Goods Vehicles) vehicles per day, on top of the existing HGV traffic, would have no or negligible impact on the surrounding environment, pollution levels or highway safety. Living next to this site for over 28 years, she had seen the HGV traffic increased, including the additional clay lorries the Council had previously approved. Approving this application would allow a pleasant green space area to become dangerous for people and wildlife alike. In addition, Mrs Broadbent reported that she felt little consideration had been given to alternative entrances to the site.

Mr Merckel, speaking against the application, advised that, whilst in principle, he had no objections to the scheme overall, he had serious concerns regarding the proposed location of the access to the site. The current access point had, to the best of his knowledge, never been used before. Leading to the proposed entrance, the road narrows as it lead through some residential properties and did not widen again. There were existing issues with the traffic and HGV attempting to navigate this narrow road which increased the build-up of traffic. The proposal would worsen this issue. Whilst the Council should maintain walkway near the proposed entrance, they had not for some time and residents had ended up undertaking this work to maintain footpath. Mr Merckel felt that the traffic flow calculations were fundamentally flawed as material for the landfill came from a defined 30-mile radius. The proposed traffic flow measures were proposed for times when the traffic would not be at

its busiest, therefore having negligible impact on busy periods. There was a perfectly reasonable existing entrance which would be far better.

Mrs Hale, speaking in favour of the application, reported that the requirement for the restoration of the quarry was recognised within the Council's adopted Local Plan, specifically at Policy MP7. Booth Ventures, working on behalf of Weinberger, had spent the past few years preparing the proposals and working closely with all consultees. The primary objective was to make sure that all concerns were addressed during the determination process, providing a high level of confidence that the benefits of the proposed scheme could be delivered successfully. Following these efforts, there were no objections to the application from any technical or statutory consultee. The imported material will comprise only suitable inert materials for quarry restoration.

The site would not accept bin waste, biodegradable materials, materials which generated odours, or create public nuisance. The proposed scheme was in accordance with the strategic policies of the Council's adopted development plan. The restoration of the quarry would address the legacy of clay extraction, creating a final landform which would be more in keeping with the local area and would remove future health and safety concerns. Daily monitoring and maintenance of the public right of way and the SSSI, along with the regular attendance of an independent clerk of works, had also been agreed throughout the life of the scheme.

Responding to questions from Members around the site access, Mrs Hale explained that the applicant had provided an access options appraisal and were unable to use the Weinberger access because it was an entirely separate existing operation for the purposes of infilling. In addition, she confirmed that there would not be 150 HGVs accessing the site daily and that once the site had been infilled, the water pump would no longer be required at this site. Furthermore, she confirmed that the 'inert materials' to be utilised would be clean soils from the ground.

Responding to questions from Members about the impact on wildlife and the lack of objections from the Ecology Officer, Mrs Broadbent stated that she had been disappointed with the conclusions of the Environment Agency Natural England. She could not imagine that the proposed works would not negatively impact upon the wildlife.

Responding to questions from Members around what he would prefer to see at this site, Mr Merckel clarified that he was not in objection to the proposals for the site, just the proposed access to the site and the increased traffic which would have a detrimental impact on local residents.

Members asked a series of questions and received a response from the Highways Officer.

Moving into the debate several Members expressed their support for the proposal. In doing so, a member proposed a motion to support the recommendations as set out in the report and supplementary paper, with the

addition that the Section 106 agreement be amended to include a condition to ensure that only inert materials were utilised in the filling process.

It was, therefore, duly **moved** by Councillor Bird and **seconded** by Councillor Murray and, upon being put to the vote, it was:

Resolved (unanimously)

That Planning Committee Delegate to the Head of Planning and Building Control to grant permission for application 23/0120 subject to: -

- **the amendments to highway safety, ecology, and amenity; and**
- **the amendment and finalising of planning conditions; and**
- **a Section 106 planning obligation to secure the highway traffic calming measures, resurfacing, and fencing of the public right of way ALD1, and the mitigation measures set out in the Construction and Ecological Monitoring Plan and that no waste shall be brought onto site other than inert waste.**

Having declared an interest in the next item, Councillor Nawaz duly left the meeting room.

122 **Plans List Item 4 – 22/1117 – The Sneyd, 67 Vernon Way, Bloxwich**

The Principal Planning Officer presented the report of the Head of Planning and Building Control, including the additional information contained within the supplementary paper. [Annexed]

There were two speakers speaking in favour of the application.

Mr Bal, referring to the reason for refusal due to the green belt, stated that the public house which was there had a square footage of 557 square metres. The scheme now before Committee had reduced the number of dwellings from 5 to 3 which equated to 474 square metres, which was a 15% decrease in the overall area of the site. In view of this, he felt the impact on the openness of the site would in fact be better. The pub which used to exist on this site, had been demolished in September 2023 by the applicant due to several reasons including safety, vandalism and ASB. Referring to the application process, Mr Bal highlighted that delays had occurred as a result of a lack of communication from the Council.

Mr Whitehouse informed the Committee that the key issues with this application were from a Planning Policy point of view. The Council did not have a 5-year housing land supply. Therefore, the presumption should be in favour of sustainable development in line with paragraphs 10, 11(d) and 38 of the revised NPPF. This, therefore, provided the applicant with a very strong level of Planning Policy support for this application which was in a highly sustainable location.

Mr Whitehouse went on to state that a strong precedent had already been set by the Council given that it was actively promoting the redevelopment of the former Sneyd school site at Vernon Way for 73 new build residential dwellings, which was within the greenbelt. He argued that his client's application would have much less of an impact. In terms of the impact on highways and traffic, he could not understand why such a small-scale project would cause such issues, when compared to the highway implications of Sney development he had previously referred to. The site, which would be perfectly acceptable for a housing development, would be screened by 60m tall trees on its northern boundary, which would not impact visually on the surrounding area.

Responding to questions from Members, Mr Whitehouse confirmed that the Sneyd site application was indeed an outline application which was yet to be determined but had received support and he was concerned about inconsistencies in approach. In addition, he confirmed that the buildings were still on the Sneyd site. Furthermore, he confirmed that the applicant had already demolished the pub at this application site due to the reasons he outlined within his presentation. Referring to the deficiencies identified with the Officer's report, he advised that there was no defensible or credible evidence to suggest that the site had any nature conservation interest. In addition, there was no ecology interest in the site, and he felt his client had been heavily compromised due to the length of time it had taken the Council to deal with this application.

Responding to questions from Members, Mr Bal stated that many of the issues identified within the report could have been rectified. Discussions with Officers around highway access and the footpath, resulted in miscommunication in terms of relaying consultee comments to the applicant, for example. Many of the issues identified for refusal, could have been resolved, had communications been better. At various intervals during the process, no responses to queries had been received which had led to confusion and unnecessary delays. There was ample space within the site for all matters to have been resolved.

Members asked a series of questions to officers in relation to the reasons for refusal in the report and the highway assessment of the application. In particular, Officers advised that, whilst Walsall did not have 5-year land supply, the MPF was clear that there was a need to consider application in favour of sustainable development.

Members moved into debate and echoed the outstanding deficiencies of the application as alluded to within the report.

It was, therefore, duly **moved** by Councillor Bird and **seconded** by Councillor Bott and, upon being put to the vote, it was:

Resolved (unanimously)

That Planning Committee refuse the application for the reasons set out in the report and supplementary paper, with reason 1 being amended to read:

- The proposal represents inappropriate development in the Green Belt and the applicant has failed to demonstrate that the harm to the openness both spatially and visually has been outweighed by other considerations. The proposal is therefore in conflict with the NPPF 2023 paragraphs 152, 153 and 154, and Policy GB1 (Green Belt Boundary and Control of Development in the Green Belt) of Walsall's Site Allocation Document (SAD).**

At the conclusion of this item, Councillor K. Hussain left the meeting and did not return.

At this juncture, the meeting adjourned at 7.25pm and reconvened at 7.33pm.

Councillor Nawaz returned to the meeting.

123 Plans List Item 6 – 24/0270 – 1 Parker Street, Bloxwich

The Senior Planning Officer presented the report of the Head of Planning and Building Control. [Annexed]

There were two speakers speaking in favour of the application.

Mrs Pattni advised that she worked for the home finding team for Icon Fostering and her job involved looking for foster homes for children. She was also the Health Lead for the company, as her background was in pharmacy. She explained that there was a huge need for more homes for children and residential care was sometimes the first resort for children, not the last. She advised that she had previously seen children born and raised within the West Midlands moved to areas outside of the midlands, which was far from their families and not particularly a desirable outcome. In view of this, there was a real need for more local children's homes.

Mrs Pattni went on to clarify that there would always be a minimum of two staff on duty at any one time at this facility. There was sufficient parking at this site, so there would not be any issues in that regard.

Mr Pattni expressed his view that there was a real need that, wherever possible, such children be kept within the communities they were used to. He had worked nearly half a century in childcare and his company held extensive experience in this sector and he invited the Committee to approve the much-needed application.

Responding to questions from Members, both Mr & Mrs Pattni confirmed that there was a real need for more facilities in the local area and that mainly local children would be housed at the facility, but there could be children there from outside the area, as the company currently worked with 14 Local Authorities.

However, priority would always be given to Walsall children wherever possible.

Moving into the debate Members expressed their overall consensus for supporting this proposal. In closing, the Committee commended the applicant for bringing such a well needed development to the Borough.

It was, therefore, duly **moved** by Councillor Nawaz and **seconded** by Councillor Bird and, upon being put to the vote, it was:

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to Grant Planning Permission for application 24/0270 subject to conditions and subject to:

- **The amendment and finalising of conditions.**

124 **Plans List Item 3 – 22/1692 – Land Adjacent 2 Thorpe Road & Car Park, Spout Lane, Walsall**

Councillors Bashir and Singh-Sohal declared an interest at the start of this item and left the meeting and did not return. Both Councillors, therefore, took no part in the deliberations and did not vote on this item.

The Committee considered the report of the Head of Planning and Building Control. [Annexed]

It was duly **moved** by Councillor Bott and **seconded** by Councillor Statham and, upon being put to the vote, it was:

Resolved (with 13 voting in favour and 1 against)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 22/1692 subject to conditions and subject to:

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

In accordance with procedure rule 17.6, Councillor Nawaz requested that the minutes record that he voted against the resolution.

Date of next meeting

The date of the next meeting was 25 July 2024.

There being no further business, the meeting terminated at 8.18p.m.

Signed: _____

Date: _____



PLANNING COMMITTEE

25 July 2024

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

South Staffordshire local plan review – duty to co-operate

1. PURPOSE OF REPORT

- 1.1 South Staffordshire District Council (SSDC) consulted Walsall Council on 18 April 2024 on their Local Plan Review (LPR), regulation 19 stage (April 2024). The purpose of this report is to agree the council's response to that consultation. The consultation follows a letter from SSDC which planning committee considered on 15 January 2024.

2. RECOMMENDATION

a) agree the wording set out in **appendix 1** as a basis for Walsall Council's response to the consultation request from South Staffordshire District Council dated 18 April 2024 on their Local Plan Review (regulation 19 stage), under duty to cooperate.

b) authorise the Executive Director for Economy, Environment & Communities to submit the council's full response to South Staffordshire District Council in consultation with the Portfolio Holder for Regeneration, with delegated authority given to the Head of Planning and Building Control Services to make amendments to its contents as necessary.

3. FINANCIAL IMPLICATIONS

None arising directly from this report.

4. POLICY IMPLICATIONS

- 4.1 The report summaries the strategic planning issues, which the council consider to be of cross-boundary significance with SSDC, and which are applicable to the consultation on their local plan at regulation 19 stage. A regulation 19 consultation is fundamentally about the legal soundness of the plan, for instance has the plan been prepared positively, is it justified and effective and in line with current national planning policy and effective joint working under duty to co-operate.
- 4.2 SSDC consulted on a previous regulation 19 stage of their LPR in November 2022. That plan proposed releasing significant areas of Green Belt land within its area to accommodate their own housing need as well as a 4,000 dwelling contribution to meeting the unmet needs of the Greater Birmingham and Black Country Housing Market Area (HMA), which includes Walsall.
- 4.3 The council, along with other authorities within the HMA, were subsequently consulted by SSDC, through a letter dated 24 October 2023, on our views on a change in planning strategy within the LPR, in only releasing a limited amount of Green Belt land, around their tier 1 (major) centres. In so doing, this would cut the number of dwellings offered to the HMA from 4,000 to 640.
- 4.4 The justification which SSDC referred to in progressing this planning strategy is set out in the National Planning Policy Framework (NPPF) which states that there is no requirement for Green Belt boundaries to be reviewed when plans are being updated, but authorities may choose to do this when exceptional circumstances are evidenced and justified (para. 145).
- 4.5 Planning Committee at its meeting on 15 January 2024 responded to the letter from SSDC of 24 October 2023, expressing concerns, primarily about the reduction in the numbers of dwellings now being offered to the HMA.
- 4.6 The basis of our response was that, while we acknowledged the change in emphasis on the need to release Green Belt land within the NPPF, the framework needs to be looked at as a whole. This includes, in particular, paragraph 35 which states that in order for a local plan to be found sound, among other criteria, it needs to provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs and is informed by agreements with other authorities, so that unmet needs from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- 4.7 As SSDC have carried forward this strategy within their regulation 19 local plan (April 2024), Walsall officers responded within the consultation period in a letter dated 29 May 2024, raising similar concerns about the soundness of the LPR, based on it not effectively accommodating the unmet need from neighbouring authorities. Other issues were raised in the response on the scope and wording of certain policies within the LPR.

- 4.8 The purpose of this report is to seek a council response to SSDC on the LPR regulation 19 stage (April 2024) consultation, endorsing the previously submitted officer response, on the basis of the content set out in the letter attached at **appendix one**.

5. LEGAL IMPLICATIONS

- 5.1 Duty to cooperate is derived from section 110 of the Localism Act 2011. This inserts section 33A in the Planning and Compulsory Purchase Act 2004 (as amended). Section 33A is proposed to be removed by the Levelling Up and Regeneration Act (LURA) 2023. However, the relevant part of the LURA is not yet in force as it is subject to commencement and transitional provisions. The extent to which the new government will carry forward the LURA, and any transitional provisions for local plans that are already in preparation, is currently unclear.

6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 The South Staffordshire local plan review will be required to ensure the needs of all sections of the community are met.

7. ENVIRONMENTAL IMPACT

- 7.1 The South Staffordshire local plan review is accompanied by a sustainability appraisal and habitat regulations assessment which will be updated as the plan is progressed.

8. WARD(S) AFFECTED

- 8.1 All.

9. CONSULTEES

- 9.1 Officers in Planning and Building Control and in Legal services have been consulted in the preparation of this report.

10. CONTACT OFFICER

David Holloway – Planning Policy Manager

david.holloway@walsall.gov.uk

11. BACKGROUND PAPERS

All published.

Documents and an update position on the South Staffordshire local plan review can be viewed at <https://www.sstaffs.gov.uk/planning/planning-policy/local-plan-review>:

appendix 1

response from Walsall Council to South Staffordshire District Council - letter dated 18 April 2024 - on the South Staffordshire local plan review - under duty to co-operate

South Staffordshire District Council – Regulation 19 Publication Plan Consultation

Thank you for your letter dated 18 April 2024.

You have already received an officer response on the South Staffordshire District Council Reg. 19 Local Plan Review (LPR) (April 2024) on 29 May 2024 within the consultation period.

The response below has been authorised in accordance with Walsall's scheme of delegation by planning committee, with the final wording agreed by the executive director.

These comments are based on the national policy and legal situation as it existed prior to the general election. It is unclear at present whether any changes to be made by the new government will affect existing local plans that are in preparation.

As previously stated, under the planning system, the duty to co-operate remains at least until the relevant provisions of the Levelling Up and Regeneration Act 2023 come into effect. Section 33A (2) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the duty requires local planning authorities to engage constructively, actively and on an ongoing basis. We therefore trust that, while this response is outside of the consultation period, that you will give due and constructive consideration to its content as part of your plan-making process.

The strategy of the South Staffordshire local plan is largely as proposed in your letter dated 24 October 2023 which we responded to on 22 January 2024. We stated in our letter that National Planning Policy Framework (NPPF) paragraph 35 still stands. This states that plans are 'sound' if they are positively prepared in providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

NPPF footnote 19, which is referenced to paragraph 35, states that housing needs should be assessed using a clear and justified method, as set out in paragraph 61. Paragraph 61 states "in addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for".

We note the wording in paragraph 145 of the December 2023 NPPF. However, we contend that the framework should be viewed as a whole. We consider that the

proposal in the plan to reduce the number of homes proposed to contribute to meeting the needs of neighbouring authorities from 4,000 to 640 does not align well with the test of soundness requiring plans to be positively prepared.

There is strong evidence that Birmingham and the Black Country do not have capacity to accommodate our housing or employment land needs, even if land was used that is currently allocated as Green Belt. This is evidenced within:

- the adopted Birmingham Development Plan;
- work carried out for the demised Black Country Plan and regional evidence prepared by the Greater Birmingham and Black Country Housing Market Area (GBBCHMA); and
- as set out within your regulation 18 plan.

We note that South Staffordshire have taken an active role in the preparation of this above evidence. In our view, the December 2023 NPPF revision does not alter this need or the supply shortfall.

We acknowledge that the duty to cooperate paper submitted as part of the evidence base for your local plan includes a statement of common ground (SoCG) with Walsall. While it is marked draft, we wish to make it clear that it has not been endorsed either by Walsall's officers or members. We intend to respond to the SoCG in due course, following our appropriate scheme of delegation.

Nevertheless, we welcome the acknowledgement by South Staffordshire in the draft SoCG that there are very significant shortfalls in housing arising from the Black Country. In view of this acknowledgement, we remain to be convinced how you are then able to conclude that "SSDC no longer considers that all of the previous proposed Green Belt sites are justified by exceptional circumstances."

NPPF paragraph 145 states "strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non- strategic policies."

In our view the need for changes to Green Belt boundaries should be established by the evidence of housing need at the strategic level, and there has been no demonstrable change in the evidence to justify exceptional circumstances that might support detailed amendments to boundaries in relation to individual sites.

With respect to specific policies in the draft plan, we would comment as follows:

Policy DS1 – Green Belt

The new plan will replace, rather than alter, the previous local plan. The penultimate sentence which begins "The Green Belt boundary is altered" should therefore form part of the supporting text rather than be part of the policy itself. The revised Green

Belt boundary will be defined on the amended policies map as referred to in the first sentence of the policy.

It is considered that an alternative to the term “damaged and derelict land” should be used as it could provide justification for development on land that has been damaged intentionally. It might be preferable to use the term “previously developed land” as this is defined in national policy.

Policy DS2 – Green Belt Compensatory Improvements

Following on from our comments on policy DS1, to be effective, this policy should refer to the specific sites that the policy will apply to.

Policy SA5 – Employment Allocations

The employment types to be allowed on the listed sites should refer to class E(g)(ii) and (iii) to exclude offices within class E(g)(i), as offices are a main town centre use.

Policy HC3 – Affordable Housing

The term “major housing development” should be defined to ensure that the policy is sound. We recommend that it should refer to developments of 10 or more homes in accordance with the definition of major development in the GDPO.

We look forward to further engagement with your council especially under duty to cooperate/alignment test protocols as we progress our respective local plans.

Yours sincerely

Dave Brown

Executive Director, Economy, Environment and Communities

Development Management Planning Committee

Report of Head of Planning and Building Control on 25/07/2024

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Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 1a

Reason for bringing to committee

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

Application Details

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

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

Application Number: 23/0669

Case Officer: Stephanie Hollands

Applicant: McDonald's Restaurants Limited

Ward: Pheasey Park Farm

Agent: Planware Ltd

Expired Date: 01-Aug-2023

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

Time Extension Expiry: 02-Aug-2024



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Recommendation

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

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

Proposal

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

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

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

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

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

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

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

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

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

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

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

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

The following supporting documents accompany the Planning application:

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

A Planning Committee Members Briefing document was previously circulated to members, however the agent has confirmed that the item submitted to members does not form part of the planning application and should not be on the planning file. This document should therefore not be considered as part of this application.

Site and Surroundings

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

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

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

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

Relevant Planning History

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

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

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions**, the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment, and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs, and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 5.4 to 5.8. The sequential approach
- GP2: Environmental Protection
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light pollution

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest,
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- S11: Drive-Through Facilities
- T1: Helping People to Get Around
- T4: The Highway Network
- T5: Highway Improvements
- T6: Traffic Calming
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Outside Regeneration Corridor
- CSP4: Place Making
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4 Canals
- ENV5 Flood Risk Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- EMP5: Improving Access to the Labour Market

Walsall Site Allocation Document 2019

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

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

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

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

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

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

Conservation Officer: No objection.

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

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

Environmental Protection: Recommend conditions.

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

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

Lead Local Flood Authority: No objection. Condition recommended.

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

Public Health: Objection. A follow up objection has been received with the following comments:

- Whilst we do not have a specific policy in our local plan which currently deals with fast food takeaways, according to the National Planning Policy Framework “local authorities have a responsibility to promote healthy and safe communities by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health and well-being”. This includes and extends to promoting healthy weight environments as detailed in the supplementary planning document. Included in this is an explicit call to address the identified local health and well-being needs including by ensuring “access to healthier food”. It is important that we, as an authority are able to demonstrate how we are meeting this responsibility through the planning process.
- The potential economic benefits are acknowledged and important. However, economic benefits would also likely feature with alternative uses of the site, and it is important to understand how the weighing up of the economic benefit vs public health disbenefit is undertaken in this case. Importantly, healthy communities are a pre-requisite for growing our economy. Whilst McDonald's do offer healthier alternatives, it is important to consider sales, and also the overall impact of takeaways on health - please see the latest [Nesta report](#).
- We believe there is a distinction between a restaurant with substantial hot food takeaway and a restaurant for consumption on site only. Most critical in this is the number of individuals served per day and the frequency with which those nearby/regularly passing the site may opportunistically use a drive thru/collect a takeaway to go. The proximity to a number of local schools is important. School children and families are more likely to access a takeaway regularly for convenience/cost rather than a public house or restaurant.

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

Severn Trent Water: No objection.

Strategic Planning Policy: No objection.

Tree Preservation Officer: No arboricultural objections. Condition recommended.

West Midlands Police: No objection.

Representations

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

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

- Rubbish/litter
- Anti-social behaviour
- Area already busy
- Accidents
- Traffic problems/congestion
- Pedestrian safety crossing roads/no pedestrian crossing
- Noise and nuisance/disruption in evening
- Smells

- Bus route
- Meeting place for local youths and others
- Proximity to schools/child health & obesity
- No evidence of joint working with Birmingham Council
- Attract more cruising/boy racers
- McDonalds already nearby & deliver to this area
- Not in keeping with area
- Residential area
- Increase in crime levels
- Air quality
- More housing required
- Vermin
- Impact on other local businesses
- Many fast-food outlets in area

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

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

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

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

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

Determining Issues

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

Principle of Development

The proposal is for a main town centre use as defined by the NPPF. NPPF paragraph 91 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

NPPF paragraph 92 states that when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Proposals for out-of-centre development will have to demonstrate that development cannot be provided in-centre or at edge-of-centre locations of existing Centres appropriate to the hierarchy. BCCS Policy CEN7 and UDP Policy S7 will apply. The sequential test should examine potential sites within Birmingham and Sandwell, not just within Walsall, within an appropriate catchment area including a map showing the availability of existing large fast-food restaurants, including McDonalds, within the catchment area.

The scale of the proposal exceeds the limits for small-scale local facilities as defined in BCCS Policy CEN6, meaning BCCS Policy CEN7 will apply (which mirrors much of the requirements in saved UDP Policy S7). The same policy defines this site as out-of-centre in relation to Collingwood, Pheasey local centre.

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

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

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

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

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

Heritage Assessment

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

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

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

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

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

Buffet Island is a 1930 art deco style building, which has architectural merit. The landmark building is positioned in a prominent location sitting slightly above Queslett Road. There are no other similarly designed buildings in the Borough, it is considered to be a non-designated heritage asset worthy of locally listing. Paragraph 209 states *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.* The total loss of this building would be contrary to paragraph 209 of the NPPF. However, the Conservation Officer is also aware prior approval for the demolition of this building was granted under planning reference 22/1125, it was unfortunate no condition requiring recording of the building was attached to the decision.

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

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

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

Design, Layout and Character

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

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

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

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

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

Amenity of Neighbours and Amenity of Future Occupiers

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

Subsequent to Environmental Protection the comments submitted in August 23, the Applicant has provided additional noise information and an updated odour assessment. Furthermore, the Application has been modified to adjust the proposed opening times from 24-hours per day to 06:00 to 23:00 seven days per week.

The new proposed opening times will be conditioned.

Acoustics/Noise

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

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

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

Odour Assessment

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

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

is fully commissioned, with the Maintenance Plan in place prior to the full commencement of the proposed restaurant.

Highways

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Travel Plan will be completed under a Section 106 Agreement.

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

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

Ecology

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

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

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

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

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

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

Flood Risk / Drainage

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

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

Trees / Protected Trees

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

Ground Conditions and Environment

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

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

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

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

Planning Obligations

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

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

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

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

Conclusions and Reasons for Decision

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

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

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

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

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

Positive and Proactive Working with the Applicant

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

Recommendation

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

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

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- 12975_AEW_1756_0001_Location Plan received 07/06/2023
- 12975_AEW_1756_0002A_Block Plan received 07/06/2023
- 12975_AEW_1756_0003_Existing Site Plan received 07/06/2023
- 12975_AEW_1756_0004B_Proposed Site Plan received 07/06/2023
- 12975_AEW_1756_0017_Existing Building Elevations received 07/06/2023
- 12975_AEW_1756_0005B_Proposed Building Elevations received 07/06/2023
- 12975_AEW_1756_0006A_Proposed Building Floor and Roof Plan received 07/06/2023
- 19307_VL-McD_L01 - Landscape Plan_A1 received 07/06/2023
- Velo-Box Locker received 07/06/2023
- Tree Survey, Arboricultural impact Assessment/Preliminary Arboricultural Method Statement & Tree Protection Plan received 07/06/2023

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

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

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

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

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

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

4a: No development shall take place (including vegetation / demolition) until the Construction Environment Management Plan (CEMP) has been expanded upon to include mitigation and protection measures for protected species and retained habitat. The revised document should be submitted to and approved in writing by the Local Planning Authority. The approved CEEMP shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Walsall Council. The revised plan should include:

- i. Tree protection plan;
- ii. Precautionary working practices in respect to bats, nesting birds and hedgehogs.
- iii. Sensitive Lighting scheme to avoid light spill to protect bats, detailing the provision of lighting across the site, in accordance with guidance outlined in Note 08/18 bats and artificial lighting in the UK, Bats and the Built Environment Series, BCT, 2018;

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

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

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

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

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

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

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

6a: Prior to the commencement of the development hereby approved a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
13. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

6b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To conserve local bat populations and to be in accordance with National legislation; wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, and c.) Regulations 1994 and Local legislation; Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

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

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

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

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

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

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

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

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

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

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

Notes for Applicant

HIGHWAY AUTHORITY:

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

Electric Vehicle Charging Points

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

West Midlands Police

The applicant may consider the following:

Construction site security.

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

Additional LED lighting for parking areas.

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

That might provide an offender with a climbing aid.

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

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

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

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

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

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

Secured By Design security standards are explained.

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

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

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

Please see :

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

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 1b

Reason for bringing to committee

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

Application Details

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

Proposal: INSTALLATION OF VARIOUS SITE SIGNAGE INCLUDING 4 NO. FREESTANDING SIGNS, 3 NO. BANNER UNITS, 1 NO. PLAYLAND SIGN AND 31 NO. DOT SIGNS COMPRISING 4 NO. ACCESSIBLE BAYS, 2 NO. PARKED ORDER BAYS, 2 NO. NO ENTRY, 10 NO. PEDESTRIAN CROSSING, 3 NO. GIVE WAY, 5 NO. LOOK LEFT AND 5 NO. LOOK RIGHT.

Application Number: 23/0688

Case Officer: Stephanie Hollands

Applicant: McDonald's Restaurants Limited

Ward: Pheasey Park Farm

Agent: Planware Ltd

Expired Date: 01-Aug-2023

Application Type: Advertisement Consent

Time Extension Expiry: 02-Aug-2024



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Recommendation

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

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

Proposal

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

The application proposes:

Project Overview								
Project Name	ID	Location	Manager	Status	Start Date	End Date	Budget	Comments
Project A	001	500 x 200 x 1500	John Doe	Completed	2023-01-01	2023-03-15	\$5000	Minor issues fixed.
Project B	002	1000 x 300 x 2000	Jane Smith	In Progress	2023-04-01	2023-06-30	\$8000	On track.
Project C	003	1500 x 400 x 2500	Mike Johnson	On Hold	2023-07-01	2023-09-30	\$12000	Waiting for materials.
Detailed Specifications								
Item	Material	Dimensions	Weight	Notes				
Item 1: Steel Beam	ASTM A36	1000 x 300 x 10	150 kg	Used for structural support.				
Item 2: Concrete Slab	Grade 40	2000 x 300 x 100	2000 kg	Foundation for Project B.				
Item 3: Insulation Panel	Polystyrene	1500 x 400 x 50	50 kg	For thermal insulation.				
Item 4: Glass Window	Tempered	1000 x 200 x 5	20 kg	For natural light.				
Item 5: Electrical Cable	Copper	500m	10 kg	For power distribution.				
Item 6: Paint	Acrylic	50L	5 kg	For finishing.				
Item 7: Fasteners	Galvanized	10000	1 kg	For assembly.				
Item 8: Sealant	Silicone	10kg	1 kg	For waterproofing.				
Item 9: Lighting	LED	1000	10 kg	For interior illumination.				
Item 10: Flooring	Concrete	2000 x 300 x 100	2000 kg	Final floor surface.				
Timeline & Milestones								
Task	Start	End	Progress	Notes				
Task 1: Site Prep	2023-04-01	2023-04-15	100%	Clearing and grading.				
Task 2: Foundation	2023-04-16	2023-05-15	80%	Excavation and pouring.				
Task 3: Framing	2023-05-16	2023-06-15	60%	Structural steel erection.				
Task 4: Insulation	2023-06-16	2023-07-15	40%	Installing insulation panels.				
Task 5: Windows	2023-07-16	2023-08-15	20%	Ordering and installation.				
Task 6: Electrical	2023-08-16	2023-09-15	10%	Laying out cable routes.				
Task 7: Painting	2023-09-16	2023-10-15	5%	Priming and first coat.				
Task 8: Flooring	2023-10-16	2023-11-15	0%	Waiting for materials.				
Task 9: Lighting	2023-11-16	2023-12-15	0%	Final wiring and fixtures.				
Task 10: Completion	2023-12-16	2023-12-31	0%	Final inspection and handover.				

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

Site and Surroundings

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

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

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

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

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

Relevant Planning History

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

23/0689	Installation of 2 no. fascia signs, 3 no. Booth lettering signs and 1 no. digital booth screen.	Under Assessment	
23/0690	The installation of a freestanding 12m high totem sign.	Under Assessment	

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

Relevant Policies

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

Applications for express consent

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

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

(3) The applicant shall—

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

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

(i) is drawn to an identified scale,

(ii) shows the direction of North,

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

(iv) identifies the proposed position of the advertisement.

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

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

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

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

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

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

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

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

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

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

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

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

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

Power to deal with applications

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

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

(b) refuse consent; or

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

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

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

(4) Express consent may be granted—

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

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

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

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

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

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

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

of any works required for the reinstatement of the land.

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

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

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

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

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

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

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

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions**, the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

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

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

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

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

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

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)

- E4 – High district brightness areas (eg town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m2)

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

Consultation Replies

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

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

Local Highways Authority: No objection.

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

Representations

None received.

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

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

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

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

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

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

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

Highways and Public Safety

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

Local Highways Officers have no objections to the proposed signage.

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

Conclusions and Reasons for Decision

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

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

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

Positive and Proactive Working with the Applicant

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

Recommendation

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

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

Conditions and Reasons

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

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

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

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

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

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

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

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

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

Reason: In the interest of public safety.

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

Reason: To ensure the satisfactory appearance of the development

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

Reason: In the interest of public safety and amenity

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

Reason: In the interest of public safety and amenity

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

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

Notes for Applicant

None.

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 1c

Reason for bringing to committee

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

Application Details

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

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

Application Number: 23/0689

Case Officer: Stephanie Hollands

Applicant: McDonald's Restaurants Limited

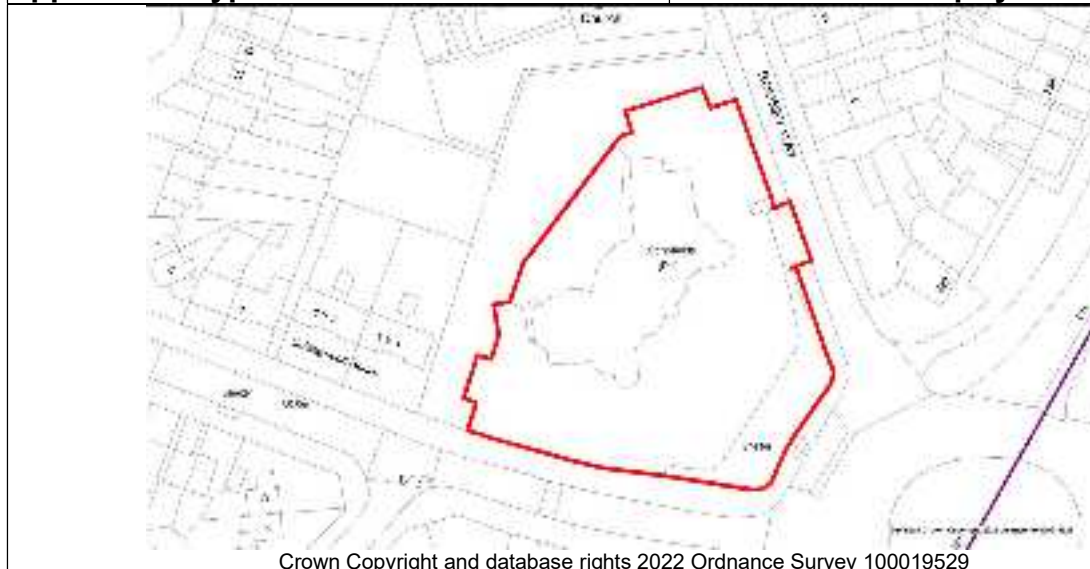
Ward: Pheasey Park Farm

Agent: Planware Ltd

Expired Date: 01-Aug-2023

Application Type: Advertisement Consent

Time Extension Expiry: 02-Aug-2024



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Recommendation

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

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

Proposal

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

The application proposes:

BUILDING SIGN SCHEDULE - EXTERIOR SIGNAGE (LETTERBOARDS SIGNS)							
CONTRACT REF	ITEM TYPE	QTY	WIDTH (mm)	HEIGHT (mm)	PROPOSED SIGNAGE	PROPOSED SIGNAGE	PROPOSED SIGNAGE
001/001	FACIA	2	1600mm x 1000mm	1600mm x 1000mm	McDonald's	McDonald's	McDonald's
001/002	BOOTH LETTERING	3	1600mm x 1000mm	1600mm x 1000mm	McDonald's	McDonald's	McDonald's
001/003	BOOTH LETTERING	1	1600mm x 1000mm	1600mm x 1000mm	McDonald's	McDonald's	McDonald's
001/004	DIGITAL BOOTH SCREEN	1	1600mm x 1000mm	1600mm x 1000mm	McDonald's	McDonald's	McDonald's

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

Site and Surroundings

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

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

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

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

Relevant Planning History

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

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

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

Applications for express consent

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

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

(3) The applicant shall—

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

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

(i) is drawn to an identified scale,

(ii) shows the direction of North,

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

(iv) identifies the proposed position of the advertisement.

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

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

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

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

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

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

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

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

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

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

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

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

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

Power to deal with applications

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

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

(b) refuse consent; or

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

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

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

(4) Express consent may be granted—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions**, the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- **CSP4: Place Making**

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

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

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

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

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

Recommendations for Maximum Luminance (cd/m²)

Illuminated Area (m ²)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000

Over 10.00	n/a	300	600	600
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Consultation Replies

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

Local Highways Authority: No objection.

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

Representations

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

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

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

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

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

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

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

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

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

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

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

Highways and Public Safety

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

Local Highways Officers have no objections to the proposed signage.

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

Conclusions and Reasons for Decision

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

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

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

Positive and Proactive Working with the Applicant

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

Recommendation

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

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

Conditions and Reasons

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

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

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

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

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

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

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

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

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

Reason: In the interest of public safety.

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

Reason: To ensure the satisfactory appearance of the development

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

Reason: In the interest of public safety and amenity

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

Reason: In the interest of public safety and amenity

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

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

Notes for Applicant

None.

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 1d

Reason for bringing to committee

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

Application Details

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

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

Application Number: 23/0690

Case Officer: Stephanie Hollands

Applicant: MCDONALD'S RESTAURANTS LIMITED

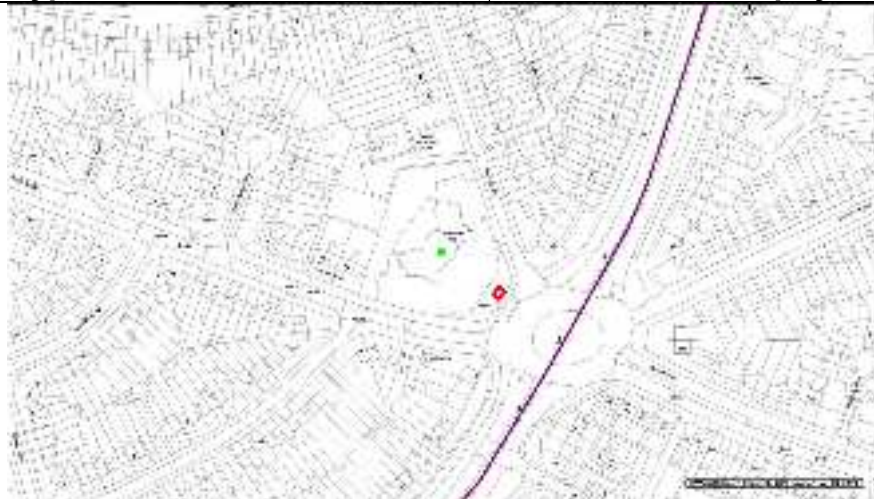
Ward: Pheasey Park Farm

Agent: Planware Limited

Expired Date: 01-Aug-2023

Application Type: Advertisement Consent

Time Extension Expiry: 02-Aug-2024



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Recommendation

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

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

Proposal

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

The application proposes:

SIGNAGE SCHEDULE - PROPOSED SIGNAGE								
ADVERT REF	DATE	MAX HEIGHT	MATERIALS	COLORS	HEIGHT (M) ABOVE GROUND	DATE FIRST OR REJECTION	HEIGHT (M) OF POST	ILLUMINATION
Drive Thru Sign (12m)	2021	12.0m to 12.5m	PVC Aluminium totem sign to BAL 6013 (gold timber effect) with insulated yellow acrylic internally illuminated 'Golden Arch' to 2020 2021	Gold, Silver, Yellow & White	12.0m	N/A	12.0m	Static - not illuminated

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

Site and Surroundings

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

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

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

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

Relevant Planning History

Application ref	Description	Decision	Date
05/2312/FL/E4	Change of use from Class A4 public house to A3 restaurant with single storey extension to rear	Withdrawn	12/12/2005
07/2448/FL/E12	Replacement of kitchen extract ventilation, internal and external alterations, formation of new entrance lobby, and formation of new delivery and service yard and minor site works	Granted	18/04/2008
07/2449/AD/E12	Display of 5 no. internally illuminated fascia signs	Grant Advertisement Consent for 5 Years	24/01/2008
22/1125	Prior approval for demolition	Granted	07/09/2022
23/0669	Erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD) and a play frame.	Under Assessment	
23/0689	Installation of 2 no. Fascia signs, 3 no. booth lettering signs and 1 no. digital booth screen.	Under Assessment	
23/0688	Installation of various site signage including 4 no. freestanding signs, 3 no. Banner units, 1 no. playland sign and 31 no. dot signs comprising 4 no. accessible bays, 2 no. parked order bays, 2 no. no entry, 10 no. pedestrian crossing, 3 no. give way, 5 no. Look left and 5 no. rook right.	Under Assessment	

Pre-Application advice was provided on 10th May 2023, reference ENQ/0313, which confirmed that *"it is considered that the proposed development may be supported in*

principle subject to the supporting information being satisfactory and overcoming the concerns and considerations raised.”

Relevant Policies

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

Applications for express consent

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

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

(3) The applicant shall—

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

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

(i) is drawn to an identified scale,

(ii) shows the direction of North,

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

(iv) identifies the proposed position of the advertisement.

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

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

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

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

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

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

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

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

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

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

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

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

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

Power to deal with applications

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

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

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

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

(4) Express consent may be granted—

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

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

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

(6) In relation to the display of an advertisement within any class specified in Part 1

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

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

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

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

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

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

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

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions**, the NPPF says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of

planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

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

Saved Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

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

Shop Front

- Policy SF6: Advertisements

Other Relevant Policy

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

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

Recommendations for Maximum Luminance (cd/m2)

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

Consultation Replies

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

Local Highways Authority: No objection.

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

Representations

No comments received.

Determining Issues

- Visual Appearance
- Highways and Public Safety

Assessment of the Proposal

Visual Appearance

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

This proposal is purely for an internally illuminated freestanding 12m high totem sign. The sign reflects the corporate branding of this chain of restaurant, in similar locations

to the existing signage and is considered would not have an adverse impact upon the visual appearance of the area.

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

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

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

Highways and Public Safety

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

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

Conclusions and Reasons for Decision

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

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

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

Positive and Proactive Working with the Applicant

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

Recommendation

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

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

Conditions and Reasons

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

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

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

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

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

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

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

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

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

Reason: In the interest of public safety.

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

Reason: To ensure the satisfactory appearance of the development

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

Reason: In the interest of public safety and amenity

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

Reason: In the interest of public safety and amenity

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

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

Notes for Applicant

None.

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 2

Reason for bringing to committee

Called in by a Councillor Nawaz on the grounds that there was significant community interest. The proposal is contrary to Planning Policy and the Local Planning Authority recommends a refusal.

Application Details

Location: FORMER WALSALL LOCAL HISTORY CENTRE, ESSEX STREET, WALSALL, WS2 7AU

Proposal: PROPOSED NEW WINDOWS AND REINSTATING EXISTING OPENINGS TO FACILITATE USE AS A MOSQUE AND CLASSROOMS (PLANNING USE CLASS F1(F) - PUBLIC WORSHIP/RELIGIOUS INSTRUCTION), INCLUDING SOME EXTERNAL AND INTERNAL ALTERATIONS AND DEMOLITIONS TO THE BUILDING AND CONVERSION OF FORMER CARETAKERS HOUSE TO A FIRST FLOOR FLAT TO PROVIDE ANCILLARY LIVING ACCOMMODATION WITH AN OFFICE AND MORTUARY TO THE GROUND FLOOR.

Application Number: 23/0715

Case Officer: Oliver Horne

Applicant: Syed Muneeb Ul Hassan

Ward: Blakenall

Agent: UMAA Architecture Ltd

Expired Date: 25-Jul-2023

Application Type: Full Application: Change of Use

Time Extension Expiry:



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Recommendation

1. Refuse

Proposal

Proposed new windows and reinstating existing openings to facilitate use as a mosque and classrooms (Planning Use Class F1(f) - public worship/religious instruction), including some external and internal alterations and demolitions to the building and conversion of former caretakers house to a first floor flat to provide ancillary living accommodation with an office and mortuary to the ground floor.

Site and Surroundings

The application site is located in Walsall, approximately 1.5km north from Walsall Train Station on the southern side of Essex Street. The site is rectangular in shape and measures 0.25Ha. A large proportion of the site is occupied by the attractive Edwardian era schoolhouse building constructed from red brick facades and steep multi pitched roofs. This building was last used as 'The Walsall History Centre', however it is now vacant with boarded up windows.

In the eastern corner of the site is a detached two storey residential building which dates from a similar period and was likely associated with the original school use. The remainder of the site is largely set out has hard surfacing and is bounded to the north, east and west by brick walls and wrought iron railings.

The site is separated from the remainder of the original school site to the south by modern galvanised steel security fencing which dissects the original area in to two. To the northeast and west of the site, the rear is characterised by two-storey Edwardian terraced housing.

The Councils Proposals Map designates the site as being within a High-Risk Coal Area and within 15km of the Cannock Chase SAC. The site is not located within a conservation area and neither of the two buildings are Listed, however, the Councils Conservation Officer confirms that the Local History Centre building is a Non-Designated Heritage Asset.

Relevant Planning History

22/1436 - Proposed change of use from a vacant/disused building (Planning Use Class F1 (formerly D1) - Learning and Non-Residential Institutions (not incl. residential)) to new community centre with classrooms and ancillary facilities (Planning Use Classes F1(a) – Education and F1(f) - Public worship/religious instruction (or in connection with such use)) and ancillary community funeral services

for 1 to 2 services max. per month. Opening hours 08:00 to 21:00, 7 days a week. - Withdrawn 31/05/2024.

04/2198/FL/W3 - Extension for records/archive storage – Conditional Approval 06-Jan-2005.

04/1319/PD/W3 - Demolition of semi derelict building adjacent to Walsall Local History Centre - Granted 12-Jul-2004.

BC43452P - Extension to entrance area and installation of roller shutter – Conditional Approval 22-Jun-1995.

BC29058P - CHANGE OF USE From Residential to Part of Local History Centre – Conditional Approval 06-Mar-1990.

Relevant Policies

National Planning Policy Framework (NPPF)

[Read more on the national planning policy framework.](#)

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

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

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

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons

who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#) .

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

Our Development Plan includes:

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

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

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

Consultation Replies

Coal Authority – Due to there being no ground works proposed as part of the development, I can confirm that we do not require the submission of a Coal Mining Risk Assessment (CMRA) and consultation with us is not required in this case.

Strategic Planning – No objection in principle.

Fire Officer - Comments covered by Building Regulations.

Ecology Officer – No comment at time of writing.

Highway Authority - The development would have an unacceptable impact on road safety and have severe cumulative impacts on the operation of the road network.

Environmental Protection – No objection subject to conditions.

Police Liaison – No objection, subject to recommendations.

Conservation Officer – Concerns raised regarding lack of information, including; a condition survey of the building, details of any proposed remedial works or the proposed replacement windows.

Representations

Councillor Aftab Nawaz supports the proposal; *'it will bring opportunity for new homes/employment/facility to benefit the wider Borough' and 'No significant harm to the amenities of the surrounding area from parking, traffic, noise, disturbance, odour or loss of TPO trees'.*

1 neutral comment received in support of proposal but concerned regarding parking.

7 comments received objecting to proposal (from 5 households) for the following reasons:

- Parking congestion
- Buildings out of context
- Mortuary facility not suitable for residential environment
- Traffic congestion
- Noise / disturbance
- Air pollution
- There are already several mosques in the area
- Waste

Determining Issues

- Principle of development
- Design, layout, and character.
- Amenity of neighbours and future occupiers

Assessment of the Proposal

Principle of Development

Paragraph 97 of the NPPF requires planning policies and decisions to provide facilities and services the community needs and plan positively for the provision and use of shared spaces, community facilities such cultural buildings and places of worship and other local services to enhance the sustainability of communities and residential environments.

Saved Paragraph 8.7 of the UDP encourages the enhancement of existing and the provision of new community needs including those of religious groups.

The existing buildings on the site were previously used by the 'local history centre', however, the site has been vacant for some time since the history centre relocated to another location. For security reasons most of the windows have been boarded up.

The application proposal to convert the use of the main 'history centre building' into a mosque would return the vacant premises back into a viable use as a community facility for religious purposes and conforms with both local and national policies. The existing 'caretakers' cottage' would retain its first-floor accommodation for use by the Imam, with the ground floor offering additional office space. The proposed use of the cottage would, therefore, be ancillary to that of the main the building.

Overall, the proposed change of use complies with Saved Paragraph 8.7 of the UDP and the NPPF and is considered acceptable in principle, subject to other policies within the development plan being complied with.

Design, Layout and Character

Paragraph 135 of the NPPF emphasises that policies should, inter alia, seek new development be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting'. Para 139 of the NPPF states 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

Planning Practice Guidance defines NDHA as "locally-identified 'buildings, monuments, sites, places, areas or landscapes identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets'. Paragraph 209 of the NPPF states "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage

assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

BCCS Policy CPS4 requires all development to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. Policy ENV2 expects all development to aim to protect and promote the special qualities, historic character, and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Policy ENV3 requires development to implementation of the principles of “By Design” to ensure the provision of a high-quality network of streets, buildings, and spaces.

Saved UDP Policy GP2 expects all developments to make a positive contribution to the quality of the environment and the principles of sustainable development and will not permit development which would have an unacceptable adverse impact on the environment. Policy ENV32 states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The Urban Design Policies in Walsall SPD gives more detailed guidance with regard to the qualities should be sought from development to create a successful place.

The councils Conservation Officer advised that the building/group of existing buildings are a prominent focal feature and make a positive contribution to the character of the area, the street scene and local historic environment. The former local history centre is a non-designated heritage asset having historical and architectural interest. The existing Venetian windows on the front elevation of the main building form part of the historic fabric and architectural detailing of the non-designated heritage asset.

Whilst the replacement windows show windows to be reinstated to the same style as the existing, no detailed specifications of the proposed windows to be installed was provided or any confirmation of whether the existing grills to the front elevation would be retained. The Conservation Officer raised concerns as to whether the hopper opening style could be replicated with upvc windows and a suggested alternative would be for the windows in the front elevation to be retained with secondary internal glazing installed. No concerns were raised with regard to the new windows in terms of their design and proportions in the new extension to the southwest of the building.

Upon site inspection it was evident that rainwater goods were missing, mortar was missing from brick work joints, missing roofing materials and damage to historic fabric of window cills. No conditions survey has been submitted to outline the current condition of the building and no methodology has been submitted which outlines the method of repairs. It is advised that any original rainwater goods that remain should be repaired, missing roofing tiles should be replaced with the same roofing material and in terms of colour finish, re-pointing should be undertaken in a lime mortar.

The description of development refers to internal and external alteration and demolition and the proposed ground floor plan shows partitions across window openings. It is recommended that awkward layout should be re-arranged, and partitions re-positioned so they do not sit across a window.

Overall, the Conservation Officer raised no in principle objection to the proposals at both the former local history centre and the care takers home, which allows two vacant NDHA's to be brought back into use. Notwithstanding this, it was requested that amended plans be sought repositioning partitions away from windows, consideration of retaining the windows on the front elevation of the former local history centre and a method statement submitted and approved by Officers which outlines the method of repairs.

It is accepted that the design concerns outlined above could potentially be resolved through the submission of additional information and/or the imposition of planning conditions, however, as the proposal is being recommended for refusal on highways grounds these design issues are included as a reason for refusal.

Given the above, the proposal is contrary to Policies GP2, ENV32 and ENV2 of the UDP and para 209 of the NPPF.

Amenity of Neighbours and Amenity of Future Occupiers

Under the provisions of Saved Policy GP2 of the Walsall UDP the Council expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact.

The application has been subject to public consultation, and at the time of writing there have been 7 letters of objection to the proposed development from 5 households, with objections including the potential for noise and disturbance caused by the proposed use of the premises as a mosque.

Environmental Protection Officers were consulted in respect of the application proposal and advised that as the application site is located within proximity to residential premises, any demolition and construction activities could have an impact upon neighbours. It was advised that if planning permission were to be approved a condition should be imposed to ensure that the applicant agrees and implements a 'demolition and construction environmental management plan'. This would aid in mitigating against the impact on amenity from construction works on site.

It is accepted that the gathering of patrons waiting to enter and leave the mosque would be likely to give rise to some noise and disturbance. However, it is considered that the extent of this disturbance would be unlikely to be any more imposing than from the adjacent school, or indeed any community use that could lawfully operate

from the premises within the remit of its existing lawful Use Class and so any objections on this basis would not justify a refusal of planning permission. Historically mosques have been associated with 'Call for Prayers', which involves the use of external speaker systems to call local people to advise them that it is time for their prayers. Environmental Protection Officers have advised that, should permission be granted, a condition should be imposed ensuring that no such external or internal speaker system will be used.

Providing the above conditions are imposed, in terms of impact on neighbouring residential amenity, the proposed development is considered to have an acceptable impact and would be in accordance with Saved Policy GP2 of the Unitary Development Plan.

Highways

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TRAN1 of the Core Strategy requires all new developments to address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Policy TRAN2 requires development to manage its transport impacts. Policy GP2 of the UDP requires development to be accessible by a choice of means of transport and to provide adequate parking provision. Policy T7 requires an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified within Policy T13.

Policy T4 of the SAD states that development proposals which generate significant transport must be accompanied by a Transport Assessment which considers the accessibility of the development by all modes of transport, including the impact on the highway network in the surrounding area. The Policy also advises that Residential Streets are minor roads where traffic volumes and speeds should be quite low.

The proposed pedestrian and vehicular access to the site would remain unchanged with access to the site achieved via Essex Street on the northern boundary of the site. Essex Street has terraced housing on either side, with the majority of properties utilising on-street parking on both sides of the carriageway. The on-street parking significantly narrows the road, meaning vehicles are unable to pass simultaneously, effectively creating a single lane carriageway.

Several concerns have been raised by nearby residents in relation to the impact of the number of patrons visiting the proposed mosque and the detrimental impact this

would have on the local highway network in terms of parking, traffic congestion and highway safety. Table 5.1 provided within the applicants supporting evidence states that a maximum of 200no. people could attend Friday-Prayer, however, after concerns were raised with the agent, we were advised that this information was incorrect, and that Friday-Prayer would take place over 2no. separate sessions with capacity for a maximum of 60no. visitors each, with the possibility for an additional 15no. visitors attending the community facilities and classrooms simultaneously.

The Highway Authority were consulted in respect of the application proposal and undertook a site visit which confirmed existing significant levels of on-street parking on Essex Street and surrounding streets. It was also noted that on-street parking was currently encroaching on nearby junctions. In addition, the footway adjacent to the site was deemed unsuitable for visually and mobility impaired users due to 2no. mature highway trees. The Highway Authority concluded that Essex Street does not have the capacity to cope with any additional trip generation.

In terms of proposed onsite parking requirements, the Highway Authority assessment calculated that 62% of households in the local area have access to a private vehicle. When comparing this with the likely trip generation to the proposed mosque there was potential for c.47no. people to arrive to the site by private vehicle. (62% of 75 - 60no. prayer visitors + 15no. community facilities). It was concluded that the proposed car parking provision of 20 spaces would not meet the operational needs of the proposed development and would result in an overspill of parking on Essex Street and surrounding streets. Given the limited on-street parking available, the proposal would be likely to result in unsafe parking and the blocking of other vehicles to the detriment of highway safety.

Given the above, it is considered the proposed development would fail to provide adequate levels of car parking to meet operational needs, be likely to have an unacceptable adverse impact on highway safety. The residual cumulative impacts on the road network would be severe and, consequently, the proposed development fails to comply with Policy TRAN2 of the Core Strategy, Saved Policies GP2, T7 and T13 of the UDP, and the NPPF.

Conclusions and Reasons for Decision

The proposal fails to provide adequate levels of car parking to meet operational needs and would have an unacceptable adverse impact on highway safety. Insufficient information has been provided in relation to the condition of the building, its proposed design, and how the historic fabric of the building would be retained or enhanced. As

the application is being refused on highways grounds, the design concerns cannot be overcome by way of planning condition/s.

Whilst the principle of the proposed development is generally supported, the constraints of the site meant that the cumulative impact of the proposed mosque on the highway network would be severe and, on balance, override any planning benefit that the proposal may provide.

Positive and Proactive Working with the Applicant

Officers have corresponded with the applicant's agent, however, in this instance the material planning considerations weigh against the proposal such that it is recommended for refusal.

Recommendation

Refuse.

Reasons

1. The proposed development would have an unacceptable impact on road safety of the roads surrounding the application site and have severe cumulative impacts on the operation of the road network to the detrimental safety of users of road network thereby failing to comply with Policy TRAN2 (Managing Transport Impacts of New Development) of the Core Strategy, Saved Policies GP2 (Environmental Protection), T7 (Car Parking) and T13 (Parking Provision for Cars, Cycles and Taxis) of the UDP, and Paragraphs 114, 115 and 116 the NPPF.
2. The application has provided insufficient information surveying the condition of the existing building and detailing the proposed external renovation works including the reinstatement of original features and the replacement of original windows, thereby causing harm to the significance of the non-designated heritage asset in conflict with Saved UDP Policies GP2 (Environmental Protection) ENV32 (Design and Development Proposals), Policy ENV2 (Historic Character and Local Distinctiveness) of the Core Strategy and the NPPF.

Notes for Applicant

1. It is accepted that the design issues identified within this report could potentially be resolved through the submission of additional information and/or the imposition of planning conditions, however, as the proposal is being recommended for refusal on highways grounds the proposed design is included as a reason for refusal.

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 3

Reason for bringing to committee

Significant community interest - Local petition objecting to the proposal.

Application Details

Location: 205, HIGH STREET, BROWNHILLS, WALSALL, WS8 6HE

Proposal: FULL PLANNING APPLICATION FOR THE CHANGE OF USE OF EXISTING BUNGALOW TO AN 8 BED HMO (SUI GENERIS) WITH REAR AND ROOF EXTENSIONS.

Application Number: 24/0277

Case Officer: Peter Gittins

Applicant: Morethan Property Ltd

Ward: Brownhills

Agent: Drawing Services (Houseplans) Ltd.

Expired Date: 22-May-2024

Application Type: Full Application: Minor Use Class Sui Generis

Time Extension Expiry: 05-Jul-2024



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Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and Section 111 legal agreement to secure the Cannock Chase Special Area of Conservation mitigation payment and subject to
 - The amendment and finalising of conditions.

Proposal

A full planning application has been submitted for converting an existing bungalow into an 8-bedroom house in multiple occupation, with a rear and roof extension. The proposal includes extending the rear of the property by some 3 metres and raising the roof apex by some 1.8 meters to create additional accommodation. There will be 5 rooms with showers on the ground floor, entrance hall corridor and communal kitchen, dining and living accommodation and three rooms with showers and corridor on the first floor. Vehicle access will be maintained at the front, with parking spaces at the front and rear with a communal rear garden.

Site and Surroundings

The site consists of an existing bungalow fronting High Street, in a residential area next to bungalows north of Warren Place. Additionally, it is close to a residential redevelopment comprising 45 apartments, located on the former Warreners Arms public house site at the junction of High Street and Ogley Road. The site is sustainably located with good access to public transport and is less than 200m from the Brownhills District Centre.

Relevant Planning History

23/0670 - Demolition of existing bungalow and proposed 3 storey apartment building to create 7 no. 1 bedroom apartments with associated parking, communal gardens and bin stores - Refused 5 January 2024 for the following reasons:

1. The distance between the two-storey blank elevation of the proposal and the rear principal windows of the bungalow at no.51 Warren Place is some 8 metres which is significantly below the Council's adopted standard of 13 metres and light to the rear principal windows and main garden amenity area is considered to be significantly affected by the proposed development contrary to policy GP2, Environmental Protection, of the Walsall Unitary Development Plan and contrary to The Council's design guide Designing Walsall, Appendix D: Numerical Guidelines for Residential Development.
2. The positioning of the vehicle access to the rear parking area of the proposal, together with increased vehicle movements from the proposed development and near to nos. 47-51 Warren Place will lead to unacceptable pollution in terms of noise light and fumes to the existing bungalows, contrary to saved policies GP2,

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

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

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

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#) .

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

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

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

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

Consultation Replies

Clean and Green – No comment.

Designing Out Crime Officer/West Midlands Police – HMOs increase demand on local resources and risk conflict, especially in shared areas used by more than five people.

Enhanced security measures, including CCTV, suitable lighting, secure doors, and mail systems, are recommended to reduce conflict and provide reassurance. These should meet specific standards for safety and crime prevention. No objection subject to informatives.

Ecology Officer – No comment.

Environmental Health – No comment.

Fire Officer - No objections, subject to building regulations on fire safety – note for applicant.

Housing Standards – No objections, however it is noted that the property will require a separate house in multiple occupation license.

Local Highways Authority - Support subject to conditions. Although there is no specific parking policy for HMOs, the provision of parking for 8 cars is considered sufficient due to the expected low car ownership among residents and the site's sustainable location. The site is highly sustainable, offering good access to public transport and nearby facilities.

Representations

A local petition has been received, comprising some 39 signatures, objecting to the proposal on the following grounds: unacceptable noise and privacy to existing residents; potential problems with antisocial behaviour; and traffic and parking issues.

It is considered that the material planning issues are covered in the proposal's assessment.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Crime and security
- Highways
- Ecology
- Cannock Chase SAC and HRA

Assessment of the Proposal

Principle of Development

The proposal will increase the residential accommodation supply and promotes the efficient use of a previously developed site in accordance with the Black Country Core Strategy (BCCS) policy CSP1, Site Allocation Document (SAD) policy HC2, and NPPF paragraphs 60 and 125.

The Council lacks a 5-year housing land supply and did not meet the requirements of the Housing Delivery Test, published in January 2022. Consequently, the presumption in favour of sustainable development, outlined in NPPF paragraph 11d), is applicable and this weighs in favour of the application.

Design, Layout and Character

Policy ENV32: Design and Development Proposals, of the Unitary Development Plan states: (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

The planning application involves converting an existing bungalow into an 8-bed HMO with rear and roof extensions. The proposed changes, extending the rear by 3 meters and raising the roof apex by 1.5 meters, are of an acceptable design and do not affect the built character of the area significantly.

Vehicle access will be maintained at the front, with parking spaces at the front and rear and the frontage will not be dominated by the parking. The proposal also includes a communal garden space at the rear. The property will remain in residential use. Overall, the proposal is considered in accordance with Policy ENV32 and its design criteria.

Amenity of Neighbours and Amenity of Future Occupiers

Saved Policy GP2 of the UDP states that “the Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment” and includes the necessary assessment of “overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property” as part of this impact. Expanding on this, the Council’s design guide Designing Walsall, Appendix D: Numerical Guidelines for Residential Development suggests: ‘24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front; and 13m separation between habitable windows and blank walls exceeding 3m in height’.

The distance between the blank side elevation of the existing bungalow on the site, which is proposed to be extended, and the rear principal windows of the bungalow at no.51 Warren Place is some 8 metres which is significantly below the Council’s adopted

standard of 13 metres. However, the difference between the existing situation and the proposal is that the property would be extended out at the rear by some 3 metres and the apex of the roof would be some 1.8 metres higher than the existing one. Given that we can only reasonably consider the difference between the bulk of the existing property and the proposal, on balance the additional effect on the light to the neighbouring property is not considered to be so significant that it would merit a refusal on its own in this case.

Policy GP2 also states that the council will not permit development which would have an unacceptable adverse impact on the environment, including the creation of, or susceptibility to, pollution of any kind. Policy ENV10a defines pollution as including smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions, and states that b. Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution as identified in part (a) of the policy.

The proposal utilises the existing access at the front and four and spaces are provided at the front of the property and four at the rear, accessed from the southeast side of the plot, and away from the neighbouring bungalows. The rear parking bays proposed area further separated from the neighbouring bungalows by a communal garden area. On balance and compared to the existing situation the proposal is not considered likely to lead to unacceptable noise and disturbance and accords with policy GP2: Environmental Protection and ENV10: Pollution of the Walsall Unitary Development Plan.

Appendix D: Numerical Guidelines for Residential Development of the Designing Walsall, supplementary planning document (SPD) also gives an adopted standard of 20sqm of useable space per dwelling where communal provision is provided. There is some 200sqm of communal, usable garden space at the rear of the property which is some 25sqm per bedroom unit and is therefore in accordance with Appendix D in this regard.

Crime and security

The proposed HMO will be subject to further Council licensing controls. The applicant should proactively engage with the Council HMO Team and pursue Landlord Accreditation Training to demonstrate their commitment to high standards. It is considered that proper management and regulatory oversight can mitigate the demand

on local resources and that well-managed HMOs with accredited landlords can operate efficiently without unduly burdening police, council, and social services.

The suggested security measures (CCTV, lighting, secure doors) are necessary for enhancing safety.

An informative attached to the decision notice is considered appropriate to ensure that the applicant is aware of the separate regulatory controls related to HMOs and to provide advice on necessary security measures.

Highways

The site is located on High Street which is a classified road (A452) and a strategic highway. The carriageway is 8m wide with traditional with at least 2m wide footways either side.

The site is located close to the Brownhills District Centre.

There is an existing dropped kerb vehicle access which is to be retained.

The site is currently surrounded by a hard-standing area. The proposed formalisation of the car park, to provide amenity space for residents, provides sufficient turning space for vehicles to turn and exit the site in a forward gear. There is currently no specific parking policy for HMOs, however parking for 8 cars is retained on site in a formalised car park which is considered to be more than adequate for the proposed use whereby residents are likely to have low car ownership and the site's sustainability credentials.

The site is considered to be a highly sustainable location with nearby access to public transport links and commercial and community facilities.

The Local Highway Authority supports the development, concluding that it will not significantly impact road safety or network operation. However, they recommend specific conditions, including providing a cycle shelter/store to encourage sustainable travel, and ensuring the completion and proper use of parking areas before occupation, aligning with local policies on sustainable development and transportation in accordance with NPPF December 2023 paragraph 115, UDP policy GP2, Environmental Protection, T7, Car Parking; T13, Parking Provision for Cars, Cycles and Taxis.

Ecology

The proposal is a relatively minor development that changes the use of an existing building together with its modest extension and there is not considered to be any likely effect on protected species (bats).

Cannock Chase SAC and HRA

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 8 new units in a house in multiple occupation. The Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations") place a duty on competent authorities (in this case Walsall Council) to consider the potential for effects upon sites of European importance prior to granting consent.

The applicant's submitted Habitat Regulation Assessment demonstrates that this development would result in an increase in recreational disturbance and significant harm to the SAC.

The mitigation payment of £344.01 per each net new unit is required in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. This payment is non-negotiable.

The applicant has agreed to provide the SAC mitigation payment via S111 Unilateral Undertaking.

Conclusions and Reasons for Decision

The proposed conversion and extension of the bungalow into an 8-bed HMO complies with the Black Country Core Strategy and relevant NPPF paragraphs addressing the Council's housing shortfall. On balance, the design and layout are considered acceptable in relation to local policy standards, given the existing development on the site, maintaining the residential character, and providing sufficient parking and communal space. The impact on neighbours' amenity is minimal and acceptable. The proposal supports sustainable travel and meets ecological requirements, with an

agreed mitigation payment for the Cannock Chase SAC. Overall, the development aligns with key policies.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and Section 111 legal agreement to secure the Cannock Chase Special Area of Conservation mitigation payment and subject to:

- The amendment and finalising of conditions.

Conditions and Reasons

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Location and block plans, drawing number V8557-PL-101 revision A, dated March 2024.
- Proposed ground full plan and site plan drawing number V8557- PL-104, revision A, dated March 2024.
- Proposed building elevations, drawing number V8557-PL-106, dated March 2024.
- Design statement dated March 2024

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

3: Prior to the commencement of the development hereby permitted details shall be submitted in writing to and approved in writing by the Local Planning Authority for suitable bin storage.

Reason: To safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

4a: Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b: Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

4c: 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.

5a: Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment 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 highway.

5b: The development 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.

5c: The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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.

6a. Prior to the commencement of building operations above damp-proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces, including details of the colour, size, texture, material and specification of bricks, render, and roof tiles shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b: The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

7a: The development hereby permitted shall not be occupied until the access, turning area and parking facilities shown on the approved plan have been hard surfaced and drained and no loose stone.

7b: The approved accesses, turning area and parking facilities shall not be used for any purpose than for access, turning and parking, respectively.

7c: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the access, turning and parking areas shall thereafter be retained for the lifetime of the development.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2, T7, T13 and ENV40.

8a: Notwithstanding the submitted details and prior to the occupation of the development hereby permitted, details of a cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

8b: The cycle shelter facility shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

Notes for Applicant

1: Fire Service - Building Regulations approval is required under Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England. Requirement B5 relates to access and facilities for the fire service.

2: The proposed HMO will be subject to further Council licensing controls. The applicant should proactively engage with the Council HMO Team and pursue Landlord Accreditation Training to demonstrate their commitment to high standards.
<https://go.walsall.gov.uk/housing/information-landlords/houses-multiple-occupation-hmo/licensing-houses-multiple-occupation>

3: The necessary security measures including CCTV, lighting, secure doors should be implemented with reference to the principle of Secure by Design and further information can be found at: <https://www.securedbydesign.com/guidance/building-regulations#part-q-home-types-2>

END OF OFFICERS REPORT

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 4

Reason for bringing to committee

Called in by Councillor S Nasreen on the grounds that the proposal is considered would have no significant harm to the amenities of the surrounding area from parking, traffic, noise, disturbance, odour, loss of TPO trees.

The Councillor considers that development will meet a vital need and will not have a detrimental impact on the area. The issues for refusal of a previous application have been dealt with, in the main and the reason for refusal is considered insufficient to refuse this application.

Application Details

Location: 89, BELVIDERE ROAD, WALSALL, WS1 3AU

Proposal: FULL PLANNING APPLICATION FOR THE ERECTION OF ONE, 2.5 STOREY, SIX BEDROOM DWELLING (USE CLASS C3 - DWELLINGHOUSE) WITH DETACHED TRIPLE GARAGE AND FRONT BOUNDARY WALL AND RAILINGS. THE PROPOSAL ALSO INCLUDES VEHICLE ACCESS OFF BELVIDERE ROAD. (RESUBMISSION OF PLANNING APPLICATION REFERENCE NO. 23/1097)

Application Number: 24/0337

Case Officer: Helen Smith

Applicant: Aneet Khambay

Ward: St Matthews

Agent: Khalil Aslam

Expired Date: 23-May-2024

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

Time Extension Expiry: 26-Jul-2024



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Recommendation

1. Refuse

Proposal

This is a resubmission planning application following an earlier refusal of planning application no.23/1097 by planning committee on 15/01/24.

The current proposal is for a proposed 6 no. bedroom detached dwelling with loft rooms and a detached triple car/storage garage to the front. The proposal includes 1.8 metres high brick pillars with 1-metre-high wall topped with 0.9 metres high railings. The proposal also includes new driveway and new dropped kerb along Belvidere Road and an extended existing dropped kerb along Highgate Avenue by 1 metre on each side.

The proposed new dwelling would be:

- 8.8 metres high
- 2.5 storeys high
- Ground floor area of 179.8m².
- Includes 3 no. 2.5 storeys front gable features with a large area of glazing installed in the centre gable.
- Includes 2 no. 2.5 storeys rear gable features.
- Part gable, part hipped and part flat main roof design.
- Red colour facing brick with smooth grey plain roof tiles.
- Side gaps of 0.4 metres and 0.6 metres wide between the new dwelling and the side elevations of 88 Belvidere Road and 22 Highgate Avenue respectively.
- Proposed front elevations would be set back from Belvidere Road by 9.9 metres and 12.2 metres from Highgate Avenue

The proposed new dwelling would be 1.8 metres further forward than the neighbouring dwellings at 88 Belvidere Road and 22 Highgate Avenue, and existing building line in both streets. It would also be 2.3 metres higher than the ridgeline of 88 Belvidere Road.

The proposed detached 3 vehicle garage would sit on the front corner of the application site fronting Highgate Avenue and Belvidere Road, and this has been moved approximately 0.4 metres further into the site. No elevation drawings of the garages have been provided with the submission.

No chimneys are proposed.

An in-out driveway from each of these two roads is proposed and a new dropped kerb would be required at the proposed access off Belvidere Road. The garage building would be 3.9 metres high with an angled and hipped roof design. The floor area of the garages would be 68m².

The appearance and size of the dwelling remains the same as the previous approval. The height of the proposed new dwelling would match the height of the existing dwelling however the scale of the proposed new dwelling would increase at this height.

This revised proposal amends the previous front boundary wall to a 1 metre high boundary wall with 0.9 metres high railings on top. The site plan indicates that gates across the two access points are proposed although they are not shown on the proposed elevation drawings.

The private amenity space for the new dwelling would be a 24 sq. metres paved patio area at the rear. The landscaping and planting on the existing front garden area has already mostly been cleared and the current proposal includes a small front lawn area of 44 sq. metres enclosed by a picket fence (no height details provided) and an area of planting in the gap between the proposed front boundary wall and garages.

The planning application is supported by the following:

- Bat survey.
- Design and Access Statement
- Heritage and Impact Assessment
- Supporting statement on the building height

Site and Surroundings

The existing house would be replaced by a new 2.5 storey detached dwelling and the existing house was built in the 1930s and occupies a corner position at the road junction with Belvidere Road and Highgate Avenue. The existing dwelling has 2 storeys.

The front garden sits parallel with both Belvidere Road and Highgate Avenue. The front boundary of the site is defined by a low red brick wall with blue coping bricks along the site perimeter along both Highgate Avenue and Belvidere Road with hedge behind. The

side garden included several non-protected trees, both evergreen and deciduous, most of which have been removed and a laurel hedge adjacent the vehicular driveway on Highgate Avenue. Pedestrian access to the property is from Belvidere Road. The existing private rear amenity space serving the existing house is 22 sq. metres.

The current dwelling sits within a row of other 1930s two storey dwellings along both Highgate Avenue and Belvidere Road with common building lines on the two frontages. The dwellings along southern side of Belvidere Road vary in design and character and are set back within plots and have soft landscaped large front gardens. The application site is in close proximity to the Highgate Conservation Area which has an Article 4 Direction restricting development.

There are Locally Listed Buildings at 6 and 8 Belvidere Road. The application site is located within a Coal Development Low Risk Area and is not within Flood Zones 2 or 3. The application site does not fall within the Cannock Chase Special Area of Conservation 15km Zone of Influence. There are no protected trees (TPO's) on the site.

Access to the site is currently available via Highgate Avenue, on the west boundary of the site, and benefits from an existing dropped kerb. The existing access provides access to a driveway and off-street parking area to the front of the dwelling. There is currently a low brick wall along the front boundary and a set of inset vehicle access gates leading off Highgate Avenue. A new dropped kerb is proposed for the second vehicle access off Belvidere Road.

No. 88 Belvidere Road sits to the east of the application plot and has front and rear facing habitable room windows. 22 Highgate Avenue sits to the south of the application plot and has front and rear facing habitable room windows.

Houses on the opposite side of Belvidere Road and Highgate Avenue would have habitable room window to window separation distances of 35 metres.

Relevant Planning History

22/1651 - Proposed 6-bedroom detached dwelling with loft rooms and a detached triple car/storage garage to front. Railings to be added to existing brick boundary wall, a new driveway and new dropped kerb along Belvidere Road and extended existing dropped kerb along Highgate Avenue by 1m on each side – refused permission on 27/4/23 on the following grounds:

1. *The proposed scheme fails to reflect, enhance, and respect the local historic character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The proposal would fail to reflect the existing character of the area where pockets of open space are retained between dwellings. Furthermore, the proposal would have an element of harm to the immediate setting of Highgate Conservation Area. The proposal would be contrary to Paras. 130, 134 [now para 135] of the NPPF, Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD*
2. *No Statement of Heritage Significance has been submitted, therefore the proposal would fail to meet Unitary Development Plan Policies ENV27, ENV28, ENV32, together with Chapter 16 of the NPPF Conserving and enhancing the historic environment.*
3. *Insufficient information has been submitted which accurately describes the overall appearance and design of the proposal and specifically the appearance of the boundary treatment which do not have their own set of plans. The application form relates to a Design and Access statement to describe the materials schedule, but this has not been submitted. The lack of clarity and information therefore renders the LPA unable to make an accurate judgement over the materials and finish of the proposal and appearance of the boundary treatment and its visual impact on the character and appearance of the locality. The proposal would be contrary to Paras. 130, 134 [now para 135] of the NPPF, Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.*
4. *Insufficient information has been submitted that demonstrates that vehicles can manoeuvre on site and leave the site in a forward gear, and that the proposed garage will not cause detrimental harm to other road users, given its location and bulk/scale causing potential visibility issue and highway safety impacts. The proposal is therefore contrary to Policy T7 Car Parking and Policy T13: Parking Provision for Cars, Cycles and Taxis of the UDP.*
5. *The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment, and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*
6. *The proposal would introduce three side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in direct overlooking and loss of privacy that would be*

detrimental to the residential amenity of occupiers of 88 Belvidere Road and would be contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.

7. *The proposal would only offer 24sqm of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68sqm requirement. The proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*
8. *The complete removal of all trees and vegetation from the front curtilage is to the detriment of the local environment and has removed mature and semi-mature trees which provided a significant contribution to the overall appearance of the street scene, setting of the Conservation Area, offered significant amenity value to local residents whilst contributing to the mitigation of the impacts of climate change. Any plans would have sought their retention and the proposal in its current form is therefore contrary to Paras. 130, 134 [now para 135] of the NPPF, Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.*
9. *The applicant has not submitted a bat survey to support the application. The demolition of the existing building has the potential to detrimentally harm roosting bats which is contrary to SPD; Conserving Walsall's Natural Environment, and Section 15 of the NPPF.*

23/1097 - Proposed 6 no. bedroom detached dwelling with loft rooms and a detached triple car/storage garage to front. Railings, 1.8 metres high gates and a 1.5 metres high front brick boundary wall, a new driveway and new dropped kerb along Belvidere Road and extended existing dropped kerb along Highgate Avenue by 1m on each side (re-submission of planning application reference no. 22/1651). – refused permission by planning committee on 15/01/24 on the following grounds:

1. *The proposed scheme fails to reflect, enhance, and respect the local character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The excessive height when combined with the increased bulk and mass of the proposal along with its position forwards of the building lines on Belvidere Road and Highgate Avenue would introduce an incongruous house of poor design and detached garages to the street scene to the detriment of the character of the area. The proposal would be contrary to*

Paras. 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.

- 2. The proposed front 1.5 metres high boundary wall with 0.3 metres high railings above and 1.8 metres high gates are considered would appear incongruous in a street scene which consists largely of low brick walls and planting. The character of the area is one of openness where fronts of plots are open or secured with low level walls or soft landscaping. The proposed boundary treatment would be visually detrimental and would fail to reflect, respect, and enhance the existing character of the area. The proposal would be contrary to Paras. 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.*
- 3. The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*
- 4. The proposal would introduce three large obscurely glazed, first floor side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in overlooking and a sense of loss of privacy that would be detrimental to the residential amenity of occupiers of 88 Belvidere Road and would be contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*
- 5. The proposed new dwelling would only offer 24sqm of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68sqm requirement. The original dwelling appears to have been laid out with a compensatory large front garden which was screened by mature trees and a hedgerow which have recently been mostly removed, exposing the garden area. The proposed three garages would reduce the size of this amenity area further and it is considered that the proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment. The proposal is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.*

6. *The complete removal of all trees and vegetation from the front curtilage is to the detriment of the local environment and has removed mature and semi-mature trees which provided a significant contribution to the overall appearance of the street scene, offered significant amenity value to local residents whilst contributing to the mitigation of the impacts of climate change. The limited space between the proposed garages and boundary wall is insufficient space for planting. The proposed replacement planting on the western boundary is unlikely to be viable and remaining small areas of planting adjacent to the two driveways, dominated by short ornamental planting are inadequate to compensate for the loss of mature and semi-mature trees, the proposal is therefore contrary to paragraph 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.*
7. *The proposed wall along the front boundary of the site exceeds 600mm in height above footway level and adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety. The proposed access gates are not set back 5 metres from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway and no evidence has been provided to demonstrate the proposed garages would not impact visibility at the Highgate Avenue / Belvidere Road priority-controlled junction. The proposal is therefore contrary to saved UDP policies GP2, ENV32, BCCS policy TRAN2 and paragraph 115 and 116 of the NPPF (December 2023).*

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development.**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes.**
- **NPPF 12 – Achieving well-designed places.**
- **NPPF 15 – Conserving and enhancing the natural environment.**
- **NPPF 16 – Conserving and enhancing the historic environment.**

On **planning conditions**, the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social, and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests could not be material considerations.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making.

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
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees, and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

EN5: Development in Conservation Areas

T4: The Highway Network

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
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points

Consultation Replies

Conservation Officer – No objection.

Environmental Protection – No objections subject to the inclusion of conditions requiring the submission of a construction environmental management plan and asbestos identification and removal.

Local Highway Authority – Objection on the grounds of the proposed second vehicle access off Belvidere Road, concerns over pedestrian/vehicle inter visibility due to the boundary treatment, insufficient information for visibility in relation to the garage and gates.

Fire Officer – No objections subject to compliance with Approved Document B and an informative note can be included for the applicant, if approved.

RSPB – No objections subject to the installation of a minimum of 2 x swift nesting bricks which could be conditioned if approved.

Severn Trent Water – No objections subject to the inclusion of a drainage condition.

Strategic Planning Policy – Objection as it does not address the previous reasons for refusal.

Representations

(Local Planning Authority comments in italics and brackets)

The Local Planning Authority has received a 33-signature public petition against the development over the following reasons:

Concerns over street scene dominance and out of character with locality, extension beyond building lines and dangers to school children due to the 2 exit points.

Objections have been received from 14 neighbours on the following grounds:

- Out of keeping with area and conservation area
- Loss of trees and garden
- No change other than driveway from previous application
- Forward of building lines.
- Garage will impact on visibility on the corner.
- Loss of light
- New access could be dangerous for pedestrians due to boundary and lack of visibility, especially due to the nearby school.
- No plans to replace trees and plants that have been removed.
- Boundary wall out of character and will impact visibility for cars and pedestrians.
- Objects to 6 bedrooms, why do they need this? *(not a material planning consideration in this instance as the application is assessed as submitted)*
- Design and Access statement does not refer to the amended boundary wall.
- Supporting statement on height shows huge increase in additional mass and fails to show relationship with adjacent houses.
- Overdevelopment
- Noise due to closer proximity to adjacent houses.
- Shared boundary impinges on neighbour *(the proposed new dwelling would sit 0.4 and 0.6 metres from the shared boundaries with immediate neighbours).*

- Concerned the decision may be unduly influenced to get it over the line (*the Local Planning Authority remains neutral in its assessment of planning applications*).
- 45-degree code breached.
- Loss of privacy
- Terracing effect.
- Sets a precedent to rebuild traditional houses with modern houses (*there is no precedence in planning and each planning application is assessed on its own merits*).
- Parking.
- Not enough room to use the garage which raises questions if it will be used as one.
- Not clear on potential impact to street lighting column and whether this will be moved or simply removed.
- Building work disruption (*construction works would have some local disruption for neighbours however as this is for a single dwelling house the impacts would be for a relatively short period*)

Determining Issues

Whether the application has addressed the reasons for refusal:

- Reason no. 1: Design
- Reason no. 2: Boundary treatment
- Reason no. 3: Light and outlook
- Reason no. 4: Amenity
- Reason no. 5: Amenity space
- Reason no. 6: Landscaping
- Reason no. 7: Highways

Additional considerations:

- Principle of Development
- Ground conditions and Environment.
- Parking and Access
- Neighbour Comments

Assessment of the Proposal

Whether the application has addressed the reasons for refusal of the previous application

Reason for Refusal No. 1

The proposed scheme fails to reflect, enhance, and respect the local character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The excessive height when combined with the increased bulk and mass of the proposal along with its position forwards of the building lines on Belvidere Road and Highgate Avenue would introduce an incongruous house of poor design and detached garages to the street scene to the detriment of the character of the area. The proposal would be contrary to Paras. 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.

The appearance and size of the dwelling remains the same as the previous approval.

This revised proposal only amends the previous front boundary wall to a 1 metres high boundary wall with 0.9 metres high railings on top. The site plan indicates that gates across the two access points are proposed although they are not shown on the proposed elevation drawings. Saved Policy ENV32 of the UDP states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

The introduction of three competing front gable features on one elevation and two wider but further spaced gable features is considered would introduce 5 no. competing gables to a single dwelling house which would have a jarring impact in the street scene.

The excessive height of the proposed dwelling house when combined with the increased bulk and mass considerably over and above that of the original dwelling is considered would be an over dominant and incongruous addition to the existing street scenes fronting both Belvidere Road and Highgate Avenue and alongside existing two storey dwellings at 88 Belvidere Road and 22 Highgate Avenue.

The design of the proposed new dwelling fails to include characteristic design features along both Belvidere Road and Highgate Road. Chimneys add character to a dwelling, evidenced along both Belvidere Road and Highgate Avenue and the proposal fails to include chimneys in the proposed design. Additionally, the proposed large windows and the solid to void ratio is considered to be poor design and fails to consider the character of the local area.

The proposal fails to respect the existing building lines fronting both Belvidere Road and Highgate Avenue on this prominent corner. The new dwelling would be 1.8 metres further forward than the dwellings at 88 Belvidere Road and 22 Highgate Avenue which fails to respect the character of the area resulting in an oversized and incongruous dwelling house for the plot.

The proposal seeks to squeeze in as much built development within the plot as possible, to the point where the plot is dominated by built form and two large areas of hard surfacing with very little soft landscaping. Trees have already been removed from the site and the proposal includes limited soft landscaping. Policy ENV33 of the UDP states landscaping is integral to urban design and requires developments to include planting schemes and Policy ENV17 seeks new planting. The amended scheme indicates that hedgerow planting is proposed or would be retained along the front garden boundary and UDP saved policy ENV18, seeks to retain hedgerows.

No elevation plans of the proposed garage structure have been submitted with this planning application establish the height and appearance of this part of the proposal. Garages that sit forward of dwellings are not a characteristic of the surrounding area. Existing single storey garages along both Belvidere Road and Highgate Avenue are set back from the main elevation, as subservient features. This proposed triple garage structure is considered would be visually prominent and visually detrimental when viewed from the public realm and street scene along both Belvidere Road and Highgate Avenue.

The proposal is considered fails to enhance and respect the local character of the area. The applicant has advised that the proposed three garages are store residents mobility scooters and wheelchairs and whilst these reasons are noted, the Local Planning Authority is unable to take into account personal circumstances when assessing planning applications as the development would remain after such needs have ended.

Policy DW3 of the designing Walsall SPD states that new development to [should] be informed by the surrounding character and respond in a positive way to it by reflecting local urban design characteristics. The revised proposal is considered to have an over-complicated design and with three garages in the street scene at a prominent and visually important corner is considered fails to reflect or include architectural features from the existing dwellings along Belvidere Road and Highgate Avenue.

The applicant has confirmed that the proposed new dwelling is the same height as the existing dwelling and the plans include a blue dashed outline of the existing dwelling

house. This is at the highest point of the existing dwelling however the proposal would increase the scale, bulk, and mass of the dwelling at this height which is considered unacceptable. The applicant has previously advised that they have revised the design to a more contemporary design however this design is considered fails to take any design cues from neighbouring properties.

With regards to the design concerns referred to in refusal reason no. 1 it is considered that the proposal continues to fail to reflect and respect the local character of the area and townscape quality. The development would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The proposal would be contrary to Para. 135 of the NPPF, Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

The current planning application is supported by a Heritage and Impact Assessment dated March 2024. This has been reviewed by the council's conservation (Heritage) officer who is of the opinion that whilst the application site does not sit within Highgate Conservation Area it is in close proximity to it and therefore assessment of the proposal's impact on the conservation area it is warranted. The conservation (Heritage) officer is of the opinion that the proposed development would have no harm on heritage grounds to the setting of the Highgate Conservation Area.

To the north of the site beyond numbers 4 to 15a Belvidere Road is Highgate Brewery, a Grade II listed building, which is also a designated heritage asset, as defined in the NPPF. The proposed development would no harm to the setting of Highgate Brewery.

Near the site are numbers 6 and 8 Belvidere Road are locally listed buildings of local importance. The proposal is considered would have no harm to the significance of these locally listed buildings. The Council's Conservation Officer has no objections on heritage grounds.

Considering the above assessment of the area, as there have been no changes to the design, scale, or footprint of the house itself reason for refusal no. 1 has therefore not been overcome.

Therefore, reason for refusal no. 1 remains.

Reason for Refusal No. 2

The proposed front 1.5 metres high boundary wall with 0.3 metres high railings above and 1.8 metres high gates are considered would appear incongruous in a street scene which consists largely of low brick walls and planting. The character of the area is one of openness where fronts of plots are open or secured with low level walls or soft landscaping. The proposed boundary treatment would be visually detrimental and would fail to reflect, respect, and enhance the existing character of the area. The proposal would be contrary to Paras. 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.

The resubmission has amended the boundary treatment following this refusal. The gates at the two access points are shown on the site plan but not on the elevation drawings and details of these would be required but could be conditioned. The proposed brick front boundary wall has been reduced in height to 1 metre, with 0.9 metres high railings on top. The reduction in height of this solid wall and topped with open railings is considered would be visually acceptable at this location. Whilst most houses have low walls there is a neighbouring house with a similar front boundary treatment and the visual openness would be maintained by the proposed railings particularly if painted black in colour. It is considered that the revised proposal has satisfactorily addressed refusal reason no. 2 and would no longer support a refusal reason for this proposed development.

Therefore, reason for refusal no.2 is considered has been overcome subject to details of the proposed gates to the application site being provided and the provision of adequate inter-visibility splays at the vehicular entrance points as referred to below by the Local Highway Authority under the Parking and Access heading.

Reason for Refusal No. 3

The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.

The proposed design which would occupy the same footprint as the previous proposal is considered to be similar in bulk and mass to the initial proposal. The excessive scale, height, and mass in relation to the neighbouring houses 88 Belvidere Road and 22 Highgate Avenue is considered would be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment.

The increased height and scale of the property would result in significant shading to 88 Belvidere Road and 22 Highgate Avenue in the late afternoon as the sun moves West. This would be over and above that which is already experienced and would be detrimental to the amenity of the occupiers of 88 Belvidere Road and 22 Highgate Avenue.

The first-floor eaves height of the proposed new dwelling would be higher than those of both neighbouring houses and the proposed roof 2.3 metres higher than the ridgeline of 88 Belvidere Road.

As mentioned above, the house itself has not changed since the last refusal. The height, scale and bulk remain as previously refused and therefore the previous assessment on shading and loss of light should be retained.

Therefore, reason for refusal no. 3 remains.

Reason for Refusal No. 4

The proposal would introduce three large obscurely glazed, first floor side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in overlooking and a sense of loss of privacy that would be detrimental to the residential amenity of occupiers of 88 Belvidere Road and would be contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.

The proposal still includes three first floor side facing windows overlooking the private rear garden of 88 Belvidere Road however these windows would serve a landing, en-suite and walk in wardrobe, all of which are non-habitable room windows. Whilst these could be conditioned to be obscurely glazed it is considered that the addition of three large windows would create a feeling of being overlooked by neighbours and are considered to be excessive in number and size. High-level narrow, obscurely glazed windows are considered may be more acceptable.

As above, no changes have been made and thus the previous assessment on impact to neighbour amenity should be retained.

Therefore, reason for refusal no. 4 remains.

Reason for Refusal No. 5

The proposed new dwelling would only offer 24 sq. metres of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68 sq. metres requirement. The original dwelling appears to have been laid out with a compensatory large front garden which was screened by mature trees and a hedgerow which have recently been mostly removed, exposing the garden area. The proposed three garages would reduce the size of this amenity area further and it is considered that the proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment. The proposal is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed places.

The existing private rear amenity space at the dwelling currently measures 24 sq. metres and the proposal being considered is for the same area of 24 sq. metres because of the constraints of the existing site with the house set well back into the application site. To compensate the original dwelling appears to have been laid out with a compensatory large front garden which was screened by mature trees and a hedgerow and provided the previous owners with a degree of privacy.

However, the front gardens have been recently cleared, exposing the garden area. The proposed triple garage would reduce the size of this amenity area further and it is

considered that the proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment. It is considered that refusal reason no. 5 has not been satisfactorily addressed.

As above, no changes have been made to the provision of amenity space since the previous application and the assessment on private amenity should be retained.

Therefore, reason for refusal no. 5 remains.

Reason for refusal 6

The complete removal of all trees and vegetation from the front curtilage is to the detriment of the local environment and has removed mature and semi-mature trees which provided a significant contribution to the overall appearance of the street scene, offered significant amenity value to local residents whilst contributing to the mitigation of the impacts of climate change. The limited space between the proposed garages and boundary wall is insufficient space for planting. The proposed replacement planting on the western boundary is unlikely to be viable and remaining small areas of planting adjacent to the two driveways, dominated by short ornamental planting are inadequate to compensate for the loss of mature and semi-mature trees, the proposal is therefore contrary to paragraph 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.

The submitted site plan demonstrates that there have been some changes to the provision of planting. The current plans remove some planting to the right of the access on Belvidere Road but add planting to the right of the access on Highgate Avenue. In addition, the garage has been moved 0.4m away from the boundary treatment at the narrowest points which would offer a slight increase in room for planting.

Despite this, the amended planting provision falls significantly short from the biodiversity value of the site prior to its clearance. Saved Policy ENV33 of the UDP states that landscape design is an integral part of good design, and the Council will ensure that development proposals take account of opportunities to create and enhance environmental quality.

Despite the minor changes, it can be deemed that the compensation for the loss of the mature and semi-mature trees will be the small areas of planting adjacent to the two driveways, dominated by short ornamental planting. This is deemed inadequate to compensate for the loss of mature and semi-mature trees and shrubbery that existed prior to the applicant's occupation.

Refusal reason no .6 has therefore not been overcome and remains contrary to paragraph 135 of the NPPF, Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.

Reason for Refusal No. 7

The proposed wall along the front boundary of the site exceeds 600mm in height above footway level and adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety. The proposed access gates are not set back 5 metres from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway and no evidence has been provided to demonstrate the proposed garages would not impact visibility at the Highgate Avenue / Belvidere Road priority-controlled junction. The proposal is therefore contrary to saved UDP policies GP2, ENV32, BCCS policy TRAN2 and paragraph 115 and 116 of the NPPF (December 2023).

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 116 of the NPPF confirms that applications for development should create places that are safe, secure, and attractive – which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

The Local Highway Authority has objected to the revised proposal on highway safety grounds. The proposed fencing along the boundary exceeds 600mm in height above footway level and adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety, especially given the potential conflict with children due to the site's proximity to St Mary's Primary School.

The Highway Officer has noted that there are conflicting drawings. The floor plans and elevations suggest that the gates have been removed (*or shown in the open position*) however the submitted floor plan shows gates opening into the site. It is therefore not

clear whether this aspect has been fully overcome and no details to confirm the access gates are set back 5 metres from the carriageway have been received, should they be installed.

No evidence has been supplied which demonstrates the proposed garages would not impact visibility at the Highgate Avenue / Belvidere Road priority-controlled junction or forward visibility from Belvidere Road onto Highgate Avenue.

Reason for refusal no.7 has not been fully overcome and should be retained.

Principle of Development

As this application is for a replacement dwelling, it does not raise strategic planning policy issues.

Strategic Planning Policy have commented that there was a previous planning application that was refused in April 2023 (reference: 22/1651) for the same proposal, however, from reviewing the supporting plans, there does appear to be some minor amendments to the proposed elevations, in particular, the proposed front and rear elevations.

Whilst this is for a replacement dwelling and the proposal in principle raises no strategic planning policy issues, the design would still appear to over dominate the adjacent houses and the large triple garage in the front garden would be out of character in the street. It also appears that several mature and semi-mature trees and shrubs have been felled in the garden to compensate for the proposal, however, the removal of these trees would still not allow adequate garden amenity space for future occupiers.

As such, the current application would not appear to address the reasons for refusal as outlined above.

Ground Conditions and Environment

Environmental Protection advise that the existing property may have been built and used at a time when asbestos containing materials were commonly used within structures and

products. Consequently, the applicant will need to undertake an asbestos identification and removal survey prior to any works commencing and if any asbestos containing material is identified, it will require removal under the appropriate national legislation and in accordance with relevant health and safety requirements. This can be conditioned.

A condition requiring the submission of a Construction Environmental Management Plan if approved has also been recommended to safeguard owner and neighbour amenity during construction if approved.

Parking and Access

The Local Highway Authority have commented that access to the application site is currently available via Highgate Avenue, on the west boundary of the site, and which benefits from existing dropped kerbs which are proposed to be extended as part of the development. The existing access provides access to a driveway and off-street parking area to the front of the dwelling.

The development proposals seek to introduce a secondary vehicle access into the site and introduce an additional dropped kerb crossover via Belvidere Road. The Highway Authority object to a new access being introduced onto the public highway as the site benefits from an existing access on Highgate Avenue. St Mary's Primary School is located circa.120m east of the site on Belvidere Road and introducing a secondary access at this location is considered would increase the potential for conflict between vehicles, pedestrians, and children.

The Local Highway Authority have commented that Site_Plan_13-03-24 drawing demonstrates gate opening lines from the back of the footpath. If gates are proposed information is required to demonstrate the proposed gates at the Highgate Avenue access are set back 5 metres from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway.

In addition, a 2.4m x 3.4m pedestrian visibility splay should be maintained at the access points to the site where no structure or planting exceeding 600mm in height above footway level will be permitted. The proposed fencing would obstruct visibility at the site access and no evidence has been submitted to demonstrate a 2.4m x 3.4m visibility is achievable. The Highway Authority will not accept any boundary structure over 600mm, especially in vicinity of a school.

The proposals include a detached triple garage, which is located on the northwest boundary of the site. The developer has failed to provide evidence that the proposed garages would not restrict vehicle visibility at the Highgate Avenue and Belvidere Road priority-controlled junction or forward visibility from Belvidere Road onto Highgate Avenue.

Walsall UPD saved policy T13 requires the provision of 3 no. car parking spaces for a four bedroom and above dwelling. The proposed car parking provision proposes a significant car parking provision over and above that required by policy T13.

The Local Highway Authority have commented that the proposed development is not considered would create any material impact on the surrounding network.

Considering the comments above, the Local Highway Authority have advised that they cannot support the proposal in its current form until the issues raised are addressed. These are included below for clarity:

- Removal of the proposed secondary access via Belvidere Road.
- The proposed fencing along the boundary of the site exceeds 600mm in height above footway level. Adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety. A 2.4 metres x 3.4 metres pedestrian visibility splay is required.
- Site_Plan_13-03-24 drawing demonstrates gate opening lines. If gates are proposed information to demonstrate the proposed gates are 5m from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway.
- Evidence has not been provided to demonstrate the proposed garages would not impact visibility at the Highgate Avenue and Belvidere Road priority-controlled junction or forward visibility from Belvidere Road onto Highgate Avenue.

Neighbour Comments

The proposed new dwelling would have gaps to the side of 0.4 and 0.6 metres to the neighbouring houses, which is less than the 0.9 metres recommended by Appendix D of Designing Walsall SPD to avoid terracing.

However, as the existing gaps between houses in the immediate area vary in width, including the existing narrow gap between 88 and 89 Belvidere Road, and the existing terraced dwellings between 15 to 19 Belvidere Road (odds) and it is considered that the proposed width of the gaps in this location are acceptable.

The Council's 45-degree code is met in relation to the habitable room windows in the neighbouring house no. 22 Highgate Avenue. The 45-degree code would be marginally breached in relation to front habitable room windows in 88 Belvidere Road due to the location of the proposal forward of the building line on Highgate Road, however this is considered not to be detrimental to neighbouring amenity above and beyond 45-degree code compliance.

Conclusions and Reasons for Decision

The scale, height, positioning, and discordant design of the proposed new dwelling house is considered would be an incongruous and detrimental addition to the existing street scene. The impacts on adjoining neighbours have been considered and in this instance the impacts are considered would be detrimental to neighbours' outlook, light, and amenity. Consequently, the proposal is recommended for refusal.

This proposal is therefore considered to be unacceptable and contrary to the local and national planning policies and guidance set out in this report.

The material planning considerations weigh against the proposal such that it is recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

Following a previous refusal of planning permission, it is considered that the previous concerns raised have not been fully overcome and additional concerns have been raised as outlined in the committee report.

Recommendation

Refuse permission.

Reasons for Refusal

1. The proposed scheme fails to reflect, enhance, and respect the local character and townscape quality of the area and would fail to provide an attractive quality-built development that would be reflective of the existing dwellings along Belvidere Road and Highgate Avenue. The excessive height when combined with the increased bulk and mass of the proposal along with its position forwards of the building lines on Belvidere Road and Highgate Avenue would introduce an incongruous house of poor design and detached garages to the street scene to the detriment of the character of the area. The proposal would be contrary to Paras. 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.
2. The significant height, scale and bulk of the proposed new dwelling would result in significant shading and loss of light to 88 Belvidere Road and 22 Highgate Avenue. This is considered to be detrimental to their residential amenity over and above the existing situation and would create a living environment that would be harmful to occupants and fail to provide a healthy and optimal living environment and is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policy GP2 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed and beautiful places.
3. The proposal would introduce three large obscurely glazed, first floor side facing windows which would directly overlook the habitable rooms and private amenity area of 88 Belvidere Road. The proposal would result in overlooking and a sense of loss of privacy that would be detrimental to the residential amenity of occupiers of 88 Belvidere Road and would be contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed and beautiful places.
4. The proposed new dwelling would only offer 24sqm of private amenity space for future occupiers. For a property of such scale, this is considered significantly inadequate and would be well below the LPA's 68sqm requirement. The original dwelling appears to have been laid out with a compensatory large front garden which was screened by mature trees and a hedgerow which have recently been mostly removed, exposing the garden area. The proposed three garages would reduce the size of this amenity area further and it is considered that the proposal would therefore lead to inadequate levels of private amenity for any future occupants creating a constrained living environment that would be harmful and fail to provide a healthy and optimal living environment. The proposal is therefore contrary to the aims and objectives of DW10 Well Designed Sustainable Buildings and Appendix D of the Designing Walsall SPD Saved Policies GP2 and ENV32 of the Unitary Development Plan, ENV3 of the BCCS, and Chapter 12 of the National Planning Policy Framework in Achieving well designed and beautiful places.
5. The complete removal of all trees and vegetation from the front curtilage is to the detriment of the local environment and has removed mature and semi-mature trees which provided a significant contribution to the overall appearance of the street

scene, offered significant amenity value to residents whilst contributing to the mitigation of the impacts of climate change. The proposed replacement planting on the western boundary is unlikely to be viable and remaining small areas of planting adjacent to the two driveways, dominated by short ornamental planting are inadequate to compensate for the loss of mature and semi-mature trees, the proposal is therefore contrary to paragraph 135 of the NPPF (December 2023), Saved Policies GP2, ENV18, ENV17, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS and Policies DW1 to DW3 of Designing Walsall SPD.

6. The proposed wall along the front boundary of the site exceeds 600mm in height above footway level and adequate pedestrian/vehicle inter-visibility must be maintained at the access points in the interests of highway safety. It is not clear whether the proposed access gates are being retained nor whether they will be set back 5 metres from the carriageway kerb edge to allow a vehicle to wait for the gates to open without blocking the highway and no evidence has been provided to demonstrate the proposed garages would not impact visibility at the Highgate Avenue / Belvidere Road priority-controlled junction along with the introduction of an unacceptable secondary vehicle access of Belvidere Road to the detriment of highway safety. The proposal is therefore contrary to saved UDP policies GP2, ENV32, BCCS policy TRAN2 and paragraph 115 and 116 of the NPPF (December 2023).

Notes for Applicant

None.

APPENDICES

Petition Received 29th April 2024

POST ROOM
29 APR 2024
RECEIVED

The residents of Belvidere Road and Highgate^Avenue object to the planning application 24/0337 for the following reasons

- The new dwelling would still be 1.8 metres further forward than the property at 88 Belvidere road and will be over 2.3 metres higher than the adjacent properties. The proposed development would be very dominant in the street scene and out of character with adjacent properties
- The junction at Belvidere road and Highgate^{Avenue} ~~close~~ is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

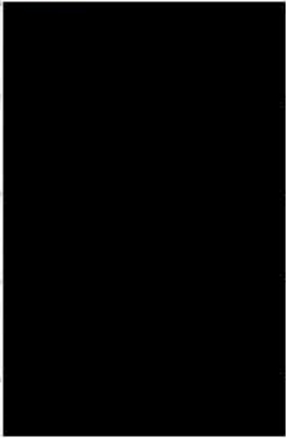
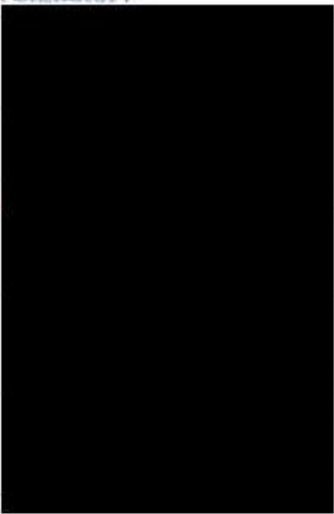
WALSALL COUNCIL
POST ROOM
29 APR 2024
RECEIVED

Name	address	signatory
	2 Highgate Ave.	
	74 Highgate Road	
	6 Highgate Ave	
	4 Highgate Ave	
	4 Highgate	
	"	
	14, Highgate Avenue	

Printed and published by Ian Robertson 87 Belvidere Road Walsall WS1 3AU tel 01922 634642

The residents of Belvidere Road and Highgate Avenue object to the planning application 24/0337 for the following reasons.

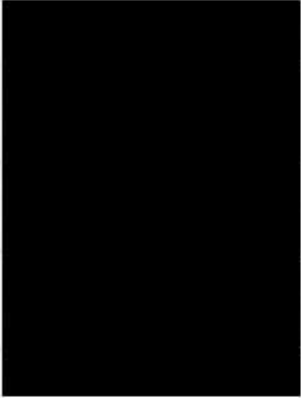
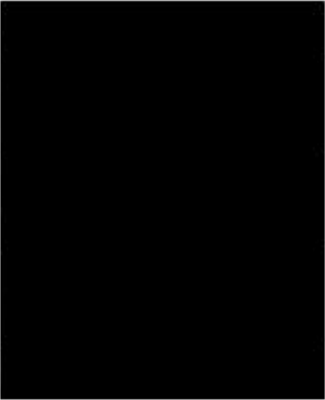
- The new dwelling would still be 1.8 metres further forward than the property at 88 Belvidere Road and would be over 2.3 metres higher than the adjacent properties. The proposed development would be very dominant in the street scene and out of character with adjacent properties.
- The junction at Belvidere Road and Highgate Avenue is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

Name	Address	Signatory
	17 Belvidere Rd	
	15 Belvidere Rd	
	18 BELVIDERE RD FLAT ONE.	
	Flat 4, 18 Belvidere Road	

Printed and published by Ian Robertson 87 Belvidere Road WS1 3AU tel 01922 634642

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- The junction at Belvidere Road and Highgate Avenue is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

Name	Address	Signatory
	22 Belvidere Rd	
	"	
	"	
	"	
	"	

Printed and published by Ian Robertson 87 Belvidere Road WS1 3AU tel 01922 634642

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- The new dwelling would still be 1.8 metres further forward than the property at 88 Belvidere Road and would be over 2.3 metres higher than the adjacent properties. The proposed development would be very dominant in the street scene and out of character with adjacent properties.
- The junction at Belvidere Road and Highgate Avenue is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

Name	Address	Signatory
	16 Belvidere Rd	
	16 Belvidere Rd	
	18 Belvidere Rd	
	9 Belvidere Rd.	
	91 Belvidere Rd	
	7 Belvidere Rd.	
	17 Belvidere Rd	

Printed and published by Ian Robertson 87 Belvidere Road WS1 3AU tel 01922 634643

The residents of Belvidere Road and Highgate^Avenue object to the planning application 24/0337 for the following reasons

- The new dwelling would still be 1.8 metres further forward than the property at 88 Belvidere road and will be over 2.3 metres higher than the adjacent properties. The proposed development would be very dominant in the street scene and out of character with adjacent properties
- The junction at Belvidere road and Highgate^{Avenue} ~~close~~ is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

Name	address	signatory
	20 HIGHGATE ROAD WALSALL	
	22 Highgate Avenue Walsall	
	22, Highgate Ave, Walsall	
	1 HIGHGATE AVE	
	3 Highgate Ave	
	3 Highgate Ave	
	5B Highgate Ave	

Printed and published by Ian Robertson #7 Belvidere Road Walsall WS1 3AU tel 01922 634642

The residents of Belvidere Road and Highgate venue object to the planning application 24/0337 for the following reasons

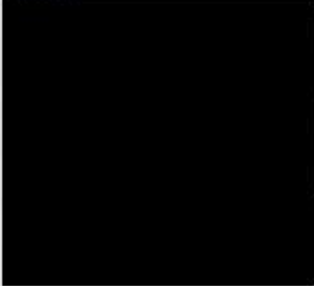
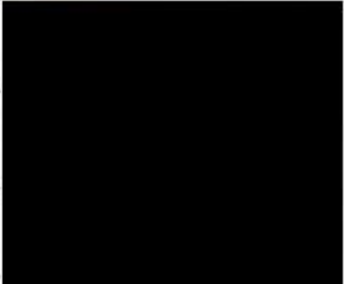
- The new dwelling would still be 1.8 metres further forward than the property at 88 Belvidere road and will be over 2.3 metres higher than the adjacent properties. The proposed development would be very dominant in the street scene and out of character with adjacent properties
- The junction at Belvidere road and Highgate close is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

Name	address	signatory
	23 BELVIDERE	

Printed and published by Ian Robertson 87 Belvidere Road Walsall WB1 3AJ tel 01922 634642

The residents of Belvidere Road and Highgate Avenue object to the planning application 24/0337 for the following reasons.

- The new dwelling would still be 1.8 metres further forward than the property at 88 Belvidere Road and would be over 2.3 metres higher than the adjacent properties. The proposed development would be very dominant in the street scene and out of character with adjacent properties.
- The junction at Belvidere Road and Highgate Avenue is a very busy one, especially at times when nearby school discharges the children and having 2 exit points at this junction will make an increased risk of accidents.

Name	Address	Signatory
	20 BELVIDERE ROAD	
	21 BELVIDERE RD	
	21 BELVIDERE RD	

Printed and published by Ian Robertson 87 Belvidere Road WS1 3AU tel 01922 634642

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 5

Reason for bringing to committee

Head of Service discretion

Application Details

Location: 74, Mellish Road, Walsall, WS4 2EB

Proposal: RETROSPECTIVE: REPLACEMENT 6 BEDROOM DETACHED DWELLING HOUSE

Application Number: 23/0446

Case Officer: Oliver Horne

Applicant: Majid Zeb

Ward: St Matthews

Agent: PAUL CLIFTON ASSOCIATES

Expired Date: 30-May-2023

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

Time Extension Expiry: 31-Jul-2024



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Recommendation

1. Refuse

Proposal

Retrospective: Replacement 6 bedroom detached dwelling house to be constructed over 2.5 storeys, forming a lounge, study, cloakroom, store, open plan dining, living and kitchen, with a WC, utility and open rear pergola at ground floor, with 4 bedrooms, bathroom, ensuite and landing area at first floor and 2 further bedrooms and ensuites at the second floor in the extended roof space, which includes a large rear box dormer. The works to the property have also included a second front gable and what was the side extension running the ridge height flush to the main house. Neither of these elements were previously approved and nor was the scale of the rear box dormer. The works include changes to the external materials, both roof and walls, changes to the window proportions facing the street to make them narrower and taller, plus changes to the second floor main front gable window, changes to the porch and the door detailing plus some additional ground floor space increases.

Site and Surroundings

The application site is located in the outskirts of Walsall, approximately 1.8km north east from the railway station on the southern side of Mellish Road. Mellish Road is a suburban residential street characterised predominantly by mid-20th Century,

2-storey detached dwelling houses set back from the road behind generous front gardens and/or driveways.

The site itself comprises a new build 2.5-storey 6-bedroom detached dwelling house, which was recently constructed following the demolition of the existing property under planning approval reference 20/0453. The building and boundary treatments that as erected have not been built in accordance with the approved plans and this retrospective application seeks permission to regularise these unauthorised works.

Relevant Planning History

21/0804 - Re-submission application of 20/0453: Replacement 6-bedroom dwellinghouse. Amendments include increased roof height and alteration to roof design, addition of rear box dormer, re-designed single storey rear extension, removal of side facing windows, additional two storey front extension and change to window design on front elevation. – **Withdrawn 21/11/2022.**

20/0453 - Replacement 6-bedroom house over two and half storeys to include the loft – **GSTC 13/07/2020.**

Relevant Policies

National Planning Policy Framework (NPPF)

[Read more on the national planning policy framework.](#)

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

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

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

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

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#)

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

Our Development Plan includes:

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

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

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

Consultation Replies

Fire Officer – No objection.

Ecology Officer – No objection STC.

Environmental Protection – No objection.

Highway Authority – Concerns re that the frontage boundary wall re providing adequate pedestrian inter-visibility at the access point. Details are required.

Severn Trent Water - No objection STC.

Enforcement Officer – An enforcement notice has been drafted and has been put on hold awaiting the outcome of the current application.

Representations

0 comments received in support of proposal.

1 comment received objecting to proposal support for the following reasons:

Overshadowing
Noise and disturbance
Overlooking
Security
Visual impact
Poor design out of context
Drainage and DPC

Determining Issues

- Principle of development
- Design, layout, and character
- Amenity of neighbours and future occupiers
- Highways
- Ecology and Biodiversity Net Gain

Assessment of the Proposal

Principle of Development

The principle of the redevelopment of this site for a replacement dwelling was approved planning permission under planning applications reference 19/0762 and 20/0453. Since these permissions were approved there have been no material policy changes and the principle of the proposed residential development is supported, providing all other development plan policies are satisfied.

Design, Layout and Character

Paragraph 135 of the NPPF emphasises that policies should seek new development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The advice also requires development to be sympathetic to local character and history including the surrounding built environment and landscape setting'. Para 139 states 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Saved Policy GP2 of the UDP requires development to make a positive contribution to the quality of the environment, including the visual appearance. Policy ENV32 asserts that proposals which fail to properly take account of the context or surroundings will not be permitted. When assessing the quality of the design of any development proposal the Policy will use some, or all, of a number of specified criteria including, inter alia; the appearance, height, proportion, scale, mass, materials of the proposal,

and the visual relationship of the proposed development with the character of the surrounding area and neighbourhood. Policy ENV33 advises that good landscape design is an integral part of urban design. The Designing Walsall SPD offers more detailed design principles that should be used as guidance for development proposals.

Since the most recent approval of planning permission for the replacement dwelling reference 20/0453 development on the site commenced and it was brought to the attention to the Council that the dwelling did not accord with the approved plans. Planning enforcement undertook investigations and the current revised proposal was submitted to seek approval for the amended development as built. The enforcement action has been put on hold whilst this application is under consideration.

This current application seeks the following amendments to be made to the approved drawings under planning permission reference 20/0453:

- 1) Introduction of narrow vertical fenestration to the front elevation in place of the approved more traditional window design and revised rooflights.
- 2) Increase in height of western wing roof to integrate with the roof of the remainder of the dwelling
- 3) Erection of 2-storey front gable addition to eastern wing
- 4) New large box dormer with roof lantern to rear roof slope in place of the approved three dormer windows
- 5) Revised fenestration to rear first floor level
- 6) Revised rear single-storey addition incorporating a flat roof design with roof lanterns, in place of approved pitched roof addition and amended footprint.
- 7) New obscured glazed first floor window to eastern flank elevation and removal of ground floor windows
- 8) Removal of ground floor windows to eastern flank elevation.

It is recognised that several of the properties within the street have been extended or rebuilt since their original conception thereby offering a varied mixture of architectural designs within the street. The approved replacement dwelling on the application site pushed the boundaries in terms of its contemporary design approach and its design and detailing were considered by the determining planning officer to '*positively contribute to updating the character of the area*'. Unfortunately, however, the building as constructed and proposed within this current application has deviated significantly from this approved design.

To the front of the property, the window fenestration design with its curious vertical and narrow window openings is at odds with the character of the area, which universally comprises more conventional casement window openings.

The approved dwelling design had previously incorporated a western wing which was deliberately set back from the front building line of the dwelling with a reduced ridge height to ensure that it appeared subordinate and broke up and disguise the overall bulk of the property. The current as built proposal, however, with its unified ridge

height and additional 2-storey front gable, notably increases the perceived bulk of the property and upsets its aesthetic balance. These changes away from the approved scheme are further exacerbated by the unwelcome choice of bright facing brickwork and grey roof tiles used in both the construction of the property itself and the new front boundary treatments. These materials conflict with the more traditional restrained palate of materials used in the construction of development elsewhere in the street. As a consequence of the above, when viewed from the front the proposed dwelling as built has a detrimental impact on the street scene and has an unacceptable adverse impact on the character of the area impacting on the amenity of neighbouring occupiers and users of this part of the street.

To the rear, the proposed dwelling as constructed includes a large box dormer addition with a raised roof lantern and full height central window, in place of the more traditional triple dormer window design of the approved scheme. No other properties within the vicinity have erected a large box dormer extension and this represents an unsightly roof addition that fails to take account of its context and surroundings, as well as providing increased opportunity for overlooking and impacts on privacy of neighbouring gardens from its elevated position. The other proposed external alterations that deviate from the approved plans, including the rear and side fenestration detailing and the single-storey rear addition, are considered to be on balance acceptable by virtue of their siting away from the public domain.

Overall, for the reasoning given above, the proposed development is considered to be detrimental to the character of the area and street scene being detrimental to the amenity of neighbouring occupiers and users of the street scene whilst conflicting with Saved Policies GP2, ENV32 and ENV33 of the UDP, the Designing Walsall SPD and the NPPF.

Amenity of Neighbours and Amenity of Future Occupiers

Under the provisions of Policy GP2 of the Walsall UDP the Council expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact. The Designing Walsall SPD sets out the recommended separation gaps between residential dwellings to ensure the amenity of existing and future occupiers is not unduly impacted.

The raised ridge height, front gable and box dormer additions will have had limited impact in terms of the effect upon neighbouring amenity by way of daylight, sunlight, or sense of enclosure. Notwithstanding this, the new box dormer extends further rearwards from the roof slope than the individual approved dormer windows, and it includes a full height central glazing panel with windows either side serving new en-suite bathrooms. These windows, specifically the large central glazing panel, would provide increased opportunities for elevated direct overlooking of neighbours. This issue, however, could be addressed by way of a condition requiring that these upper floor windows be fixed shut and obscure glazed below 1.7m above internal floor

levels. However, as the application is being refused on other grounds, this potential for increased overlooking is included as a reason for refusal in conflict with Saved Policy GP2 of the UDP.

Highways

Policy TRAN2 of the Core Strategy requires developments to manage transport impacts. Policy GP2 of the UDP requires development to be accessible by a choice of means of transport and to provide adequate parking provision. Policy T7 requires an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified within Policy T13, which requires provision of 2 spaces per bedroom dwelling and 3 spaces per dwelling with 4-bedrooms or above. Policy T8 requires (inter alia) developments and transport projects to address the needs of pedestrians.

Sufficient off-street parking can be provided within the generous front driveway, however, the new front boundary walls that have been erected did not form part of the approved drawings, or indeed this current submission. The Highway authority raised concerns that the walls as built may not provide adequate pedestrian inter-visibility at the access point. On the basis that insufficient information has been provided to enable appropriate assessment, the proposal has failed to demonstrate that the development will not be detrimental to road safety and the development is in conflict with Saved Policies T7, T8 and T13 of the UDP.

Ecology and Biodiversity Net Gain

Paragraphs 174 and 180 of the National Planning Policy Framework supports development that achieves a net gain in biodiversity. Unitary Development Plan policy ENV23 requires that the layout of new development takes full account of existing features of value for wildlife and to include mitigating measures where loss is unavoidable. The Policy also requires developments take account of the potential for enhancement of the natural environment through habitat creation. Black Country Core Strategy Policy ENV1 sets out the spatial objectives with regard to safeguarding nature conservation.

As the planning application has been undertaken retrospectively with the works already complete, no further ecological impacts are anticipated from the planning application. A bat survey would have been required to support the application to ensure no adverse impacts to bats.

The Council's Ecology Officer recommended securing the addition of two bat boxes by way of condition to mitigate for any potential adverse impact to bats, which could have resulted from the works. However, as the application is being recommended for refusal on other grounds the imposition of a condition would not be possible in this instance.

Conclusions and Reasons for Decision

This application has failed to provide sufficient information regarding access and front boundary treatments, results in adverse impacts upon the amenities of neighbours in terms of loss of privacy and causes significant harm to the character and appearance of the area.

The material planning considerations weigh against the proposal such that it is recommended for refusal.

Officers have corresponded with the applicant's agent.

Positive and Proactive Working with the Applicant

Given this is a repeat of an earlier withdrawn application and in order to make the application acceptable in planning terms to take account of harms to both neighbours and the street scene, the applicant would need to make changes to what has been built, which they are aware of, no further negotiations have taken place. In this instance are unable to support the proposal.

Recommendation

Refuse.

Reasons for Refusal:

1. The proposed design including the fenestration to the front elevation, raised ridge height of the western wing with new front gable projection and inappropriately coloured roofing and facing brick materials would fail to properly take account of the context or surroundings and the proposal has an unacceptable adverse impact on the character of the area detrimental to the amenity of neighbouring occupiers and the users of the immediate street scene in conflict with Saved Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the UDP The Designing Walsall SPD, and the NPPF.
2. The applicant has failed to provide sufficient evidence to detail the proposed vehicle access arrangement and front boundary treatment would not impact on pedestrian and highway safety and the proposal fails to satisfy Saved Policies T7 (Car Parking), T8 (Walking) and T13 (Parking Provision for Cars, Cycles and Taxis) of the UDP and the NPPF.

3. The proposal includes second floor windows which would introduce a direct form of overlooking into the properties of 25, 27 and 29 Chapel Street and their rear gardens giving rise to an unacceptable adverse impact on their private amenity contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.

Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 6

Reason for bringing to committee

Called in by a Councillor Russell on the grounds that the proposal causes demonstrable harm to the amenities currently enjoyed by occupiers of neighbouring properties.

Application Details

Location: 54, HOLTSHILL LANE, WALSALL, WS1 2JA

Proposal: PROPOSED CHANGE OF USE FROM DWELLING (USE CLASS C3) TO 1NO CHILDREN'S RESIDENTIAL CARE HOME (USE CLASS C2) FOR 3 RESIDENTS WITH 2 FULL TIME EMPLOYEES, DEMOLITION OF EXISTING GARAGE FOR 5NO. PARKING SPACES AND ERECTION OF REAR EXTENSION. (AFFECTS PUBLIC FOOTPATH WAL74).

Application Number: 24/0201

Case Officer: Leah Wright

Applicant: St Benedicts Care Solutions Ltd.

Ward: St Matthews

Agent: BPN Architects

Expired Date: 16-Jul-2024

Application Type: Full Application: Change of Use

Time Extension Expiry: 29-Jul-2024



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Recommendation

1. Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission subject to conditions and subject to:
 - The amendment and finalising of conditions.

Proposal

This application proposes a change of use from dwelling (use class C3) to 1 no children's residential care home (use class C2) for 3 residents with 2 full time employees, demolition of existing garage for 5 no. parking spaces and erection of rear extension. The application affects Public Footpath Wal74.

The Planning Statement confirms that there will be a manager or deputy manager on the premises during working hours along with 1-2 carers.

Vehicular access to the site is off the main thoroughway off Holtshill Lane. A refuse and recycling area will be located within the external amenity area.

Site and Surroundings

The application site is a large, detached dwelling sited to the eastern side of Holtshill Lane. The dwelling is set back from the main road and from the established building line.

There is a metal gate with chain and padlock on the upper part of the cul-de-sac to restrict unauthorised parking.

In addition to the dwelling, there is also a single storey garage to the front of the plot.

The property is not within the Green Belt, nor is it within a Conservation Area.

Relevant Planning History

No relevant history.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

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

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

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#) .

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

Our Development Plan includes:

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

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

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

Consultation Replies

Coal Authority - The site falls within the Coal Authority's defined Development Low Risk Area. No specific comments to make. Coal Authority's Standing Advice is recommended.

Community Protection - No comments/concerns.

Environmental Health - No material comments. Advisory regarding food safety and hygiene.

Environmental Protection - No significant industrial or commercial environmental impacts, or any concerns about air quality or contaminated land that are material planning considerations for this application.

Highways - Support. Condition shall be imposed requiring the new parking spaces to be fully implemented prior to the care home first coming into use and thereafter retained and for a proposed cycle shelter.

Housing Standards - Property is in additional licencing area and may require licensing. Not been able to confirm room sizes as not all dimensions given.

Planning Policy – No objection.

Severn Trent Water - Due to a change in processes, we no longer look at extensions under the planning application process. All extensions are dealt with by Building Regulations, and if an asset is affected by the works, then the applicant will need to contact STW.

West Midlands Fire Service - Proposal will need to meet all the functional requirements stated within B5: Access and facilities for the fire service of Approved Document B, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

West Midlands Police - No objection, recommend principles of secure by design.

Representations

At the time of writing this report, eight objections had been received (some from the same person/address) which are summarised as follows (Officer's comments in italics).

- The site is a residential family area and is not appropriate for this type of business (*Proposal would retain the residential character of the area and would not affect the built fabric of the area. C2 use is not considered over and above what would be expected by any other residential property in the locality*).
- Work on the building ongoing before planning application. This shows that the company who have bought this have zero interest in local residents (*This is noted. Extension has been included in the description of development*).
- Before the barrier on the car park there were issues with substance abuse and prostitution and therefore nature of the use is in poor taste (*Police and Environmental Protection have no objections to the application. Fear of crime is only a material consideration where there is current evidence of such*).
- Worried about abuse of parking and insufficient parking for residents (*Highways consider the parking provision to be appropriate*).
- Proposed use has the potential to de-value properties (*Not a material planning consideration*).
- Not comfortable with residents with a history of substance abuse and nearby private vehicles. Major security concern (*Behaviour of people and safeguarding are outside of planning legislation*).
- WHG owns the access road and applicant claims they have access. No consultation with WHG in this regard (*Land disputes are a legal issue and are outside the planning legislation*).
- WHG object on the basis that the proposals indicate five spaces off the access road which would negatively impact on the amenity of existing customers (*Highways have considered the parking to be appropriate*).
- Increased traffic impact (*Highways have no objections to development subject to conditions*).
- Increased noise and activity (*No objection raised from Environmental Protection*).
- Concern with future security measures to ensure the safety and security of young residents and surrounding community (*A condition will be included in*

regard to secure by design to ensure the implementation of appropriate security measures).

- Approval will set a precedent for other non-residential uses in the area (*The proposed use is considered appropriate, and each planning application is considered on its own merits*).
- Fence erected which encroaches onto property and is attached to supporting wall. Worried it will cause damage to property and could cause subsidence due to soil type (*Issues with land ownership are a legal issue and are not material planning concerns*).
- Proposed plans show land which does not belong to the owner (*As above*).
- Substantial tall trees and hedges surrounding the property. Application states the opposite (*There are no protected trees on site. The extension to the rear is minor and the application is for a change of use*).
- Problems in this area due to past mining, necessitating extensive foundations and substantial buttressing to be made when excavating any ground in the vicinity. Should be incorporate into any development work on the property (*Coal Authority have no objections*).

Determining Issues

- Principle of development
- Design, layout, and character
- Neighbouring amenity
- Safety and security
- Drainage / Flood risk
- Highways safety / access

Assessment of the Proposal

Principle of development

The application site lies within a well-established, built-up urban area with good access to local transport links serving both local and wider areas.

There are no policies in the development plan specifically about children's care homes. Saved UDP policy H6 is about nursing homes and rest homes for the elderly but contains advice about parking and the types of property that will be suitable. Paragraph (b) VIII states that large, detached properties are the most obviously

suitable for these uses. Paragraph (b) X states that the Council will take account of the accessibility of a property to local amenities and public transport.

SAD policy HC3 states that the Council will encourage the provision of housing for people with special needs, including single people, the elderly, people with disabilities and any other groups who require specialist accommodation, in locations that would be acceptable for general housing.

The minister of state for housing and planning made a written statement to Parliament on 23rd May about planning for accommodation for looked after children:

<https://questions-statements.parliament.uk/written-statements/detail/2023-05-23/hcws795> . This states:

“I ... wish to set out the Government’s commitment to support the development of accommodation for looked after children, and its delivery through the planning system.

The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children’s communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.

Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children’s Homes Regulations) to demonstrate this.”

This is a detached dwelling close to Walsall town centre. As such, it would appear to be a suitable location for this type of use.

Paragraph 135 of the National Planning Policy Framework 2023 states that:

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal accords with paragraph 135 in that it would retain the residential character of the area, would not impact on the built fabric of the area, and would provide for inclusive and accessible housing for vulnerable people.

The subject property is a large, detached house. Whilst it is not directly in a centre, it is approximately 0.6 miles from Walsall town centre and is therefore considered a sustainable location. It is considered there is the potential for the proposed use to give rise to noise disturbance. This would be mostly consolidated to the external areas such as private amenity space. Notwithstanding this, it is considered that the number of children proposed to be resident would be no different to the number in a single-family household. The application can therefore be supported on planning policy grounds.

As such, subject to the wider considerations within this report, the works are deemed acceptable in principle.

Design, layout, and character

The application proposes a single storey rear extension which will form an additional bedroom. There will be a walkway linking the extension to the dwelling and the corridor would have skylights and there is a new door and fenestration proposed to the extension. The extension is of an appropriate scale in comparison to the dwelling and is a minor addition to this large dwelling.

There are also minor internal changes proposed to facilitate the change of use to a children's home.

The change of use from residential to another residential use, in this residential area is considered compatible.

The subject property would continue to have the appearance of a dwellinghouse and a safeguarding condition preventing any external advertisements to the property will be attached to any permission granted to retain this residential character.

As such, subject to conditions, the works are deemed acceptable in respect of design and visual impacts.

Neighbouring amenity

The neighbouring properties are residential. The existing building is a detached dwelling and would continue to be used for residential living accommodation with the same level of amenity and similar relationship to neighbouring houses as is already the case. The level of noise is anticipated to be no greater than would be expected than any other residential property in the locality.

Environmental Protection and Environmental Health have no objections to the proposed change of use.

No evidence has been provided to demonstrate that there would be any safety issues as a result of this proposal, nor any reasonable fear of crime as a result.

Housing Standards have questioned the room dimensions, however there are no minimum requirements for C2 care homes.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impacts.

Safety and security

Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is dependent on whether there is significant evidence to show that the increased fear of crime would actually occur in relation to this specific proposal and the specific future occupiers.

The police have no objections to the proposal. A condition will be included to ensure that the proposal meets safety and security requirements for residents and surrounding occupiers.

The behaviour of people in the street and safeguarding are all matters outside the scope of the planning legislation to consider.

Drainage / Flood risk

No concerns are raised in respect of drainage / flood risk. The works would not increase the level of flood risk vulnerability.

As such, the works are deemed acceptable in respect of drainage / flood risk.

Highways safety / Access

Vehicular access to the site is achieved via Holtshill Lane.

The site is positioned on the edge of Walsall Town Centre and as such is located within a sustainable location with a variety of local amenities and sustainable transport links accessible within a short distance of the site.

The development proposals will include 5no. car parking space. Walsall Unitary Development Plan (UDP) Policy T13 requires 1 car parking space per 3 beds. 3 bedrooms / 3 = 1 car parking space. The Highway Authority accepts the car parking provision.

Appropriate cycle parking needs to be provided and should be located within a secure and sheltered location; this can be secured by a condition.

In line with the comments from the Local Highway Authority it is considered that the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF December 2023 paragraph 115.

The proposal is therefore supported from a highways perspective subject to conditions requiring the consolidation of the parking area and full details of a proposed cycle shelter.

Conclusions and Reasons for Decision

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

Positive and Proactive Working with the Applicant

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

Recommendation

Planning Committee resolve to delegate to the Head of Planning & Building Control to grant planning permission subject to conditions and subject to:

- The amendment and finalising of conditions.

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- 3101 REV 01- Existing Ground Floor Plan- rec 19/02/2024
- 3201 REV 01- Proposed Ground Floor Plan- rec 19/02/2024
- 3401 REV 01- Existing Elevations- rec 26/03/2024
- 3402 REV 01- Proposed Elevations- rec 26/03/2024
- 3002 REV 02- Existing Site Plan- rec 21/05/2024
- 3001 REV 02- Location Plan- rec 21/05/2024
- Planning, Design and Access Statement- rec 19/02/2024
- 3003 REV 02- Proposed Site Plan- rec 21/05/2024

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

3a: Prior to occupation of the site, the frontage parking area shall be fully consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

3b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

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

4a: Prior to the occupation of the development hereby permitted, details of a secure, covered and illuminated cycle shelter, shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

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

5: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details of a residential care home for up to a maximum of up to three children and for no other purpose (including any other purpose in Schedule 1, Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the level of parking demand and vehicle movements at the property in accordance with UDP Policy T7 and T13 and in the interests of highway safety.

6: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and there shall at no time be any advertisement(s) displayed to the frontage of the property.

Reason: In the interests of maintaining the character of the area in accordance with saved UDP policy GP2.

7. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained for the lifetime of the development;

- All external doors to be PAS24; 2022

- All ground floor windows and over accessible roofs to be PAS24; 2022

- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.

- Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors

Reason: To ensure the safety and security of the development and its occupiers, given the isolated nature of the development in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

1: Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

2: Food Safety

There is limited information concerning the kitchen facilities as part of the application. The provision of suitable food preparation facilities is crucial for maintaining good food hygiene. The kitchen must be designed and built to allow for easy cleaning organised/set out to permit hygienic food preparation which promotes, where necessary appropriate allergens control. Floors, walls, and surfaces in contact with food must be in good condition, smooth, hard-wearing, and washable. With an adequate number of suitable food prep/ utensil wash sink(s) and wash hand facilities. Toilet facilities must be available, and they should not lead directly into food areas.

3: West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England Requirement B5: Access and facilities for the fire service.

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

Requirement

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

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

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

Intention

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

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

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.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

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.

END OF OFFICERS REPORT