



Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 1

Reason for bringing to committee

Significant Community Interest

Application Details

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

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

Application Number: 22/0526

Case Officer: Charlotte Van De Wydeven

Applicant: Sainsbury's Supermarkets Ltd

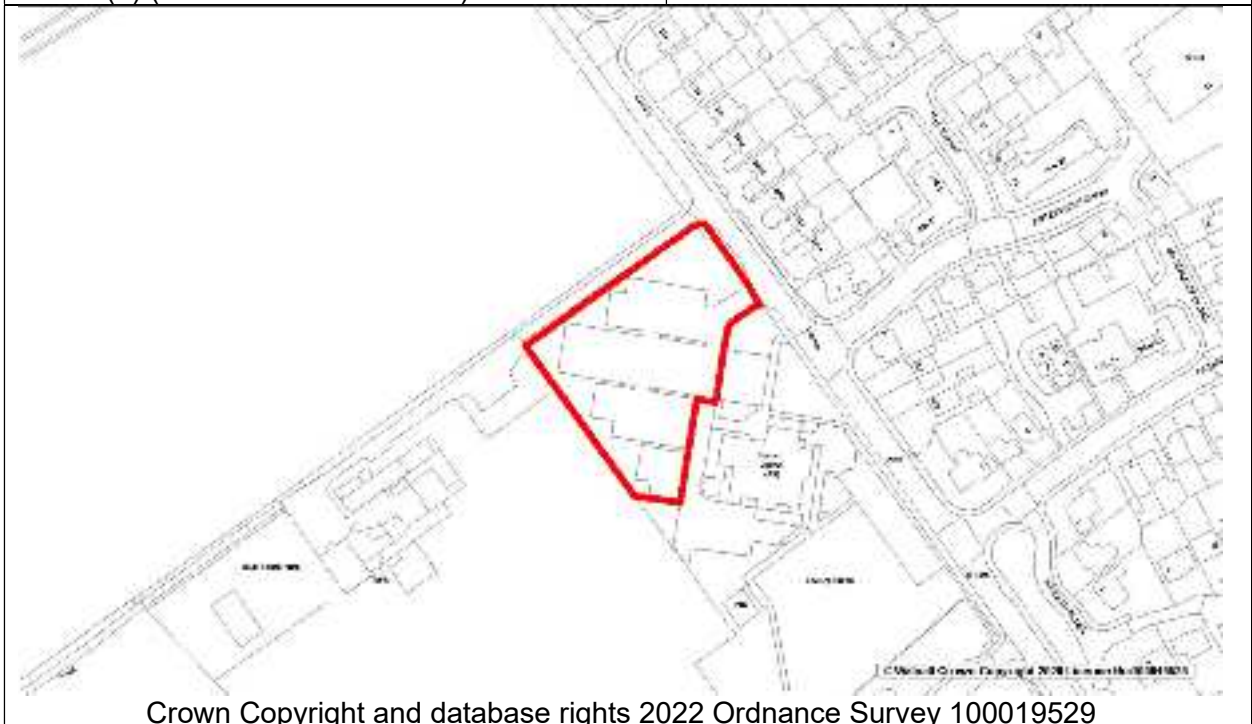
Ward: Streetly

Agent: Alder King Planning Consultants

Expired Date: 07-Jun-2022

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

Time Extension Expiry:



Recommendation

Refuse

Proposal

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

Site and Surroundings

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

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

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

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

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

Relevant Planning History

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

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

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

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

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

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability
- gender reassignment

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T4: The Highway Network
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

Vision, Sustainability Principles and Spatial Objectives

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

- TRAN2: Managing Transport Impacts of New Development

Walsall Site Allocation Document 2019

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

EN1: Natural Environment Protection, Management and Enhancement

EN5: Development in Conservation Areas

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting

Designing Walsall

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

Shop Front SPD

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

Consultation Replies

Beacon Action Group

No comments received.

Clean and Green

No comments received.

Community Safety Team

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

Conservation Officer

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

Drainage

No comments received.

Ecology Officer

No objection subject to a lighting condition.

Environmental Health

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

Environmental Protection

No objection.

Local Highways Authority

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

Natural England

No comments received.

Severn Trent Water

No comments received.

Strategic Planning Policy

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

Tree Preservation Officer

No objections.

Waste Management (Clean and Green)

No comments received.

West Midlands Fire Service

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

West Midlands Police

No objection.

Representations

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

Objection

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

Support

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

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

Objection

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

Support

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

Determining Issues

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

Assessment of the Proposal

Principle of Development and Impact on the Green Belt

Inappropriate Development

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

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

Paragraph 144 of the NPPF advises we should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

The NPPF states that only a limited number of types of development are not inappropriate in the Green Belt. NPPF paragraph 149 g) refers to *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development”*.

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

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

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

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

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

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

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

Visibility

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

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

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

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

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

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

Green Belt Conclusion

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

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

Heritage Assessment

Non-Designated Heritage Assets

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

Paragraph 203 of the NPPF states *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

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

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

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

Conservation Area and Design and Layout

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

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

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

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

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

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

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

Character and Appearance of the Area

Design and Siting

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

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

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

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

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

Residential Amenity

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

Highways

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

Ecology

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

Trees

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

Other Considerations

Air Quality

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

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

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

Conclusions and Reasons for Decision

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

Positive and Proactive Working with the Applicant

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

Recommendation – REFUSE PERMISSION

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

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

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

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

Notes for Applicant

None.

END OF OFFICERS REPORT