



### Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

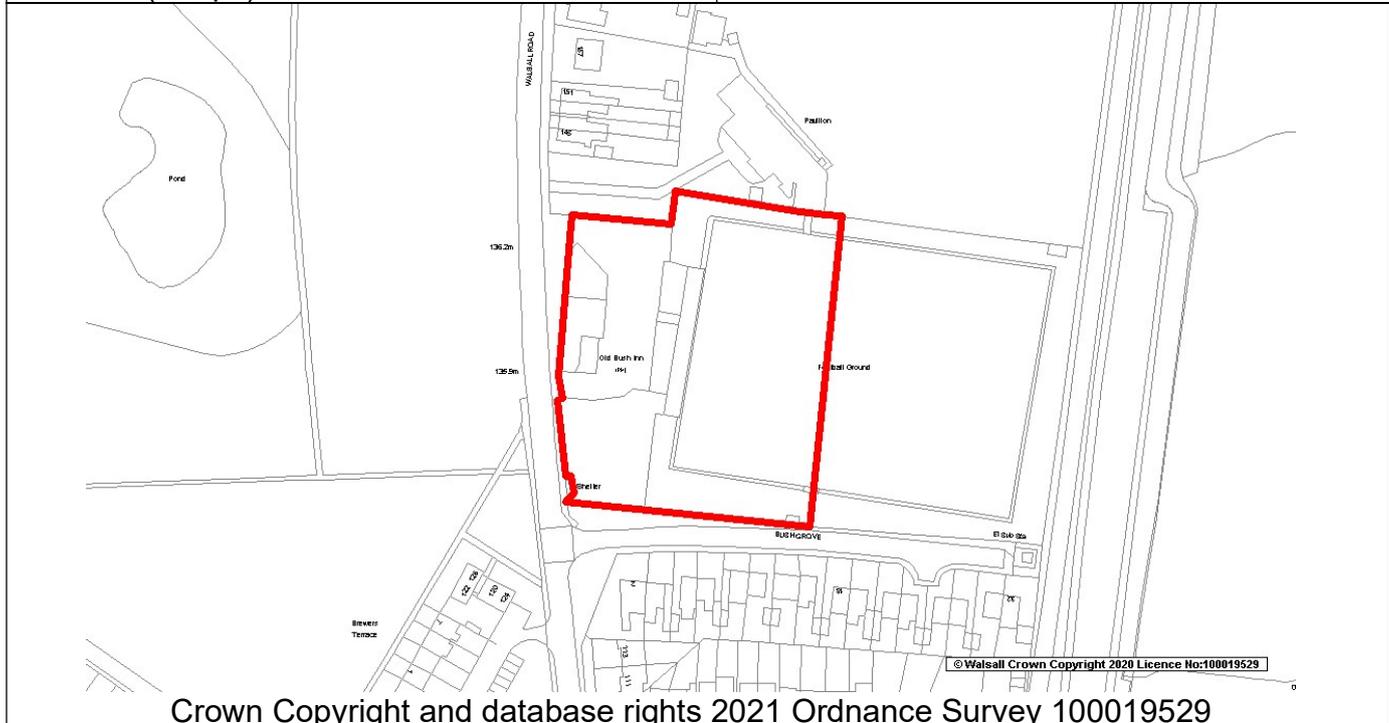
Plans List Item Number: 1

#### Reason for bringing to committee

Major Application

#### Application Details

<b>Location:</b> FORMER OLD BUSH INN, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP	
<b>Proposal:</b> DEMOLITION OF EXISTING BUILDINGS, THE ERECTION OF A RETAIL FOOD STORE (CLASS A1), WITH ASSOCIATED CAR PARKING AND LANDSCAPING	
<b>Application Number:</b> 20/0832	<b>Case Officer:</b> Leah Wright
<b>Applicant:</b> ALDI STORES LIMITED and Mr John Roberts	<b>Ward:</b> Pelsall
<b>Agent:</b> STOAS Architects Limited	<b>Expired Date:</b> 02-Nov-2020
<b>Application Type:</b> Full Application: Major Use Class A1 (Shops)	<b>Time Extension Expiry:</b> 15-Sep-2021



#### Recommendation

Refuse Permission

## Proposal

This planning application seeks full planning permission for the following development: “Proposed Demolition of existing buildings at the site of The Old Bush Public House, Walsall Road, Pelsall, WS3 4BP and the erection of a Class A1 Food Retail Store, with associated access, car parking, servicing and landscaping.”

The proposed store has a gross external area (GEA) of approx. 1863m<sup>2</sup>

The proposed store comprises:

- 1315m<sup>2</sup> retail space, to include mainly for food, with a small range of non-food products.
- Ancillary warehousing, servicing and staff welfare areas.
- Delivery bay and unloading area.

The proposed food store occupies the southern area of the Site. The shopfront façade has been designed to face towards the northern area of the Site, where the main car parking area is located. The proposed service yard and delivery area is located to the east of the food store, which faces away from Walsall Road.

The overall height of the proposed store is approximately 6.67m to the top of the roof from finished floor levels. The store will comprise mainly of brickwork facades in line with surrounding buildings.

The entrance is to have a glazed shopfront and canopy providing focus to the main elevation. The canopy, which is illuminated from below, also provides a covered, well-lit area over the trolley store.

A new dedicated vehicle access to the site will be created off Walsall Road with the retail store to the right hand side and car parking to the left hand side. There will be customer parking for the store along with landscaped boundaries and new trees. Deliveries to the store will be via the car park, with the loading bay at the far end of the building.

Pedestrian access will also be provided from Walsall Road, approximately 30m south of the proposed priority access junction. There will be a direct pedestrian connection between the entrance to the store and the footway on the east side of Walsall Road.

The proposal is supported by the following documents:

**Design and Access Statement** – highlights Aldi’s retail approach, provides information around the site and context of the proposal, explains the proposed layout accessibility and design evaluation, including design constraints, scale, amount and density of development. The statement sets out the proposed hard and soft landscaping strategy, proposals for energy efficiency renewable and recycling, waste management ecology and arboricultural matters, heritage, secured by design, and sustainability.

**Planning and Retail Statement** – outlines the site, context and proposed operator, and details of the proposed development. Sets out the planning policy context and summarises planning considerations including retail and non-retail considerations, with a sequential test and retail impact.

**Retail Health Check** – Includes a review of the centre with the findings of the health check assessment presented. It is noted that the survey was carried out during a period where non-essential retail floorspace was prohibited from trading, so the outputs of the assessment are

subject to caveat. It is concluded that the proposed ALDI development will not be in direct competition with the existing uses within the Local Centre, nor should it impact the existing trading of these units. Further it concludes that the Pelsall Local Centre continues to be vital and viable.

**Financial Viability Statement** – Which assesses the viability of retaining the Public House. The Assessed Development Options include the refurbishment of the building for use as a Public House with the minimum level of intervention in the current layout and format of the building, as well as the conversion to a day/nursery or crèche within the existing built envelope. The appraisal finds that both options would create negative residual land values. The statement concludes that the existing locally listed former public house cannot be viably re-used as a public house, or for any other community use via repair or conversion.

**Transport Assessment** with updating **Technical Note** – which asserts that, the site is highly accessible and well-conceived in terms of its access arrangements, composition and layout with car and cycle parking provision conforming to parking standards. The report asserts that service arrangements will be able to accommodate delivery traffic. The traffic assessment demonstrates the development traffic effects at the majority of study area junctions is negligible. An increase in traffic is shown at the site access junction, whilst a modest increase in traffic will occur at the B4154 Walsall Road / Hall Lane / Vicarage Road / B4154 Norton Road Signal Junction. Capacity modelling shows that the proposed site access junction will operate within capacity. The negligible traffic effect of the development is not likely to materially worsen any potential occurrence or pattern of collisions on the local highway network. The report concludes that the proposed development is acceptable from a transport perspective.

**Travel Plan** – which aims to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. Introduce a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the Travel Plan (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the Travel Plan being adopted.

**Noise Assessment** - a baseline noise survey was undertaken to determine the prevailing environmental noise levels at the nearest sensitive receptors to the store. Reference noise measurements of delivery activity at a similar operating Aldi store were used in the assessment. The results of the survey were used to undertake an assessment of the likely noise impact from deliveries at the store. Deliveries are proposed between 06.30 and 23.00 Monday to Saturday and between 08.00 and 17.00 on Sunday. The assessment has concluded that deliveries within these periods would have at worst a negligible noise impact. Noise from the proposed external plant will be of 'low impact' when assessed at the most affected residences in accordance with BS 4142:2014. Based on the findings of this assessment, noise from external plant and delivery activities should not be a reason for refusal of planning permission.

**Townscape and Visual Impact Appraisal** – which highlights that while the site is within a conservation Area there is no character appraisal. The assessment concludes that the poor condition of the Site currently has a detrimental influence on the character of the area and the quality of close distance views. The Proposed Development would introduce retail facilities that differ from the existing uses and would not have the local historic interest of the Old Bush PH. However, the Proposed Development would increase the vitality of the area and would not detract from the key characteristics of the conservation or quality of views which are characterised by the open undeveloped common land and its mature trees.

**Heritage Statement** – Indicates that the proposal will have an impact on the character and appearance of Pelsall Common Conservation Area but, taking the opportunity for redevelopment as a positive, a well-designed building will represent a minor enhancement. The retail proposal will have a material impact on the significance of the Pelsall Common Conservation Area but will be at the low end of less than substantial harm. The proposal will have no material or physical impact on other nearby designated heritage assets and therefore will cause no harm to significance elsewhere. Harm to significance of the former Old Bush PH will be substantial but given the fact that the restoration and retention of the building would not be feasible or viable the benefits of its replacement outweigh the dis-benefits.

**Preliminary Ecological Appraisal with Dawn and Dusk Re-entry Survey** - identified one European statutory site within 5 km of the survey area, five UK statutory sites within 2 km and 14 non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The desk study also provided records of protected/ notable species within a 1 km radius of the survey, including: bats, badger, hedgehog, amphibians, birds, invertebrates, aquatic mammals and plants. Remaining habitats include dense scrub, ephemeral/short perennial, fencing, scattered trees, tall ruderal vegetation and short sections of wall. Recommendations are provided for mitigation and enhancement including requirement for a Construction Ecological Management Plan including avoidance strategies, retention of existing notable habitats including mature trees, sensitive lighting design, vegetation clearance to avoid bird nesting, badger walkover prior to construction, mammal ramps during construction and vigilance for invasive plant species.

The Dawn and dusk Re-entry survey found that trees on site possessed potential roosting features. One bat species was recorded during the dusk and dawn surveys; common pipistrelle. No bats emerged from or re-entered any features associated with the site. Commuting and foraging activity was recorded during the survey period. Mitigation and enhancement measures recommended include, provision of Bat Boxes, sensitive lighting design, cessation of works should bat roosts be discovered.

**Land Contamination Assessment and Geo-environmental appraisal** Historical land uses of the site and adjacent areas have the potential to provide ground contamination. Coal Mining Authority identifies that the property is in the likely zone of coal mining within the site area. Possible pollution linkages to groundwater are possible from localised chemical and oil sources on the site via infiltration and leaching through the Made Ground, or to construction ground-workers from direct contact with contamination in the Ground or from ground gasses, although Ground gas monitoring to date indicates that the site is in CS1 and gas protection measures are not required. In addition, the site is in an area not requiring radon precautions. The Report recommends that intrusive site investigations be undertaken, Demolition Asbestos survey is conducted and detailed foundation design is undertaken.

**Arboricultural Assessment** – covers the application site including the adjacent land to the rear at the former Pelsall Villa Football Club. The Assessment identifies a total of 16 individual trees, 10 groups of trees and 1 hedgerow were surveyed, all were categorised A and B aside from 2 category U trees. The 11 of the trees were typically in fair condition and were of moderate prominence within the site. As such, they were assessed as being of moderate retention value. A further 6 were typically in fair condition with many of them exhibiting defects which limited their likely future potential. Consequently, they were assessed as being of low retention value. The assessment presents a standard list of recommendations including the retention of Category a and b trees, avoidance of Root protection areas, the need for an Arboricultural Method Statement, and a recommendation that Any proposed new planting should consist of a mix of ornamental, native and wildlife attracting species with a robust management plan to assist with the development proposal and to offer mitigation for any tree loss.

**Air Quality Technical Note** – indicates that Background concentrations taken from Defra background concentration maps of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> were well below the air quality objectives in 2020. Defra Climate Pollution Mapping modelling also show modelled roads in the vicinity of the Site - the A4124 Wolverhampton Road, 1.2km north west of the Site, and the A461 Lichfield Road, 1km south east of the Site. These roads close to the Site do not show exceedances of the NO<sub>2</sub> air quality objective in 2018. In line with the Black Country Air Quality SPD, EV charging points and a travel plan are recommended.

**Sports Facilities Supporting Statement** - that considers the implications of the proposed redevelopment of the former Pelsall Villa FC sports ground. The report concludes that the redevelopment will result in the loss of an area of playing field land which is identified in the Walsall Playing Pitch Strategy. The facilities are disused and despite their being identified as of low quality without adequate mitigation the proposal would be contrary to Policy LC6, the NPPF and Sport England policy as well as the site specific provisions of the Playing Pitch Strategy. A financial contribution of £475, 178 was calculated based on the replacement cost of a Category G football ground, which could be used to meet the locally identified need for a 3G artificial grass pitch.

## Site and Surroundings

The Site is located on the B4154 (Walsall Road), directly to the south of central Pelsall. It comprises a former public house (The Old Bush), a locally listed building, and part of a disused football pitch (which previously accommodated Pelsall Villa). The Site also includes an area of hardstanding, which previously provided car parking associated with the public house.

The site is approximately 750m away from Pelsall Local Centre. The Site measures approximately 7,986sqm, and is a rectangular shape. There are two TPOs on the site (17/1976 and AB 3/1964), including a group of trees to the rear of the former Old Bush PH which contains 4 poplar trees and along the southern boundary of the site along Bush Grove where there are 5 Birch, 1 Poplar and two 2 Ash trees. The application site is located within Pelsall Common Conservation Area.

According to the planning statement the Public House closed in October 2014 and has remained vacant since this date. Since the closure of the PH, the associated buildings/structures have suffered from acts of vandalism and fire damage. The most serious fire occurred in July 2016, which destroyed a substantial part of the building, including most of the roof.

The football ground was rendered incapable of use following vandalism and a serious fire in 2017. Pelsall Villa subsequently left the ground in July 2017. The football pitch has remained disused since this date.

The surrounding area is characterised by a range of uses, including public open space/sports facilities and existing residential properties. The open space provision includes the extensive Pelsall Common and Pelsall Cricket and Sports Club to the north of the site. The Site is also in close proximity to a small parade of shops on Allens Lane (c.100m to the southwest), together with a wider range of facilities and services forming part of the Pelsall Local Centre 0.4miles to the north along Norton Road.

## Relevant Planning History

### Old Bush Inn

BC59439P/C - Full Application for emergency fire escape to rear – GSC 16/08/1999

07/1781/FL/E10 - Full Application for Erection of smoking shelter - Refuse Permission - 16/10/2007

07/2568/FL/E10 - Full Application for Erection of Canopy roof as a shelter for Smokers - GSC13/03/2008

20/0946 - Prior Notification: Demolition, Prior approval for the demolition of the former Old Bush Inn public house. - Prior Approval: Refused 08/09/2020

Reason for refusal: The works described above and in the details of the application fall outside the scope of Schedule 2, Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended from time to time) As such an application for full planning permission is required. The GDPO excludes Public Houses as being permitted development for demolition.

### **Pelsall Villa Football Club**

BC63281P/C - Full Application for 15m high telecommunications mast and ancillary equipment. - Refuse Permission, 31/05/2001

02/0114/FL/E7 - Full Application for Telecommunications mast designed as an existing floodlight - Refuse Permission, 15/03/2002

13/0682/PT - Full Application for Replacement of existing 16mt. monopole with new 16 metre dual user monopole, reinstatement of floodlights and one no. cabinet to replace two existing ones. – GSC, 08/07/2013

16/1763 - Full Application for Creation of a vehicular access off Bush Grove. – - Refused permission 19-May-2022 for the following reasons (*summarised*):

- 1. Increase in traffic and detrimental to the free flow of traffic along the highway and to highway safety.*
- 2. Insufficient on-site parking to meet its operational needs.*
- 3. Potential harm to protected trees.*
- 4. Impact on the existing amenities of nearby occupiers from additional noise and disturbance.*
- 5. Harm to local landscape.*

20/1385 - Prior Approval Telecommunications: Installation of 2 no. equipment cabinets and 1 no. meter cabinet enclosed by a 2.1m high palisade fence and ancillary works. - Prior Approval: Granted, 23/12/2020

## **Relevant Policies**

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](https://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 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 55) says:

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

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](https://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest

- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and use of Water Resources
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- LC8: Local Community Facilities
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- CEN5: District and Local Centres
- 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
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

### **Walsall Site Allocation Document 2019**

- SLC1: Local Centres
- SLC2: Local Centres Development Opportunities
- OS1: Open Space, Sport and Recreation
- EN5: Development in Conservation Areas

### **Supplementary Planning Document**

#### **Conserving Walsall’s Natural Environment**

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

## Designing Walsall

- 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

## Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

## Air Quality SPD

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

## Consultation Replies

### Archaeology

No Objection, subject to a condition on planning consent requiring a programme of archaeological work to identify and excavate any remains so they can be preserved by record.

### Coal Authority

No objection - The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. No conditions required

### Community safety

No objection – suggest barrier to the main access and motorcycle restrictors on footpath access to avoid out of hours access and potential anti-social behaviour

### **Conservation Officer**

Objection – development would be detrimental to the character and setting of the conservation area, objection to the loss of former public house.

### **Ecology Officer**

No objection. Support the approach taken by the preliminary ecological appraisal and conditions to secure this including Construction Environmental Management Plan, Tree protection, Landscape management scheme, biodiversity enhancement measures, sensitive lighting, strategy for dealing with invasive species, and protection of nesting birds, reptiles, amphibians, badger and hedgehog.

### **Highways England**

No Objection

### **Historic England**

No objection

### **Lead Local Flood Authority**

No objection subject to imposition of a condition that the development be implemented in line with the submitted drainage strategy.

### **Local Access Forum**

Raised concerns regarding the Transport Assessment having been undertaken during Covid Conditions.

*Officer Note – additional information was provided in this regard as a result of these comments and initial comments from the Local Highway Authority. Later consultation was made but no further response was received from the Access Forum in this regard.*

### **Local Highways Authority**

No Objection subject to conditions regarding highway works, construction management plan, travel plan, cycle shelter, surfacing of access ways and a transport Delivery Routing Statement

### **Pollution Control**

No objection – subject to compliance with the Air Quality SPD, Construction environmental management plan, and noise mitigation measures.

### **Public Health**

Public Health as no objections to this development. It recognises the productive use of the space after years of it being derelict. The development will support the local economy, particularly in terms of creation employment opportunities for the local workforce. Public Health welcomes the inclusion of sustainable transport options within the application.

### **Public Rights of Way**

No Objection - There are no definitive public rights of way across or adjacent to the red and blue planning boundary site outline for the proposed shop and associated car parking. The proposed development will not impact upon any public rights of way and there are no public rights of way objections or requirements.

The public rights of way officer received a request from the land owners for the creation of a link path to connect the McClean Way across the development site to Bush Grove to promote sustainable travel. Consideration was given to this during pre-application discussions. It was considered that on balance a link path would not be suitable due to the likely impact this could have on the safety and security of the proposed development, including the potential for anti-social behaviour, motorcycle misuse and the high impact this could have on proposed

residents.

### **Severn Trent Water**

No objection subject to the imposition of a drainage condition

### **Sport England**

No Objection subject to S106 to secure funding for football facilities in lieu of lost playing field.

### **Strategic Planning Policy**

Objection - Failure to adequately consider possible alternative locations for the retail use in existing centres within an appropriate drive time.

### **Structures**

No objection - The site lies outside the consideration zone for the Limestone Mine workings and therefore planning restrictions imposed by virtue of the limestone workings do not apply.

### **Sustrans**

No objection – request possibility to link development to McLean Way are investigated

### **West Midlands Fire Service**

No objection – note to applicant regarding compliance with building regulations.

### **West Midlands Police**

No Objection – recommendations for CCTV external cameras, external LED lights with sensors, and Secured by Design principles

## **Representations**

The application has been through three rounds of public participation. A total of 77 responses from different occupiers were received, 2 neutral, 31 in support and 44 objections. The issues raised by the public participation can be summarised as follows:

### **Support:**

- Much needed local resource.
- Hoping they support the maintenance and improvements to the McClean Way which could provide easy access to the site for cyclists and walkers.
- It will complement the local shops.
- Development will reduce road traffic to supermarkets in Brownhills and Aldridge.
- Believe ALDI are making every effort to accommodate the Local needs. -I think the addition of plaque to remember the "Old Bush" is a nice touch.
- I think the loss of the Football pitch is a shame, but it wasn't the greatest pitch and again wasn't overly used. Suggest a 3G pitch could be sited on the spare land at the Education Development Centre off Pelsall Lane.
- Simple choice do something with the site or leave a building in the disgusting state - approve the Application NOW !!!!!.
- Would be a good idea to demolish the old bush inn it a complete eyesore and the use of the land for a retail store would be a good idea.
- Would create many jobs.
- I think the extra traffic would be nominal.
- A greater choice and improved competition for shoppers.
- Pelsall need this store to challenge the overpriced and extortionate companies
- improve the appearance of the local area by getting rid of the dangerous eye sore we

currently have.

- This road attracts high speed vehicles and anti-social behaviour with vehicles. I believe if there is an increase in traffic I support it because it will slow them down!
- I shop at Aldi and can see the benefit to our community. I won't have to travel as far to shop there.
- We don't have a supermarket or anything like that meaning that for the elderly or those who can't drive or dislike online shopping are limited.
- There is no similar sized supermarket within 2 miles of the site, the stores in Pelsall village centre are of a convenience nature and I do not believe would be greatly affected their options.
- This location will prevent shoppers travelling to either Brownhills or Walsall town centre thereby reducing vehicle emissions.
- Request link to the adjacent cycle way.
- At last some investment in Pelsall.
- Needed in Pelsall to bring more people to the high street.
- Pelsall has seen significant growth in housing developments in the last 30 or so years and this store would be a much needed facility to serve the local population.
- I hope as many of the mature trees as possible that are on the site are kept.
- If I had any concerns it would be to ensure safety of the volume of traffic and place zebra crossings with traffic lights.

## Objection

- The lack of necessary town centre health checks.
- Lack of robust evidence to support findings on town centre trading impacts which are likely to be significant / this will be a large impact on the village shops, making them go out of business.
- It would detract from the village atmosphere and would destroy the facilities already existing.
- Lack of assessment of impact on town centre planned investment.
- Inadequate sequential testing,
- Additional trips contribute to an unsustainable business model.
- An incomplete Viability Assessment in terms of impact on heritage assets.
- A design that fails to address impact on the conservation area.
- The loss of a community use and lack of consideration of other beneficial uses / Object to the loss of the Pub as a community facility.
- The loss of a sports pitch.
- The volume of traffic will increase / No matter what improvements are made to the shopping area, it will still bring lots of traffic to the village, near to the point where numerous road traffic accidents have already occurred. / the proposed site is not a safe area for us to encourage the huge volume of traffic that it will bring.
- The local roads are of insufficient dimension to accommodate the large LGV's Aldi would use.
- There is much talk of shoppers walking to the store but I doubt that many would or could.
- There is insufficient on-site car parking and/or off street car parking / Public are likely to use common for overflow parking.
- Noise, pollution to the local environment.
- The plaque that is being offered is really an insult to the locals. It would be far better to have this restored to a hotel which is lacking in Pelsall.
- The pub has been here since the early 1800's. It is also classed as a historical building, which is protected.
- This building is not fitting for the area, will spoil the common and the village feel to Pelsall / Not sympathetic in its design for the area / far too large a building to be sited in a Conservation Area / The development of this site to a superstore will fundamentally

- alter the landscape, the character of the area and have a significant visual impact.
- Impact on biodiversity of the area and its character and appearance with effects on the nearby heritage a concern.
- It would have less visual impact to the common and the residents of Bush Grove if it was located along the rear boundary of the plot with the car park to the front.
- Aldi can build their supermarkets anywhere and do not need this as there is already one in Brownhills.
- Aldi building will be extremely close the bush grove walkway, despite the shrubbery we will still be subject to reduced light and having to look directly at a brick wall.
- There needs to be adequate security during closed times to prevent Travellers or trespassers – such security is likely to be offensive or awkward
- Congregation of youths is likely to increase the immediate crime rate / there is no provision in the village for them through social clubs etc.
- Would only support if the development where to incorporate speed cameras on the above mentioned roads this would eliminate the speeding issues and help the local community.
- No reference to consultation exercise and no statement of community involvement submitted.
- Documents not available to view on the Council's website.
- Assessment has not been made of community facilities within the wider area.

## Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of surrounding occupiers
- Trees and Landscaping
- Highways
- Noise
- Ground Conditions and Environment
- Air Quality
- Ecology
- Planning obligations

## Assessment of the Proposal

### Principle of the Development

Local and national policies are clear that a sequential approach ('town centre first') should be applied. The applicants have provided a planning and retail statement that assesses 9 sites within 10 existing centres that lie within a 5 minute off-peak drive time. They conclude that none of these sites are suitable for this particular proposal.

Paragraph 2 of this statement refers to future plans for expansion by the applicant, however this is not relevant for planning policy purposes, rather the interest is in the sequential test reflecting the impact on district centres in which it is considered the proposal likely to draw trade and catchment from, thereby justifying the need to include those centres in a sequential test for preferable sites within the defined boundaries as opposed to an out-of-centre site such as the proposed site in Pelsall.

Pelsall is largely surrounded by Green Belt which separates it from surrounding centres. In this respect, Pelsall does not represent a 'densely populated built area such as a city or large town', it should be viewed more as a semi-rural area with a village character where journey

times to shops might be expected to be longer than the 5 minute catchment that Aldi are seeking to achieve.

A number of issues came out of the initial consultation with planning policy and have since been resolved, these included the identification of a suitable extent of catchment, the subsequent widening of the sequential test and the sufficient interrogation of the identified Jewson's site in Bloxwich. At the Jewson's site (Land at Elmore Road), there was concerns over applying flexibility in realising the site (on behalf of the applicant). It was asked of the applicant to provide evidence as to having fully interrogated the options therein. This has been provided in the email string of communication provided alongside the applicant's September response showing that the owners do not intend to sell at this stage and is therefore sufficient evidence to this line of enquiry.

In September 2021 the applicant submitted a sequential test which took into account the District Centre of Aldridge which Strategic Planning Policy state is likely to be impacted by the proposal in which the applicant does not already operate an existing store. The exercise undertaken in the latest test for Aldridge, to ascertain site availability and suitability sites appears sufficient for the purposes of justifying compliance against BCCS Policy CEN7 and UDP Policy S7, at least for six of the seven sites assessed. This mirrors the applicant's original submission of a sequential test for Bloxwich, the unavailability of sites within which formed part of the justification for the Pelsall site.

In regard to the most recent assessment of Aldridge, it is considered that Site 5 Office Block and Rookery Lane Car Parks has the potential for developability by the applicant where flexibility as to shared parking arrangements are considered. It is accepted that whilst the remainder of the site is not large enough by itself, the site would require flexibility on car parking arrangements to realise development on behalf of the applicant, to the similar constraints associated with the Jewson's site in Bloxwich. Adjacent to the site is a multi-storey car park and in-line with existing centres policy, any in-centre car parking provision must be available for non-exclusive use by the wider centre.

It is not accepted that viability is an acceptable reason to mark the site as unavailable/unsuitable as viability primarily concerns land value and the cost of development. An in centre site adjacent to the main town centre car park and within walking distance of the precinct and fronting Aldridge croft would not represent a secondary commercial location should permission be granted on such a site.

It is therefore considered that the Rookery Lane, Aldridge site to be suitable as a sequentially preferable site subject to flexibility on behalf of the applicant not in reworking the proposed store layout and format but the associated parking arrangements. An assessment of this site that explores such parking arrangements should be submitted. Further, if Rookery Lane cannot be found to be available and suitable, then an expanded sequential test should be undertaken to take-in the District Centre of Brownhills to assess any potentially available sites, or otherwise a clearer justification for why Brownhills should not be considered. Due to the above not being undertaken, the development is not supported as it would be contrary to both local and national policy.

The proposal includes the demolition of a former Public House, which is recognised as a community use in terms of UDP Policy LC8, however since the use has not been in operation for at least seven years and the building is in a poor state of repair, it is considered that it is not necessary to satisfy the requirements of the policy in this instance.

## Heritage and Archaeology

The application site is within the Pelsall Common Conservation Area and the Old Bush Inn is itself a Locally Listed building. The proposal includes the demolition of the former Public House.

While no archaeological desk-based assessment has been submitted with the application there is a low potential for archaeological remains of the Roman or medieval periods to be present, according to the consulted Archaeologist. However, there may be structures, features and deposits relating to the early phases of the public house, and due to the proximity of the Ford Brook to the east, there is a potential for unknown archaeology dating to the prehistoric period to be present within the site boundaries. Should archaeology be present it would not form a constraint on development, a condition on planning consent requiring a programme of archaeological work to identify and excavate any remains so they can be preserved by record is recommended.

The heritage statement refers to the Old Bush PH as having 'a material impact on the former Old Bush PH by virtue of its demolition. Harm to significance will be substantial but given the fact that the restoration and retention of the building would not be feasible or viable, on balance, it is considered that the benefits of its replacement outweigh the dis-benefits. What little remains of the pub's standing heritage value post-fire and vandalism would be best retained in the public record'. Paragraph 2.6.3 of the Heritage Statement states 'we would concede that it is a 'local landmark' as a community facility, the pub only features in one or two minor views from the Common and tangentially in series of views when travelling along the Walsall Road'.

The Old Bush Inn is in a state of disrepair having been the focus of several arson attacks. The proposal includes a financial viability statement for the retention of the Old Bush Inn. The assessment was undertaken using a residual valuation model with cash flow, in line with RICS (Royal Institute of Chartered Surveyors) Professional Guidance. The Assessed Development Options include the refurbishment of the building for use as a Public House with the minimum level of intervention in the current layout and format of the building, as well as the conversion to a day/nursery or crèche within the existing built envelope. The appraisal finds that the refurbishment of the PH would create a negative residual land value of -£541,627, while the conversion to a Day Nursery would create a negative residual land value of -£174,706. These negative values mean that the landowner could not expect to be able to sell the property for these uses, moreover, they would have to dispose of the site for nothing or less than nothing in order for any subsequent business to be viable. The statement concludes that the existing locally listed former public house cannot be viably re-used as a public house, or for any other community use via repair or conversion.

While the loss of the locally listed building would in general create a negative impact on the character of the conservation area, in this case, given the state of repair of the building and the negative impact in terms of visual amenity and anti-social behaviour on the site as a consequence, the loss of the locally listed building is considered on balance to be acceptable subject to a satisfactory replacement development being put forward.

There is no current conservation area appraisal for Pelsall Common Conservation Area, however the Pelsall Common Conservation Area is generally domestic in scale, enhancing the sense of wide expanses of open space. Traditional building materials are red brick, handmade plain clay roof tiles and stone detailing to windows and door openings with pitched and gable roofs.

The retail store proposal would replace the public house which is a building of significant scale, built up to the highway at Walsall Road. The current building runs along Walsall Road for a distance of 24.5m while the proposed retail store would follow the site boundary at an offset

angle for a distance of 29m. While there would be an increase of 4.5m the built form along this road boundary and facing onto Pelsall Common would not be significantly different from the existing situation.

While the heritage statement indicates that “The external design has evolved over time and now the design for each store is consistent across Aldi’s portfolio, promoting modern, smart buildings with clean lines and glazed frontages which meet customer expectations”, alterations have been secured through the application process including additional glazed areas to reduce the perceived bulk of the proposed building. The proposal also differs from the proposal submitted at pre-application stage in that the materials have been altered from grey cladding to brick which is considered more consistent with the character of the surrounding area. The materials used would primarily be brick with some glazing at a high level on the frontage and from the ground to 3.5m on the side facing Walsall Road. Red brick is in line with the character of the conservation area and the glazed area would soften the massing of the building and decreased the visual impact of the structure. The building would also be set at an angle to the boundary, with some opportunity for landscaping to further mitigate for the visual impact of the building on this frontage.

While the Conservation Officer has raised concerns about the impact on the character and setting of the conservation area it is considered that on balance the building would not be significantly detrimental to the appearance of the site, particularly when the removal of the former public house is taken into account which currently detracts from the current setting. While the site plan shows planting along the frontage there is no detailed landscape plan submitted, therefore it is recommended that a condition be attached to any planning permission securing a comprehensive hard and soft landscaping plan to ensure that there would be adequate screening of the development.

## **Design Layout and Character**

Within the Black Country Historic Landscape Characterisation Study, the Site is located within Black Country Character Area WL13: Pelsall. The study describes the modern character of the area as being defined by field systems, open land and dispersed settlements. Pelsall Common is identified as an Area of High Historic Landscape Value within the study recognising that the surviving expanse of common land which has not been farmed or developed is rare within the Black Country. The surrounding townscape, including the Site is not included within this Area. There is no current conservation area appraisal for Pelsall Common Conservation Area.

The Site is open to view from the west from the adjacent stretch of Walsall Road and Pelsall Common. There are intermittent trees and shrubs along the northern and southern boundaries which provide partial containment to the Site from Bush Grove to the south and Pelsall Cricket and Sports club to the north. A denser band of trees encloses the eastern boundary alongside the McClean Way which is part of the National Cycle Network and defines the eastern edge of the settlement.

The Proposed Development would introduce new land uses to the Site which are considered appropriate for the residential context of the area and existing pattern of development that surrounds the common. The new built form would be of a different in appearance to the Old Bush PH but it is considered that the food store development wouldn’t impede on settlement pattern, and would sit within the existing townscape structure. The low profile of the food store would prevent it from becoming prominent in views across Pelsall Common. Views of the Old Bush PH from Walsall Road and the common would be replaced with the proposed car park, food store seen to the background of views. The new building would be most prominent on approach to the village from the south, with the corner of the building at the junction with Bush Grove 6.9m above ground level in this area, the building would be screened by retained vegetation in this area however including TPO trees.

The proposed food store would be of different character to the locally listed Old Bush PH with a more functional, commercial appearance. The scale would be of larger footprint but lower in height such that it would not appear inappropriate in comparison to other buildings surrounding the common. There would be significant improvement in the condition of built form and boundary features within the Site. The new and retained planting along the Site frontage would soften the views and would reflect the character of the area.

The proposed retail building would be located in the south of the site, with parking to the northern end of the property. According to the application documentation, this is an important element of the building as orientation is critical to guide the movement of customers through the site. The West elevation has a large glazed shopfront presenting an active frontage to Walsall Road on approach from the north.

The layout proposes landscaping around the boundaries of the site in the north, south, east and south west. Deliveries would access through the same route as customers and staff, off Walsall Road in a similar location to the existing access for the Old Bush PH. The layout is considered practical and efficient to cater for the proposal.

### **Amenity of Surrounding Occupiers**

The site is bounded by non-residential uses in the north, east and west, but there are residential properties directly to the south along Bush Grove. The rear elevation of the proposed retail building would be located 3.5m from the boundary along the southern side of the development. This means the building would be between 4.7m and 12.1m and from the back of the footway on Bush Grove. The building would therefore be approximately 19m and 26.5m from the dwellings on Bush Grove at No 14 Bush Grove and No 2 Bush Grove respectively. According to the Designing Walsall SPD there should be at least a 13m separation between habitable windows and blank walls exceeding 3m in height, the proposed building is well in excess of this guideline distance. While the proposed building is more bulky than would be expected from a residential development that is intended to be informed by these guidelines, the separation is significantly further away than would be expected in this case.

The proposed building would be between 6.8m to 9.6m from the ground to the top of the roof viewed externally. The building would be positioned to the north of the houses on Bush Grove meaning that the impact on daylight and sunlight entering the front gardens and front windows of these houses would be less significant than had they been in the south. Existing trees between the building and the highway at Bush Grove would be retained as part of the development that would provide screening to the dwellings on this side. Many of these trees are protected by TPOs and therefore could not be altered or removed without the consideration of an application. It is recommended that conditions are put in place to ensure that this vegetation is robustly protected through the construction of the development.

The design of the building has been amended along the side elevation facing Bush Grove in order to satisfy concerns that the building appeared overly stark and monolithic when viewed from this angle. Three columns of opaque glass spandrel panels have been added to the taller side of the elevation in the east at 5.7m intervals in addition to the horizontal brick banding in a soldier course in dark brick as a contrast to the red brick of the rest of the building.

While the addition of the building would have an impact in terms of the outlook of the houses on Bush Grove, it is considered that it would not be significant enough to warrant the refusal of the application. Furthermore the impact in terms of access to light and feeling of enclosure or overbearing quality would be significantly mitigated by the separation

distance, vegetation screening and relative orientation of the buildings.

There are a number of mature trees and potential habitats on the site that are protected under Policies EN1 of the SAD of ENV15 of the UDP. No comments have been received from the tree officer in regard to the proposal.

A preliminary Arboricultural assessment was submitted in support of the application. Tree cover across the site was generally found to be of fair quality and located predominantly at the site boundaries with limited tree cover towards the centre of the site.

The AIA has put forward standard recommendations which if meet the 6 tests will be included as a condition of any approval.

## Highways

Transport Assessment asserts that the site is highly accessible and within a sustainable location. The site is on Walsall Road, which is a District Distributor Road and has a bus stop at the entrance which makes it accessible from a range of transport options.

Access to proposed store will be provided via a new priority access junction from the B4154 Walsall Road, c30m south of the Pelsall Cricket and Sports Club access junction (c15m south of the existing site access junction). The proposed access arrangements are considered acceptable, and a condition is proposed to ensure that the works are completed.

The proposal includes a provision of 126 car parking spaces. This accords with the parking standards set out by Saved Policy T13 of the UDP which would require a maximum of 129 spaces to be provided. Of these, 8 are proposed to be disabled spaces, located close to the access to the store. This volume and configuration are considered appropriate. A cycle shelter which could accommodate 16 cycles is proposed, which exceeds policy requirements of 6 spaces. In order to ensure that the parking and manoeuvring areas and cycle shelter is adequately provided, conditions are recommended to secure their delivery.

Deliveries are accommodated within the layout to the rear of the proposed store, making use of the same access point. According to the Transport Assessment an Aldi store typically receives an average of four HGV deliveries per day. Three articulated HGV deliveries per day come from the Regional Distribution Centre (RDC) and there is one delivery per day of milk by a local supplier, usually using a medium sized goods vehicle. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning, and are delivered by one Aldi HGV and one milk delivery vehicle. In addition to goods deliveries, each store has 1-2 collections of General Waste and Animal By-products per week.

The Aldi articulated service vehicle is able to carry frozen, chilled and mixed goods assembled at Aldi's Regional Distribution Centre, enabling the potential to reduce journeys and vehicle kilometres compared to separate deliveries, thus providing an efficient servicing regime. Aldi operates its own fleet of dedicated vehicles and drivers. Aldi HGVs are driven and operated by the dedicated Aldi driver, meaning that Aldi have full control overscheduling and logistics around deliveries. In order to control the routing of deliveries, a Transport delivery Routing Statement is required prior to the commencement of the development, this can be secured by condition.

The proposal includes a delivery ramp, sheltered canopy and dock leveller system which means products can be unloaded without any external activity, (such as forklift trucks, scissor

lifts or cages). The usual time for unloading an Aldi HGV is 30 - 60 minutes. These provisions are considered to ensure that there would not be any undue conflict between deliveries and customers within the car park either on foot or within vehicles. The proposed access from Walsall Road has been demonstrated to be adequate to accommodate HGV deliveries.

The traffic assessment demonstrates the development traffic effects at the majority of study area junctions is negligible. The potential impact on the B4154 Walsall Road/Norton Road/Hall Lane/Vicarage Road signalised junction, being the junction the development is most likely to have the greatest impact. Junction modelling shows that this junction is already reaching full capacity particularly during the AM peak period and will get progressively worse during other periods as time progresses, regardless of the proposed development. The addition of the development traffic will only add to the present congestion.

In such cases, the Highway Authority would usually expect some form of mitigation works to be undertaken by the developer to address any potential impacts. However, unusually, this junction is tightly constrained as it is surrounded by Common Land therefore making any widening or other geometric changes extremely difficult to achieve as a result of the difficult process of acquiring Common Land. According to the Local Highway Authority, The Road Safety Team have, in the last 12 months or so, experimented with splitting the side roads, Hall Lane and Vicarage Road off peak, to try and improve capacity and safety. It is too soon to see if this has been successful.

Based on the above, the junction is predicted to operate over theoretical capacity in 2025 with the proposed development in place, however the potential development impact is relatively modest. In the AM peak the maximum degree of saturation (DoS) is set to increase by 1.4%, and in the PM peak by 4.1%.

As far as the Highway Authority is concerned, a recommendation as to whether to support or object to the proposed development requires delicate judgement. There is no doubt that the development will increase traffic on the local network and increase queuing at the B4154 Walsall Road/Norton Road/Hall Lane/Vicarage Road signalised junction, which is already approaching or is already at capacity on some arms. However the data shows the development traffic will be relatively modest overall, with little scope to improve the geometry and capacity of the junction in mitigation.

The proposal includes a framework travel plan, this should be developed into a full travel plan with monitoring and assessment controlled through the S106 legal agreement.

When taking all the above factors into account, the Highway Authority has confirmed that an objection on traffic grounds would be unwarranted, and on this basis the Highway Authority is minded to support the application, subject to Conditions.

## **Noise**

There is potential for noise impacts from the proposed development in terms of increased traffic, impacts from deliveries and staff and customers using the site, and from plant and machinery used within the building.

During our initial consultation, we raised our concerns about noise from the fixed Plant/Machinery and the fencing around the external refrigeration plant.

The Applicant was advised that for external machinery/equipment, Walsall Council prefer to recommend a noise limit based on noise frequency (Noise Rating Curves, this requires for the consideration of sound levels at all frequencies) and the impact 1 metre from the façade of a sensitive receptor. Based on the low existing background noise levels, a criteria for

external equipment was given to the acoustic consultants that noise levels need to be less than NR35.

The Consultants have obtained noise data from the machinery/equipment manufacturers and then calculated that noise levels will be lower than NR35 curve, 1 metre from residential façade. This is based on the current proposed equipment. To ensure the installed equipment will be lower than NR35 an acoustic condition is required within any permission, with the Applicant needing to confirm that the condition will be achieved prior to the store becoming operational.

The calculation for noise impact from the refrigeration plant assumed that there would be no screening and determined that even with no screening, the noise levels, at nearby residential premises, will not be excessive. However, following the initial consultation and our concerns, the Site Plan (June 2020) is indicating that they are to install a 2.4-metre close-boarded fence towards the residential premises; this should further reduce any noise impacts from the refrigeration plant.

Pollution Control concurs with the Applicant's Acoustic Consultant that the noise from deliveries and customer access/egress should not be significant for nearby residential dwellings.

Given the proximity of residential dwellings and the road infrastructure, there is the potential for local environmental impacts from demolition, engineering and construction activities. Furthermore, the Geo-Environmental Appraisal has identified that Piling (Ground Stabilisation) Works will be required for the store. Such works have a tendency to result in significant ground vibration, therefore a condition is required to control vibration impacting upon nearby residential dwellings.

All of these issues need to be addressed via a Construction Management Plan.

Currently Aldi stores operate 0800 to 2200 Monday to Saturday and for six hours between 1000 to 1800 on Sundays, to comply with Sunday Trading Laws.

## **Ground Conditions and Environment**

The Phase 1 and Phase 2 investigations have identified that the land is not significantly contaminated under current regulations and guidance. Based on the reports Pollution Control have no concerns about these and have no significant comments to make on this issue.

## **Air Quality**

As stated in the Technical Note, the Pollution Control Section have undertaken detailed air quality modelling and there are currently no air quality issues in the area and based on the predicted traffic movements, it is unlikely that there will be any air quality issues once the store is operational.

The Technical Note advises that the Applicant will need to comply with the Air Quality Supplementary Planning Document. The Consultant has advised of the need for 6 electric vehicle (EV) charging points, with capacity to increase to 12 if demand increases and for a Travel Plan, which has been undertaken by Connect Consultants.

Section 5.6 of the Air Quality SPD states the following about car parking and charging points:

5% of parking provision will be sought with charging points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Appropriate cable provision shall be in place for a further 5% to meet any future increase in demand.

The June 2020 proposed site plan is indicating 123 parking spaces. Therefore the Applicant will need to install 6 charging points and lay cabling for a further 6 vehicles.

Planning Officers need to note that presently the Site Plan only shows **4 EV charging points and not the 6 or 12** required by the SPD, therefore a planning condition is required to ensure that the Applicant installs them in accordance with the SPD.

## Ecology

A Preliminary Ecological Appraisal including Badger Survey and Preliminary Bat Roost Assessment have been submitted as part of the application, the former outlines recommendations that should be followed to ensure general protection of on-site ecology, while the latter indicating no presence of roosting bats but giving recommendations as to appropriate lighting and habitat enhancement should be followed. This would be implemented under any any subsequent development conditions in order to ensure minimal disruption to the surrounding ecology of the site, or nearby Open Space and Environmental Networks in accordance with Policy EN1 of the SAD, along with recommendations from the Ecology Consultant.

## Planning Obligations

### Loss of Sports Facility

A portion of the eastern area of the Site is occupied by a disused football pitch, which previously accommodated Pelsall Villa FC. The proposed development seeks to redevelop part of the football pitch for the purpose of delivering an Aldi food store. A separate planning application which seeks to deliver a residential care home on land directly to the east, has also been submitted. Together with the Aldi food store, the proposed residential care home would result in the complete loss of the former football pitch of Pelsall Villa FC.

The Sports Facilities Supporting Statement confirms that the applicant accepts the principle of providing mitigation for the loss of the disused football pitch. The provision of a proportionate financial contribution of £996k is therefore proposed. Significant negotiations have been undertaken in order to agree an appropriate contribution, taking advice from Sport England and the relevant recipient department. It was decided that:

- Payment of the sum in full (to be index linked) on the serving of the implementation notice/commencement of development
- Sum to be spent on football priority investment projects which could be a combination of : 3G Artificial Grass Pitch, Grass pitch improvements, changing room provision/improvements, associated car parking (with the discretion for the Council to secure match funding from other funding sources if they see fit)
- In the event that the forthcoming Playing Pitch Strategy identifies the need for new grass pitches, to include an obligation to use part of the sum towards providing a replacement grass pitch, with the residual being used as per the above
- The location of spend to be agreed – either to name a shortlist of sites (likely to include those named previously including Bloxwich Leisure Centre, Aldridge Airport etc), or alternatively a defined radius from the site, which could be defined to ensure that the priority sites are all within the radius without having to expressly name them.

- To ensure that the payment of the sum is triggered in full by the implementation of either the food store or the extra care development, since the facility would be lost regardless of which is implemented first, or where only one of these developments is implemented. An agreed spend period with sufficient contingency time for the Council to procure the facility, obtain planning permission (where required) etc.

## **Travel Plan**

The travel plan will be secured by s106 in order to monitor and assess it. The aims of the travel plan are to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. It introduces a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the Travel Plan (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the Travel Plan being adopted

## **Conclusions and Reasons for Decision**

The proposal is not supported in principle and therefore is recommended for refusal. It is noted that because the application is being refused and should the applicant appeal, the S106 cannot be signed up to. Consequently, the lack of the S106 will form the second reason for refusal.

## **Positive and Proactive Working with the Applicant**

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal in principle due to it being contrary to local and national policy.

## **Recommendation**

Refuse Permission

## **Reasons**

1. The application fails to demonstrate that the sequentially preferable site at Rookery Lane, Aldridge has been fully considered and that flexibility on behalf of the applicant in terms of the parking arrangement at this site has been fully considered in the form of an assessment. No further information has been provided to demonstrate the site at Rookery Lane is unavailable and further the applicant has failed to undertake an expanded sequential test to take in account the District Centre of Brownhills to assess and potentially available sites, or otherwise evidence why Brownhills should not be considered in this application. The application is therefore contrary to paragraphs 86, 89 and 90 of the National Planning Policy Framework, policies SLC1 and SLC2 of the SAD, Policy S2 (The Hierarchy of Centre), Policy S6 (Meeting Local Needs), Policy S7 (Out of Centre and Edge of Centre developments) of the Saved Unitary Development Plan and Policy CEN7 (Controlling out-of centre development) of the Black Country Core Strategy.
2. As the application is being refused the s106 cannot be entered into at this stage in order to make the development acceptable in planning terms. Consequently the lack of the S106 for a travel plan and replacement sports pitch would be unacceptable due to the impact on the amenity of the local community, whilst reducing the facilities for outdoor sport and recreation through the loss of the disused football pitch and lack of football priority investment projects, contrary to policy OS1 (open space, sport and recreation) of

the Site Allocation Document, GP3 (Planning obligations), Policy LC6 (Sports Pitches) of the Unitary Development Plan, Exception E4 of Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF (2021). In addition, the aims of the travel plan which are to increase awareness and encourage use of environmentally friendly modes of transport, facilitate sustainable travel, reduce single occupancy and single proposed vehicle use by staff will not be adhered to and therefore the application would be contrary to policy T4 (The highway Network) of the SAD, GP3 (Planning obligations), Policy T8 (Walking) and T9 (Cycling) of the Unitary Development Plan, TRAN2 (Managing Transport Impacts of New Development), TRAN5 (Influencing the Demand for Travel and Travel Choices) of the Black Country Core Strategy.

**END OF OFFICERS REPORT**