



Planning Committee

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

Plans List Item Number: 2

Reason for bringing to committee

Major Application and Significant Community Interest

Application Details

Location: PELSALL VILLA FOOTBALL CLUB, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP

Proposal: OUTLINE PLANNING PERMISSION FOR A CARE HOME DEVELOPMENT WITH ACCESS ONLY TO BE CONSIDERED (ALL OTHER MATTERS RESERVED).

Application Number: 20/0830

Case Officer: Leah Wright

Applicant: Aldi Stores Limited and John Roberts

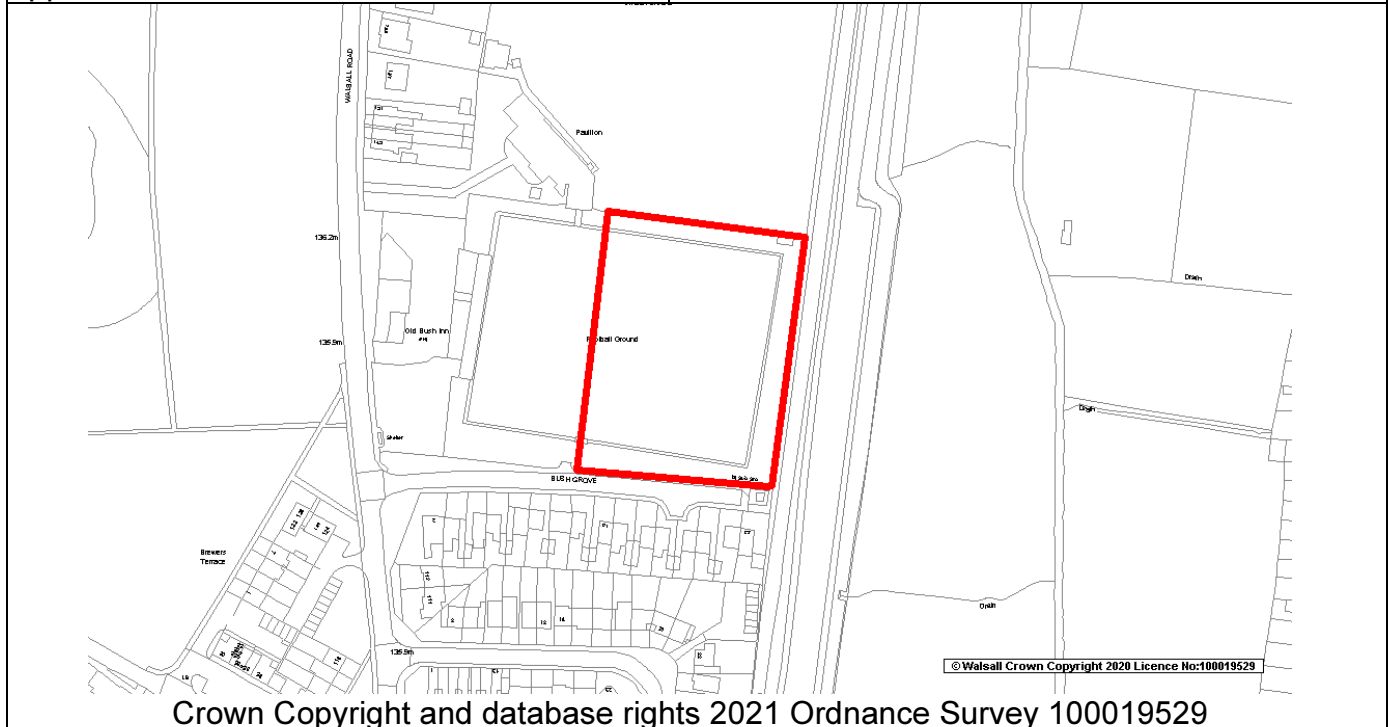
Ward: Pelsall

Agent: STOAS Architects Limited

Expired Date: 01-Nov-2020

Application Type: Outline Permission: Major Application

Time Extension Expiry: 15-Sep-2021



Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:
 - The successful completion of the S106 agreement in regard to an off-site financial contribution for the loss of the football pitch and the monitoring and assessment of the travel plan.
 - The amendment and finalising of conditions;
 - Submission of additional information required by the Local Highway Authority to overcome outstanding concerns.

Proposal

This planning application seeks outline planning permission for a care home development with access only to be considered (all other matters reserved).

The applicant has provided indicative drawings and a design and access statement for the proposal which shows that the care home would comprise a two-storey facility with onsite parking and landscaped areas and boundaries. The existing tree and vegetation along Bush Grove would be retained for the new development proposal. A new access for the site would be created from Bush Grove, which is the subject of this application.

The proposal is supported by the following documents:

Design and Access Statement – Prepared to support an outline planning application for a new extra care facility. The document provides information around the site and context of the proposal, appearance and development proposals, ecology and a summary.

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.

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. 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.

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 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 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. The impact of the care home would be neutral.

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 too 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 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 – Details baseline air quality conditions at the site, consultation undertaken with the Pollution Control department at Walsall Council and consideration of relevant guidance. It indicates that Background concentrations taken from Defra background concentration maps of NO₂, PM₁₀ and PM_{2.5} 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 NO₂ 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. The site comprises a disused football pitch (which previously accommodated Pelsall Villa). Adjacent to the site is a former public house (The Old Bush).

The site is approximately 750m away from Pelsall Local Centre. The Site measures approximately 7395sqm and is a rectangular shape. There is one TPO on the site (AB 3/1964). The application site is located within Pelsall Common Conservation Area.

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 south west), together with a wider range of facilities and services forming part of the Pelsall Local Centre.

Relevant Planning History

PELSALL VILLA F.C.,WALSALL ROAD,WALSALL,WS3 4BP

BC63059P/C- 15m telecommunications lattice tower, equipment cabin and ancillary development- Withdrawn

BC63281P/C- 15m high telecommunications mast and ancillary equipment- Refused 31-May-2001.

02/0114/FL/E7- Telecommunications mast designed as an existing floodlight- Refused on 15-Mar-2002. Appeal allowed on 24-Sep-2002 on the basis that the development would not harm the character or appearance of the Pelsall Common Conservation Area, which would thereby be preserved.

13/0682/PT- 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-Jul-2013

16/1763- Creation of a vehicular access off Bush Grove- Refused permission 19-May-2022 for the following reasons:

1.The proposed development would introduce an increase in traffic movements along Bush Grove which is a quiet residential cul de sac, which would be detrimental to the free flow of traffic along the highway and to highway safety and insufficient information has been put forward to demonstrate the vehicle access routes, parking and turning areas and segregated pedestrian routes and No tracking diagrams have been submitted to demonstrate that the largest vehicles expected to visit the site can safely and satisfactorily make turning manoeuvres within the site and leave in a forward gear, contrary to the Saved Unitary Development Plan Policy GP2 Environmental Protection, T7 Car Parking, T13 Parking provision for cars, cycles and taxis and the Black Country Core Strategy TRAN2 Managing transport impacts of new development and the NPPF 2021 para 111 and 112.

2.The application fails to demonstrate that the football club has sufficient on-site parking to meet its operational needs, which would be detrimental to the free flow of traffic along the highway and to highway safety. No information has been put forward to demonstrate that the development would be of public benefit that would overcome the policy concerns. The application is therefore contrary to the Saved Unitary Development Plan Policies GP2 Environmental Protection, T7 Car Parking and T13 Parking Provision for Cars, cycles and taxis and The Black Country Core Strategy TRAN2 and the National Planning Policy Framework 2021 Paragraph 111 and 112.

3.The proposed development would be situated in close proximity to two Silver Birch Trees protected by a Tree Preservation Order No 17/1976. Insufficient information has been put forward in the submission to demonstrate that the development would not be harmful to the protected trees or result in their loss. The application is considered Contrary to the Saved Policies GP2 Environmental Protection, ENV18 Existing woodlands, trees and hedgerows of the Walsall Unitary Development Plan and the Walsall SPD (Conserving Walsall's Natural Environment 2013) Policies NE7 and NE8.

4.The application site is near to existing residential properties situated on the opposite side of Bush Grove a narrow residential road. There is on street parking but the main access to the football ground is via Walsall Road. The increase in vehicular movements from the resulting access would have the potential to impact on the existing amenities of nearby occupiers from additional noise and disturbance. There is limited information in the submission to justify the need for the additional vehicular access and there are no grounds put forward to demonstrate the public benefit of the application that would overcome the policy concerns. The proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW3 (Character). Of the Designing Walsall SPD.

5.The proposed development would open up a gap in an existing hedgerow and belt of trees along the grounds to the Pelsall Villa Football Club. The existing vegetation assists to screen and soften the boundary with the nearby sports ground providing some visual relief and screening from the site. The character of the area is transitional from residential to recreation and the belt of landscaping would be interrupted with a gap to form the proposed new access. As already highlighted it is adjacent to protected Silver Birch Trees and there is insufficient

justification provided to demonstrate that the development would not be harmful to those protected trees. The trees are an integral part of the existing landscaping belt and in the absence of sufficient justification for the need for the additional vehicular access the proposal does not demonstrate a public benefit that would overcome the policy concerns. The proposal is considered contrary to the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW3 (Character). Of the Designing Walsall SPD.

FORMER OLD BUSH INN, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP

20/0832- Demolition of existing buildings, the erection of a retail food store (class A1), with associated car parking and landscaping- Undetermined.

Pelsall Cricket and Sports Club, The Pavillion, Walsall Road, Pelsall, WS3 4BP

08/1921/FL- Demolition of existing wooden store and erection of replacement store- GSC- 23-Feb-2009.

08/1927/CC- Conservation Area Consent: Demolition of existing wooden store and erection of replacement store- Grant Cons Area Cons- 23-Feb-2009.

13/1603/TR- Fell 9 Sycamore Trees adjoining boundary fence between club and houses- Permission granted- 30-12-2013.

16/1644- Fell multi-stemmed Sycamore trees rear of 179/181 Walsall Road and Fell Sycamore tree rear of 183 Walsall Road- Permission granted 01-Dec-2016.

Disused Rail Line, Between Goscote, Station Road, and Brownhills

05/2413/FL/E3- Change Of Use to shared use walking and cycling path, Incorporating existing path in goscote area and associated links and substituting the path to the r/o Excelsoir Grove and Fairburn Crescent with a path across the former Ryder Hayes Quarry, including the removal of the link into Fairburn Crescent and revised route to High Heath- Withdrawn.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 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 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. 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
- 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
- ENV33: Landscape Design
- H6: Nursing Homes and Rest Homes for the Elderly
- 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
- 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
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC3: Affordable Housing and Housing for People with Special Needs
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network
- EN3: Flood Risk
- 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
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Area Partnership (Brownhills/Pelsall/Rush)

- No response

Building Control

- No response

Campaign to Protect Rural England

- No response

Care Homes (Procurement)

- No response

Cadent Gas Limited

- No response

Centro

- No response

Coal Authority

- Site is within the defined Development Low Risk Area. No requirement for a Coal Mining Risk Assessment. Standing advice to be included on any decision notice in interests of public health and safety.

Community Safety Team

- Advise that Secured by Design advice be sought for the build. Site is isolated with only one side being overlooked and trees to the frontage, sightline is limited. Advised the main access be closed by fob operated vehicle gates to the road and a pedestrian gate to the path. Alternative security measures suggested.

Conservation Officer (Jacobs)

- Proposals are wholly unacceptable within the Conservation Area. The proposed development would not preserve or enhance the character of the Conservation Area and would detract from its character and appearance. It would result in substantial harm to the significance of the Old Bush Inn as a heritage asset.

Cycling and Pedestrian Officer

- No response

Design Council

- No response

Drainage

- No response

Ecology

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.

Ecology BBCWildlife

- No response

Environment Agency

- No response

Environmental Health

No objection- Environmental Health have no further comments and concur with previous advice given Annex 1 of the Planning statement attached to the application in respect of noise assessment and compliance with guidance in respect of ventilation

Environmental Protection

-No significant concerns about the proposal. Environmental Protection requires that the Applicant agree measures to be implemented to comply with the Black Country Air Quality SPD and a implement a Construction Management Plan.

Friends of Pelsall Common

- No response

Health and Safety Executive

- No response

Learning Disabilities, Disability Service

- No response

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Local Highways Authority

- Highway authority is satisfied that the trip generation of the care home will not have a significant detrimental impact on the operation of Bush Grove and the local highway network. The proposed car park has sufficient capacity to accommodate the predicted parking demand of the development and is unlikely to result in over-spill onto Bus Grove.

Local Lead Flood Authority

-Satisfied with the submitted proposal- no objection.

Natural England

- Amendments to original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Public Health

- No objection. Recognised the creation of good quality housing, particularly to additional support that will be provided for residents thereby maintaining their independence. Application enables sustainable transport and supports the development of the local area.

Public Lighting

- Unlikely to be any street lighting implications as existing lighting columns on Bush Grove are on the opposite side from the proposed access. Any lighting to the care home car park should confine its impact to the site only and should not encroach outside the site boundaries.

Public Rights of Way

- No definitive public rights of way. Proposed development will not impact upon any public rights of way and there are no public rights of way objections or requirements.
- McClean Way greenway runs alongside eastern boundary- link path between this and the development was put forth but not considered to be suitable. If a proposal is put forward for this the link path should be constructed to an adoptable standard and enter into a s38 agreement.

Road Works Management

- No response

Severn Trent Water

- No objections to the proposal subject to condition regarding the disposal of foul and surface water flows.

Sport England

- No objection providing the agreed off-site contribution of £996k is secured in a suitably worded s106 agreement for investment in football priority projects in the Borough.

Social Services (Elderly)

- No response

South Staffs Water

- No response

Strategic Planning Policy

- Amended plans comprise a slightly revised layout plan, elevations and design and access statement. The documents do not appear to make any contribution to the application or address previous concerns.

Sustrans

- No response

Rambles Association

- Concern regarding traffic flow in and out of Bush Grove and possible impact on Walsall Road.

Regeneration and Development

- No response

RSPB

- No response

Tree Preservation Officer

- No response

Waste Management (Clean and Green)

- No response

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

Walsall Council Social Services-

Any new provider of residential and nursing homes needs to consider the impact of the pandemic and how attractive their offer is in terms of location, quality and cost. Note Councils weekly rates for residential placements.

Western Power

- No response.

Representations

The application has been through three rounds of public participation. The issues raised by the public participation can be summarised as follows:

Objection:

- Increase traffic volume in Bush Grove
- Leave football pitch for kids and families and Pelsall
- No view of common from care home- do you want to consign older residents to the rear of the site- deny aspect from their windows?
- Oppose the opening of bush grove to provide an entrance to a car egome facility
- Opening road will increase noise pollution air pollution and congestion.
- Want to discuss application in person
- Lack of parking
- Inadequate access
- Detrimental to character of the area
- Impact on amenity of neighbours
- Detrimental to the viability and vitality of the village centre.
- Care home to be built on Pelsall Villa football ground- detrimental to the community if green space was lost.
- If site is no longer used for football would be better for allotments for physical and mental health.
- Care home better placed on site where Aldi plan to built.
- Planner officers assured the Bush field was designated as POS for recreational use. Does the Black Country Core Strategy include this designation for a ten year period?
- Bush grove is narrow- not be easily negotiated by ambulances and vehicles visting the care home.
- Increased pollution will have an impact on wildlife.
- Three storey building will be imposing on outlook.
- Privacy will disappear
- Don't wish to see private ambulances passing homes often
- Vehicles will make access dangerous

- Bush grove is extremely quiet- don't want care home.
- Causing stress for elderly neighbours.
- Impact on house prices.
- Proposal will have a knock on affect on local shop and local community spirit.

Support:

- Great addition.
- Creation of new jobs.
- Has a decision been made yet.
- Suggest the developers might like to include access from the rack to their residential home.
- New housing for Pelsall is welcomed.
- Apartments will move old people out of homes and free them up for families, reinvigorating the community.
- Please ensure the buildings are sympathetic to the common area.
- If plan was redesigned so care home was on Walsall road with a conservatory looking over common it would be a great asset to the village. If stuck behind a supermarket with no nice views it would be unacceptable.
- Will be in keeping with the quiet, friendly area.
- Support the care home but not the aldi next to it.
- Families wouldn't be happy to pay a large amount of money to have a view of delivery lorries, shopping trollies over car park.
- Support care home as it is a vital service for the elderly and vulnerable.

Determining Issues

- Principle of Development
- Loss of football ground
- Heritage Assessment
- Scale of Development
- Design, Layout and Security
- Impact upon neighbouring and proposed occupiers
- Vehicle Access, Highways and Public Rights of Way (ProW)
- Environmental Protection
- Flood Risk and Drainage
- Trees/Landscaping
- Planning Obligations

Assessment of the Proposal

Principle of Development

The site has no site-specific allocation in the development plan and is not safeguarded for any uses in the site allocation document. 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 south west), together with a wider range of facilities and services forming part of the Pelsall Local Centre. It is considered that the location of the site is sustainable and as such the location of the site means that the proposed use can be supported by SAD policy HC3 b) and c) however this is subject to other material considerations as set out below.

Loss of football ground

The football pitch is identified on the Policies Map Paragraph 97 of the NPPF outlines how sports fields and open spaces should not be built on with given exceptions. This is also supported by local policy LC6 in the UDP, which mirrors much of the NPPF requirements. It was considered that while the applicants case as to equivalent provision in paragraphs 5.8-5.16 of the *Planning and Retail Statement* is noted, it should be taken in conjunction with the advice from Sports England with regards to two particular points, namely that:

- a) The financial contribution of £475,178 proposed to be allocated toward replacement provision would not be sufficient, and
- b) No alternative site has been identified in which to invest in or offer replacement provision.

Sports England originally objected to the application because the proposed section 106 sum was not considered equitable to the cost of replacing the stadia football pitch and associated facilities that would be lost. Therefore, the proposals but forward are not considered to meet Exception E4 of Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

Since the original submission of the application, the financial contribution has been revised to an adequate figure of £996k which has been supported by Sports England and will need to be secured through the use of a Section 106 agreement prior to the granting of planning permission and delivered prior to the commencement of development on the site to ensure the on-going provision of recreation facilities within the locality. As such, the loss of the football pitch is considered to be acceptable given the above.

Heritage Assessment

The application site is within the Pelsall Common Conservation Area and the site adjacent, subject of application 20/0832 includes the Old Bush Inn, a Locally Listed building. Application 20/0832 also includes the demolition of this former Public House.

The adjacent site comprises the Old Bush PH which is to be demolished. 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.

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 application is at outline stage and as such the design, scale, layout and appearance of the development is to be determined at reserved matters stage. It is therefore considered that while the Conservation Officer has raised concerns about the impact on the character and setting of the conservation area it is considered that if the details of the building and its design, character and materials are carefully considered than the building would not be significantly detrimental to the appearance of the site. Further it is recommended that a condition be attached to the planning decision securing a comprehensive hard and soft landscaping plan to ensure that there would be adequate screening of the development.

Scale of Development

The original application applied for outline consent for access, layout and scale to be determined, however the application has been amended since the original submission and now is only seeking access for determination.

There was concern that the scale of the proposed development at present is considered to be unacceptable and would not reflect the character of the surrounding area, thus not being supported, however as scale remains to be a reserved matter this concern could be addressed with a reduced scale of development and secured at reserved matters stage and reserved by condition.

Design, Layout and Security

The submitted indicative layout plan shows an L shaped building with carparking to the front of the building with access off Bush Grove. There are areas of landscaping within the site which would be considered to enhance the appearance of the care home.

It should be noted that layout and appearance are reserved matters and therefore the final design of the scheme will be determined at reserved matters stage and secured by condition. A condition would also be included to require submission and approval of facing materials to ensure satisfactory appearance of the development.

Further conditions would be included to seek details of an external lighting scheme in the interest of safeguarding neighbours' amenity and site security and of energy consumption reduction measures, such as renewable energy, to meet the requirements of BCCS Policy ENV7.

The Police confirm the site is in an area suffering from a high proportion of anti-social behaviour and violent crimes. A condition would be included to ensure the development includes appropriate security measures in line with the recommendations of the Police and the Council's Community Safety Team.

Impact upon neighbouring and proposed residential 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 indicative site layout plan

shows that the north elevation of the building is set back from Bush Grove by approximately 26m. The building would therefore be approximately 36m to the nearest residential property on Bush Grove. According to the Designing Walsall SPD there should be at least a 13m separation between habitable windows and blank walls exceeding 3m in height or 24m separation distance between habitable windows in residential properties facing one another. The application is at outline stage, however notwithstanding this the proposed building would be well in excess of the above guideline distances.

Whilst the addition of the building would have an impact in terms of the outlook of the houses on Bush Grove, the building is adequately set back from these dwellings and it is considered that the impact would not be significant enough to warrant a refusal.

It should again be noted that the application is at outline stage and as such the scale, layout, design and appearance of the development are for determination at reserved matters stage, however it is considered that due to the separation distance, appropriate vegetation screening and orientation of the building the impact upon nearby occupiers would not be detrimental.

Noise from early morning construction workers and the dust and dirt from the construction work can be mitigated through the requirement of a construction management plan and any issues regarding light pollution would be addressed through a lighting condition, to protect the amenities of existing residential occupiers surrounding the site.

The size of the bedrooms and facilities within the building cannot be ascertained at outline stage however this will be submitted for approval at reserved matters stage to ensure a good standard of amenity for future occupiers.

Vehicle Access, Highways and Public Rights of Way (ProW)

This outline application seeks the approval of access, with all other matters reserved for future consideration. The main site access is proposed off Bush Grove.

The applicant transport consultants, Connect Consulting, have now submitted further information and clarifications to address the Highway Authority's previous concerns (17th February).

On the basis that the applicant has now confirmed that the development is an 80 bed Care Home in the traditional sense of the word and not a Retirement Village or a Retirement Home with a care element, the Highway Authority is satisfied that the trip generation will not have a significant detrimental impact on the operation of Bush Grove and the local highway network.

The Predicted Trip Generation (based upon TRICS) is as follows:

AM Peak Hour (08:00 to 09:00) = 16 trips

PM Peak Hour (17:00 to 18:00) = 14 trips

Additionally, the proposed 43 space car park has been demonstrated to have sufficient capacity to accommodate the predicted parking demand of the development and is unlikely to result in over-spill onto Bush Grove. The peak parking demand of the development is predicted to be around 23 spaces.

The Highway Authority supports the development in principle but will require further additional information in regard to a revised site layout plan showing the required 2.4 x 4.3m visibility splay at the access point on Bush Grove and details on new footways/ how the development will connect to the existing footway network. It is requested that members of this planning committee delegate back to the head of planning and building control to allow for the additional information

to be submitted to satisfy the concerns of the Local Highways Authority. In terms of ProW, there are no definitive public rights of way and it is considered the proposed development will not impact upon any public rights of way and there are no objections or requirements.

Environmental Protection

Environmental Protection have no significant concerns about the proposal. Given the proximity of residential dwellings and the road infrastructure, there is 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. These works can result in significant ground vibration and therefore a condition is required to control vibration impacting upon nearby residential dwellings. These issues will be addressed via a Construction Management Plan. The applicant will also need to agree measures to be implemented to comply with the Black Country Air Quality SPD.

Flood Risk/Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers. The Local Lead Flood Authority are satisfied with the submitted proposals and have no objection to the granting of outline planning permission. Further, Severn Trent have been consulted and recommend a condition regarding a drainage scheme for the disposal of foul and surface water flows; this will be a condition of any approval.

Trees/Landscaping

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.

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 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 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.

Affordable Housing and Open Space

It was previously stated that recent case law has confirmed that a C2 use (where care is provided to residents) is liable to make a contribution to the affordable homes requirement in the development plan where the accommodation has an element of self-containment, though residents having individual cooking facilities. A contribution to open space improvements would also be required, especially given the site's proximity to Pelsall Common. Since these initial comments it has been clarified that the proposal is for a traditional care home facility and therefore no contribution to affordable housing or open space is sought.

Conclusions and Reasons for Decision

FOR Grant

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised in regard to scale, design and impact on the Conservation Area an amended scheme for outline seeking consent for access only has been submitted which enables full support to be given to the scheme.

Recommendation

Conditions and Reasons

1. Application(s) for approval of any Reserved Matter shall be made within 3 years of the date of this decision.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. No development shall take place until approval of the Reserved Matters has been obtained from the Local Planning Authority. The Reserved Matters are:

- i. Scale
- ii. Appearance
- iii. Landscaping
- iv. Layout

Reason: Pursuant to article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development must be begun not later than 2 years from the final approval of the Reserved Matters, or in the case of approval on different dates, the final approval of the last Reserved Matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. This development shall not be carried out other than in conformity with the following plans and documents, unless otherwise stated in other conditions or approved as part of a Reserved Matters application:

- D16A56 - P601 SITE LOCATION PLAN rec 11-03-2022
- D16A56 - P602 Rev A PROPOSED SITE PLAN (indicative) rec 11-03-2022
- D16A56 - P606 – Rev A CARE HOME ELEVATIONS (indicative) rec 11-03-2022
- D16A56 - P609 EXISTING SITE PLAN rec 11-03-2022
- D16A56_CH_DAS_501_DA Statement V4 - Bush Grove Walsall rec 11-03-2022
- Design and Access statement rec 11-03-2022
- Air quality technical note
- Bat survey
- Covering Letter

- Ecological Walkover Survey
- Flood Risk Assessment and drainage strategy
- Geo-environmental appraisal
- Heritage statement with supplementary commentary
- Land contamination Phase 1 Environmental Site Assessment
- Planning Statement
- Preliminary Arboricultural Assessment
- Preliminary Ecological Appraisal
- Retail Health Check
- Supporting statement
- Townscape and Visual Impact Appraisal
- Transport Assessment
- Transport Plan

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

5a. No development shall exceed damp proof course level until a schedule of facing materials to be used in external walls and roofs has been approved in writing by the Local Planning Authority.

5b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the satisfactory appearance of the development and to accord with UDP Policy ENV32.

6a. As part of the Reserved Matters submission a plan shall be submitted to show the location of full infrastructure for electric vehicle charging facilities for each of the proposed dwellings.

6b. The agreed scheme shall be fully implemented in accordance with the approved details prior to first occupation of development and retained for the life of development.

Reason: In the interest of Air Quality and in accordance with UDP Policy ENV10 and Air Quality SPD.

7a. As part of the Reserved Matters submission a plan shall be submitted to demonstrate that the development provides sufficient parking spaces per dwelling to meet the criteria set out in UDP Policy T13 along with adequate motor, refuse and emergency vehicle movement within the site.

7b. Prior to first occupation all access ways, vehicle parking spaces and manoeuvring areas shall be fully consolidated, demarcated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain and thereafter retained and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

8a. As part of the Reserved Matters submission, full details of a cycle shelter for the use of staff and visitors and which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

8b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

9. Upon the development first coming into use, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted Connect Consultants Staff Travel Plan Statement dated July 2020 for the lifetime of the development.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

10a. As part of the Reserved Matters submission details shall be submitted illustrating any external lighting, including its location, angle and positioning of the lighting heads plus the levels of illumination.

10b. The agreed details shall be fully implemented prior to the first occupation of the development and retained in working order thereafter.

Reason: In the interests of residential amenity and community safety and to accord with UDP Policy GP2.

11a. As part of the Reserved Matters submission details shall be submitted to demonstrate energy consumption savings of 10% of the overall on-site energy demand for the development.

11b. The development shall be constructed in accordance with the approved details and retained as such for the life of the development.

Reason: To encourage sustainable development and reduce impacts on the environment and to accord with NPPF 10 and BCCS Policy ENV7.

12a. As part of the Reserved Matters submission, details of compensatory planting, shall be submitted to and approved in writing by the Local Planning Authority.

12b. The tree protection measures as recommended in the AIA shall be implemented prior to construction and maintained during construction and any replacement planting to be carried out in accordance with the agreed details prior to the first occupation of the development.

12c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted.

Reason: To safeguard trees with high visual amenity value and to ensure a satisfactory level of visual amenity is retained and to accord with UDP Policy ENV18 and NE8 and NE9 of the Natural Environment SPD.

13a. Prior to the commencement of any works on site including engineering and site clearance/preparation works a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority setting out:

- i. how the works will be undertaken;
- ii. detailing where the parking and turning facilities for site operatives and construction deliveries will be located;
- iii. giving details of arrangements for the control of noise, vibration, dust and debris (including

- site drag-out);
 - iv. wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction; and
 - v. the management of any materials arising from the works.
- 13b. The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site construction works are completed.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety, to protect local amenity and to accord with UDP Policy GP2.

14a. Prior to commencement of development plans shall be submitted to and approved in writing by the Local Planning Authority to show the disposal of foul and surface water flows.

14b. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

15. Demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall not take place outside the hours of 08.00 to 18.00; and 08.00 to 14.00 on Saturdays. Plant, machinery or equipment associated with such works shall not be started up or operational on the development site outside of the hours above.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Reason: To protect existing local amenity and infrastructure.

16. The development shall be constructed to meet the following minimum security measures and retained as such:

- i. Vehicle access and pedestrian access gates to flats at 2.1m high, to be self-closing and self-locking and designed to prevent climbing.
- ii. All ground floor windows and any accessible windows should have at least one pane of 6.8mm laminated glass. This includes French doors and patio doors.
- iii. Use of PAS 24:2012 doors.
- iv. Use of a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification and ASB Thumb turn 3 star cylinders, Ultion Locks (or similar).
- v. No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties. Where possible lead substitute products should be used.
- vi. Any communal entry to the building shall be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these and shall include CCTV coverage of the flats.

- vii. Entrance and exit doors and frames to the flats shall be of a robust vandal resistant material, with vandal resistant viewing panels.
- viii. Entrances shall be well lit both internally and externally.
- ix. Where communal areas are to be used for letterboxes DAD UK Ltd DAD009 1.5mm steel letterboxes shall be used.
- x. A Secured by Design cycle stand should be installed to serve any flats. The security anchor for the bike shall be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

Reason: To ensure the safety and security of the development and its occupiers, in the interests of visual and residential amenity and to accord with UDP Policy GP2.

17. The development hereby permitted shall not be carried out otherwise than in accordance with the approved ecological protection and mitigation measures as set out in the Preliminary Ecological Appraisal (PEA) dated 21-07-2020 and the ecological mitigation measures shall thereafter be retained for the lifetime of the development.

Reason: To mitigate harm to the natural environment in accordance with saved UDP policies GP2 and ENV23.

18a. The development hereby permitted shall not be carried out otherwise than in accordance to avoid the risk to nesting birds, no trees/hedgerows/scrub/vegetation shall be disturbed or removed until an inspection has been carried out by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy confirming that there are no nesting birds.

18b. If nesting birds are discovered at any point during the construction period then works shall cease until a report prepared by the supervising ecologist has been submitted in writing to and approved in writing by the Local Planning Authority.

18c. Works shall not continue otherwise than in accordance with the measures in the approved ecologist report.

Reason: To protect local bird populations and to comply with NPPF 15, policy ENV1 of the Black Country Core Strategy, policy EN1 of the Walsall Site Allocation Document and saved policies ENV18 and ENV23 of the Walsall Unitary Development Plan and Conserving Walsall's Natural Environment SPD

19. Notwithstanding the provisions of condition 4, this permission only relates to access and does not give consent for the scale, layout, appearance or landscaping which are reserved matters.

Reason: To define the outline permission with all other matters reserved.

Notes for the Applicant:

Highway Authority

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact

Highway Development Control Team on 01922 655927.

3. All works within the public highway shall be in accordance with all statutory requirements.

4. Any alterations to street furniture required to accommodate the footpaths, such as modifications to trip rails, the bus stop pole, traffic signage, street lighting etc. or root protection works around the street trees, shall be at the applicant's expense.

Fire Authority

Suitable water supplies for firefighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.

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

Any dead end greater than 20 m in length should have an appropriate turning facility for a pump appliance.

Dead end/cul de sac roadways should be a minimum of 5.5 metres in width and a minimum carrying capacity of 15 tonnes.

Pollution Control

Air Quality

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

Each charging unit to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake

such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. The Coal Authority would take this opportunity to make the applicant aware of our adopted policy:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Severn Trent Water

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

END OF OFFICERS REPORT