



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 07 September 2023

Plans List Item Number: 3

Reason for bringing to committee

Departure from the Unitary Development Plan
Major Application
Significant Community Interest

Application Details

Location: LAND NORTH OF, NORTHFIELDS WAY, CLAYHANGER

Proposal: OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT TO INCLUDE UP TO 55 DWELLINGS, PUBLIC OPEN SPACE, TOGETHER WITH LANDSCAPING AND ASSOCIATED INFRASTRUCTURE. ALL MATTERS ARE RESERVED FOR SUBSEQUENT APPROVAL EXCEPT FOR ACCESS.

Application Number: 21/1797

Case Officer: Ann Scott

Applicant: Ellie Liggins

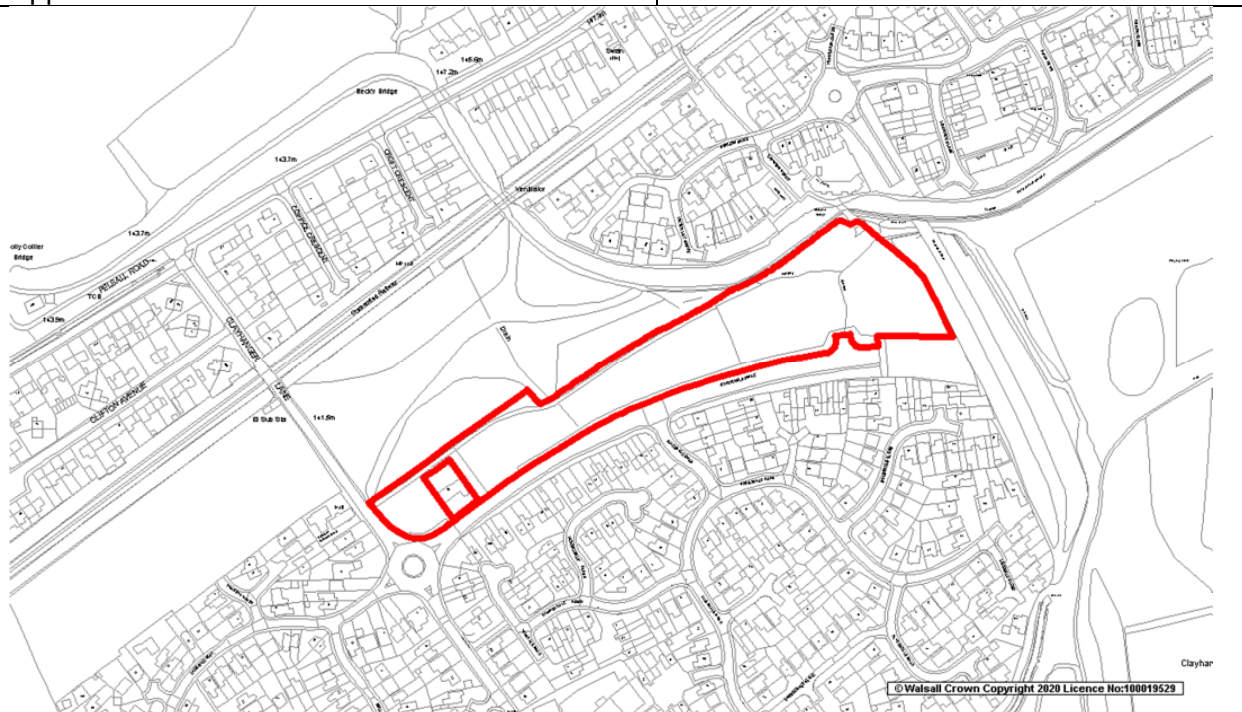
Ward: Brownhills

Agent: Michael Robson

Expired Date: 23-Mar-2022

Application Type: Outline Permission: Major Application

Time Extension Expiry: 22-Aug-2022



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Recommendation

Refuse

Proposal

Outline planning application for a residential development to include up to 55 dwellings, public open space, together with landscaping and associated infrastructure. All matters are reserved for subsequent approval except for access.

Site and Surroundings

The application site is situated on the North side of Northfields Way Clay hanger, Brownhills. The site is opposite a housing estate and is situated on Green Belt Land within the 15km zone of influence for the Cannock Chase SAC. The site is in a low-risk area for legacy coal mining development and is in Flood Zone 1 but is adjacent to the Wryley and Essington Canal which is in Flood Zone 2 as defined on the Environment Agency Flood Map for Planning.

Relevant Planning History

06/1114/FL - Renewal of Planning Consent BC38310P (as amended by planning consents BC61417P and BC63841P) for the erection of licensed premises including restaurant, car park, double garage, landscaping, and diversion of public footpath. - Appeal dismissed 15 March 2007.

BC63841P -Renewal of Planning Consent BC38310P (as amended by Planning Consent BC61417P) for the Erection of Licensed Premises including Restaurant, Car Park, Double Garage, Landscaping and Diversion of Public right of way – Swing Bridge Farm House Clayhanger Lane – Granted 15 July 2002

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

NPPF 2 – Achieving sustainable development

NPPF 4 – Decision Making

NPPF 5 – Delivering a sufficient supply of homes

NPPF 6 – Building a strong, competitive economy

NPPF 8 – Promoting healthy and safe communities

NPPF 9 – Promoting sustainable transport

NPPF 10 – Supporting high quality communications

NPPF 11 – Making effective use of land

NPPF 12 – Achieving well-designed places

NPPF 13 – Protecting Green Belt land

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

3.2 to 3.5 The Countryside and Green Belt
3.6 to 3.8 Environmental Improvement
3.9 Derelict Land Reclamation
3.11 Forestry and Trees
3.13 to 3.15 Building Conservation & Archaeology
GP2: Environmental Protection

GP3: Planning Obligations
ENV6: Protection and Encouragement of Agriculture
ENV7: Countryside Character
ENV9: Environmental Improvement Initiatives
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously-Developed Sites
ENV16: Black Country Urban Forest
ENV17: New Planting
ENV18: Existing Woodlands, Trees and Hedgerows
ENV23: Nature Conservation and New Development
ENV24: Wildlife Corridors
ENV25: Archaeology
ENV26: Industrial 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
ENV40: Conservation, Protection and Use of Water Resources
LC3: Children's Play Areas
LC8: Local Community Facilities

Black Country Core Strategy

CSP1: The Growth Network
CSP4: Place Making
DEL2: Managing the Balance Between Employment Land and Housing
HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
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
EQ2 - Cannock Chase Special Area of Conservation

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
HC3: Affordable Housing and Housing for People with Special Needs
OS1: Open Space, Sport and Recreation
LC5: Greenways
GB1: Green Belt Boundary and Control of Development in the Green Belt
EN1: Natural Environment Protection, Management and Enhancement
EN3: Flood Risk
EN4: Canals
T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features
NE1 – Impact Assessment
NE2 – Protected and Important Species
NE3 – Long Term Management of Mitigation and Compensatory Measures
Survey standards
NE4 – Survey Standards

The natural environment and new development
NE5 – Habitat Creation and Enhancement Measures
NE6 – Compensatory Provision
Development with the potential to affect trees, woodlands and hedgerows
NE7 - Impact Assessment
NE8 – Retained Trees, Woodlands or Hedgerows
NE9 – Replacement Planting
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

Affordable Housing

AH1: Quality of Affordable Housing
AH2: Tenure Type and Size
AH3: Abnormal Development Costs
AH4: Provision Location
AH5: Off Site Provision

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

Other Policy/guidance:

National Design Guide
Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
Black Country Historic Landscape Characterisation (2009)
National Design Guide 2021
National Modal Design Guide 2021
Technical Space Standards 2015.

Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)

Good Practice Advice Note 3: The Setting of Heritage Assets (2017)

Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)

Advice Note 13: Minerals Extraction and Archaeology (2020)

Consultation Replies

Strategic Planning Policy – Objection our earlier comments dated 14th February 2022 still stands. Since that date the authorities have resolved to cease work on the Black Country Plan (BCP). Furthermore, the Government has consulted on proposed changes to the NPPF to state that Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period. The proposal remains inappropriate development in the Green Belt. No very special circumstances have been demonstrated to justify the development.

Conservation Officer – No objections.

Archaeologist – Recommends conditions as there is the potential for Roman archaeology within the site.

West Midlands Fire Officer – Recommends the development shall be carried out in accordance with Regulations B5 Fire Safety of the Building Regulations.

Highways – Concerns raised regarding the proposed shared access arrangement, parking provision, the relationship between the termination point on Northfields Way and traffic calming measures will be required. Comments on the amended masterplan to be reported at planning committee.

Environmental protection – The Applicant will be required to agree and implement a Construction Environmental Management Plan to control local impacts such as noise, dust, and debris drag-out. The Applicant needs to implement a Demolition Construction Environmental Management Plan, to include a procedure to deal with potential animal burial, undertake additional intrusive contaminated land investigations and agree remediation measures, and agree measures to comply with the Black Country Air Quality SPD.

Public Health – no objection but wish to see affordable housing and a

Canal and River Trust – Concerns raised and conditions advised regarding the need for a construction environment management plan, installation of bat and bird boxes.

Police Architectural Liaison Officer – no objections

Local Access Forum – Concerns raised the item which stands out is the general vagueness of the existing Right of Way, (BRO32), on the new plan. We think we need to have it confirmed that the ROW will remain along the same route as at present and that any steps to maintain its ongoing presence are unlikely to cause any issues to current and future residents, (i.e. clear lines of sight, illumination as necessary, prevention of access by motorbikes, etc.).

Lead Local Flood Authority – No objections conditions advised.

Natural England - The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Public rights of way – Concerns raised regarding the public footpath regarding the ongoing maintenance, details of the stopping up order for the realignment. The existing towpath provides a footway link to Brownhills.

Network Rail – Has no comments to make.

Representations

38 Letters of comment from third parties with regard to the following;

Inappropriate development in the Green Belt

Highway safety

Congestion/additional traffic

Residential amenity

Insufficient capacity for schools/doctors

Loss of privacy

Loss of green space

Impact on wildlife

Harm to pedestrians

Loss of hedgerow will impact nesting birds

Noise/disturbance

Land is a former pig farm/pollution potential

Impact on adjacent property which will be surrounded by the new development.

Concerns regarding impact on existing business at Swing bridge Farmhouse.

The Hedge should be retained.

Deer graze on the land/foxes live on the land.

One letter of support

A park would be a better than more housing. (*The planning authority has to deal with what is before it, which at this time is an outline planning application for housing*)

There is no need for any more houses in an already busy village.

Traffic is very busy through the village.

The green space would not be available for local people to use.

The new vehicle access road on Northfield Way will seriously impact the vehicle access to the whole of the current estate.

There is not the infrastructure to cope with more housing in the area.

strongly object to this plan going ahead.

Determining Issues

Principle of Development

Cannock Chase SAC

Green Belt Assessment

Heritage Assessment

Design, Layout and Character

Amenity of Neighbours and Amenity of Future Occupiers

Highways

Ecology

Flood Risk / Drainage

Trees / Protected Trees

Ground Conditions and Environment

Planning Obligations

Local Finance Considerations

other key determining issues

Assessment of the Proposal

Principle of Development

The application site is largely undeveloped land situated within the Green Belt to the North of Northfield Way. The planning application is for outline planning permission with all matters reserved but including permission for access for the erection of up to 55 dwellings. An

affordable housing statement has been provided advising that the development will incorporate 25% affordable housing which would equate to approximately 14 on site dwellings.

All other matters are reserved for a later application, but a revised indicative master plan has been provided to demonstrate how the site could be developed. Access is proposed from Northfields Way. It includes an illustrative layout. Private driveways are shown along the northern boundary next to mature trees on the adjacent land. Whilst the layout is illustrative, there are concerns with the layout overall and as illustrated, the scheme could cause potential damage to existing trees and their roots.

The amended master plan shows a proposed swale along the Northfields Way frontage. A swale is a depressed area designed to flood in wet weather. This may mean the driveways and front gardens may lie in dips and access to the houses could be cut off in severe weather events. It is considered the position of swale in the position is poorly thought out contributing the council's overall concerns about the applicant's illustrative layout. It appears to the council, that the application site boundary follows the existing road line rather than that proposed in the application. The applicant has not yet clarified this point.

Housing Need

Policy H4 states that sites will be considered suitable for an element of affordable housing provision unless developers can demonstrate to the Council's satisfaction that this provision would be inappropriate. Factors to be taken into account include the level of need for, and provision, of affordable housing in the local area, any abnormal development costs associated with the site which in combination with the inclusion of an element of affordable housing would prejudice the viability of the development and the need to provide for a mix of housing types and sizes, which offer a choice of housing and lifestyle and help to create mixed and balanced communities. The applicant has indicated in the submission that affordable housing is intended to be provided on site.

The latest available figures show that the Council does not currently have a 5-year housing land supply and, in addition, the Council failed the Housing Delivery Test published in January 2022, based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect. Whilst the lack of 5-year housing land supply affords additional in supporting the proposal, when considering the Framework as a whole. In this instance, it is considered the delivery of some additional housing would not outweigh the harm the proposal has on the Cannock Chase SAC and Green Belt.

Cannock Chase Special Area of Conservation (SAC)

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £329.83 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”).

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st, 2022, by the SAC Partnership authorities found likely significant effects on the SAC arising because of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km ‘zone of influence’, measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC’s conservation objectives, based on available evidence. Should it be determined that no significant effects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be considered at the screening stage of the HRA assessment.

The proposed application is situated with the 15km from Cannock Chase SAC and proposes a net increase of 55 dwellings. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £329.83 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant has not agreed to provide the SAC mitigation payment via Unilateral Undertaking which will need to be completed prior to planning approval being granted.

Green Belt Assessment

NPPF paragraphs 137 and 138 advise the following.

137. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138. Green Belt serves 5 purposes:

- (a) to check the unrestricted sprawl of large built-up areas.
- (b) to prevent neighbouring towns merging into one another.
- (c) to assist in safeguarding the countryside from encroachment.
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Work has ceased on the Black Country Plan (BCP). The policies in the BCCS and the Saved Walsall UDP still apply to this application together with the advice in the NPPF Chapter 13 Protecting Green Belt. The Government has consulted on proposed changes to the NPPF to state that Green Belt boundaries are not required to be reviewed and altered if this would be the only means of meeting the objectively assessed need for housing over the plan period. As such, the proposal remains inappropriate development in the Green Belt. No very special circumstances have been demonstrated to justify the development. The proposal would be contrary to the guidelines in the National Planning Policy Framework 2021 Protecting the Green Belt, and the Saved UDP Paragraphs 3.2 to 3.5 The Countryside and Green Belt and GB1: Green Belt Boundary and Control of Development in the Green Belt in the Walsall Site Allocation document.

Heritage Assessment

The application site is an irregular parcel of land located on the northern side of Northfields Way. It also forms the boundary with part of Clayhanger Lane, at the junction of Northfields Way and Clayhanger Lane. To the northwest of the site is community woodland and to the north east is the Wryley and Essington Canal. The site sits abutting the canal along the north.

Cooper's Bridge is a locally listed asset, which is near the site. The canal is also designated as a non-designated heritage asset and identified as an area of high historic townscape value. Beyond the community woodland is a Grade II Listed railway bridge, approx. 100m SE of Backs Bridge, Pelsall Road.

The proposed layout illustrates dwellings that would face towards the canal, whilst, this is an outline application, the design of any dwellings facing towards the canal would need to be high quality and respect the high historic townscape value of the Wryley and Essington Canal. The design, scale, height, and massing of the proposed dwellings, together with of the proposed landscaping and proposed pathway would be assessed at reserved matters stage.

The wider setting of the Grade II Listed Railway Bridge includes a woodland, areas of open space within that woodland, residential development, a canal, and a highway, Pelsall Road. The Listed Railway Bridge is experienced from the canal and from views along Pelsall Road, to the north of the Listed Bridge and would still be experienced from these viewpoints. The proposed development would not harm the significance or setting of the Listed Railway Bridge.

Comments from the archaeology officer advise that the site may be affected by the presence of archaeology from the Roman Period. Whilst conditions for further investigation are advised, in this instance, given the outline nature of the application, the planning authority would advise the applicant carries out further due diligence work regarding archaeology before any approval could be considered, as there may need to change to the proposal depending on what may be found in the ground.

The Conservation Officer does not object to the proposal and subject to further details to be submitted at a later stage advises that there are no objections in principle to the proposal in accord with relevant policies, GP2 (General Principles), ENV18 (Existing woodlands, Trees and Hedgerows) ENV25 (Archaeology), ENV28 (The Local List of Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), ENV33 (Landscape Design) of the saved Walsall UDP and ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the BCCS.

Design, Layout and Character

The application is in outline only, but the submission includes a site master plan to demonstrate an indicative layout. Comments have been made from consultees regarding the indicative layout which has changed to reflect the proposed comments from highways regarding the access points and vehicular arrangements and other matters raised regarding the public right of way and layout arrangements. Notwithstanding, the changes the site is

fundamentally still not acceptable in principle, due to the green belt status of the land. In addition, some of the illustrated layout is poor and would raise issues around safety and security for future occupiers and users of the adjacent PROW and canal. The illustrative layout would require much more amendment before the planning authority would be able to support it. Relevant policies in this regard are with the adopted development plan policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character, and DW5 Ease of movement of the Designing Walsall urban design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places. Together with the SPD Policies in Designing Walsall DW1 Sustainability, DW2 Safe and Welcoming Places, DW3 Character and DW10 Well Designed Sustainable Buildings

Amenity of Neighbours and Amenity of Future Occupiers

There are a number of comments from third parties with regard to the loss of the open space and amenities of the locality. The site is divorced from the other dwellings in the locality separated from the main road Northfields Way. Comments have been received from the existing farmhouse. Raising concerns regarding the use of the land for additional housing, loss of amenity and privacy by being surrounded and raising concerns about the previous use of the land and its suitability for residential development. As the proposal is an in-principal application including access further details of the layout would be required in a later reserved application should the principle of residential be acceptable. As stated earlier the illustrative layout would require further amendment to make it an acceptable if in the future it were to be submitted for approval, given the concerns the layout would have on the amenities of future occupiers. However, relevant planning policies in this regard are would confirm the proposed development is contrary to the Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), and ENV3 (Design Quality) Designing Walsall SPD in particular policies DW1 Sustainability, DW3 Character and DW9 High Quality Public Realm, and the advice in appendix D Guidelines for residential development and policies, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

Highways

The highway authority has commented upon the application in relation to the original layout of the master plan regarding concerns about the proposed access arrangement to individual dwellings and the treatment of the termination point on Northfields Way and traffic calming measures will be required. Comments on the amended masterplan are to be reported to the Committee. Relevant policies regarding highway safety are "saved policies" T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development.

Flood Risk / Drainage

The application site lies in Flood Zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning and at low risk of surface water flooding. Suitable conditions to secure means of sustainable drainage would be necessary to ensure that the development does not result in an increase of flood risk or surface water flood risk to adjacent sites. Based on the illustrative layout, its likely there would need to be changes to the layout to accommodate a sustainable drainage scheme rather than what has been illustrated. In accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Paragraph 14.

Paragraph 154 of the National Planning Policy Framework requires that new development should be planned for in ways that avoid increased vulnerability from flood risk to the range of impacts arising from climate change, and care should be taken to ensure that risks can be

managed through suitable adaptation measures, including through the planning of green infrastructure. Whilst most of the built development is not proposed within the flood risk areas, flood risk is an issue that should be considered carefully as the development would result in a “more vulnerable” use of the site. In this particular proposal, removing the swale from front gardens and driveways to another part of the site is likely to be a key change to the development. If it isn't, there is a risk that future occupiers may fill in the swale in front of their house, defeating the reason for adding a swale. Details of surface water, flood risk and drainage can be secured by appropriate conditions.

Trees / Protected Trees/Ecology

Further information would be required regarding the protection/impact of the proposal on existing trees and landscaping in any future development. If the application was recommended for approval conditions could be imposed to secure this. However, as the application is recommended refusal, this will form an additional reason due to insufficient information. The relevant policies are the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development).

Ground Conditions and Environment

The application site is situated in an area at low risk of legacy coal mining with no further investigation required. The proposal lies on an area of land previously used as livestock farming and further investigation may be required regarding the potential for contamination. The Environmental Protection Officers views are to be reported at planning committee. The NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan apply in relation to legacy coal mining and ground conditions.

Planning Obligations

The Affordable Housing SPD and Saved Policy H4 of the UDP requires all residential developments of 15 units or more to provide a 25% affordable homes element. The SPD also identifies a shortfall in affordable housing. In this case, If the LPA were minded to support the application a section 106 agreement would be required to secure contributions for Affordable Housing either on or off site and Open Space Contributions to be secured. The type and details of the dwellings are not determined at this stage so a calculation for open space would need to be considered in the future as the type of dwellings are not included at this outline stage, together with a SAC Mitigation Contributions of £18,140.65 for 55 dwellings. The applicant has not agreed to any contributions or a section 106 at this stage, so this would form a reason for refusal.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 55 new homes.

The Government has indicated that, for 2021-22, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and advised of concerns in relation to the proposal as set out in the reasons below. In this instance officers are unable to support the proposal due to the inappropriate development within the Green Belt with no special circumstances demonstrated to override the policy concerns. No HRA and agreement to pay mitigation costs for the Cannock Chase SAC. The Council resolved in September 2022 that housing proposals within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC) zone of influence will be required to fund mitigation against the impact of the proposals on the SAC.

Recommendation - REFUSE

This application falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 55 dwellings and has failed to provide any potential necessary mitigation measures. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the NPPF.

The proposed outline development of up to 55 dwellings including access in the Green Belt is inappropriate development for which there are no very special circumstances put forward to outweigh the Green Belt Policy. The proposal is contrary to The National Planning Policy Framework, policy ENV1 of the Black Country Core Strategy, Saved Policies 3.2 to 3.5, GP2, and ENV7 of the Walsall UDP, Policies GB1 and EN1 of the Walsall Site Allocation Document.

The proposed development would trigger the need for affordable housing contributions the applicant has failed to provide any information in relation to affordable housing contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD and the National Planning Policy Framework 2021.

The proposed development would trigger the need for open space contributions the applicant has failed to provide any information in relation to open space contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policies OS1 Qualifying Development and OS2 Planning Obligations Supplementary Planning Document Urban Open Space to the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021.

Insufficient information has been put forward to demonstrate the likely impact existing trees within the site and the submitted arboricultural assessment does not provide sufficient information to inform the proposal regarding the impact on existing trees/landscaping contrary to the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development).

Insufficient information has been put forward to demonstrate the likely impact of the proposed development on the safe and free flow of traffic on the highway network. Relevant policies regarding highway safety are "saved policies" T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development.

END OF OFFICERS REPORT