

Planning Committee

Thursday 7 September 2023 at 5.30 pm

Council Chamber, Walsall Council House

Public access to meeting via: [Walsall Council Webcasting Portal](#)

MEMBERSHIP:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor A. Harris
Councillor C. Horton
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J. Murray
Councillor S. Nasreen
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

QUORUM:

Seven Members

A G E N D A

1. Apologies.
2. Declarations of interest.
3. Deputations and petitions.
4. Minutes of the previous meetings
 - a. 22 June 2023 enclosed (pp.5-11)
 - b. 20 July 2023 (Special Meeting) enclosed (pp.12-19)

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

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

6. Application list for permission to develop:
 - a) Items subject to public speaking;
 - b) Items 'called-in' by members
 - c) Items not subject to 'call-in'

- Copy **enclosed** (pp.20-101)

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

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

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

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

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

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

Planning Committee

Thursday 22 June 2023 at 5.30pm

In the Council Chamber, the Council House, Walsall.

Present:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor K. Hussain
Councillor I. Hussain
Councillor R. Larden
Councillor J Murray
Councillor S Nasreen
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

In attendance:

A. Ives	Head of Planning and Building Control
N. Alcock	Solicitor
M. Brereton	Group Manager, Planning
M. Crowton	Group Manager, Transportation and Strategy
K. Gannon	Development Control and Public Rights of Way Manager
O. Gore	Development Monitoring Officer
S. Hollands	Principal Planning Officer
D. Holloway	Planning Policy Manager
I. Jarrett	Principal Environmental Protection Officer
J. Penfold	Senior Planning Officer
D. Smith	Senior Legal Executive
S. Wagstaff	Principal Planning Officer
A. White	Team Leader Development Manager
N. Gough	Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

1 Apologies

Apologies for absence were submitted on behalf of Councillor R. Martin, Councillor A. Harris and Councillor A. Hussain.

2 **Declarations of Interest**

Councillor Bird declared an interest in agenda item 9, Enforcement Table.

3 **Deputations and Petitions**

There were no deputations or petitions submitted.

4 **Minutes of previous meeting**

Resolved

That the minutes of the meeting held on 27 April 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

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

Exclusion of the Public

Resolved:

That, during consideration of the items on the agenda, the Committee considers that the relevant items for consideration are exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolves to consider those items in private.

6 **Application List for Permission to Develop**

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

(annexed)

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

7 **Plans List 2 – 22/1596 Paddock Land Corner of Beacon Road, Stables, Bridle Lane, Streetly**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper,

providing an overview of the application; proposed plans and elevations; transport arrangements; fencing requirements and appropriateness.

(annexed)

There were two speakers in support of the application - Mr Bruce Casalis (applicant) and Mr Nicholas Cobbold (agent) and two speakers against the application - Councillor Andrew (ward councillor) and Ms Jenny Hulme (neighbour).

Ms Hulme raised concerns regarding the visual prominence of the proposed development within the green belt and the potential effects of noise and light pollution on the Great Barr Conservation Area. Concerns were raised regarding the welfare of horses in adjacent fields. Councillor Andrew voiced concerns regarding traffic on a narrow lane with dangerous junctions and the detrimental effect of extensive fencing.

Mr Cobbold and Mr Casalis addressed the Committee to suggest that this area was not a designated equine area, and despite the perception that dogs were noisy – this was not the case quoting other areas where the noise was reported as limited due to the supervision of dogs. Mr Casalis informed the Committee that he was an adviser to Defra and his company had won awards as the market leader. The site received regular dogs who were well known and received daily enrichment. It was expected that there would be limited noise pollution resulting from the proposed development and that dogs would always be kept within the site, ensuring the safety of neighbouring plots. At similar sites the operators had never had an issue regarding safety despite close proximities to agricultural facilities.

Responding to questions, Mr Casalis explained that dogs would be collected by a 'dog bus' rather than being dropped at the site by owners. These would leave before dark so external lighting would not be required. Two-metre-high fencing would be adequately high for the dog facility. In the operator's history at other sites there had only ever been one dog escape which happened during the first two years of operation due to a gate being left open. The substantial amount of fencing was required to enable separation of different sized dogs. The existing barn would provide sufficient space for all dogs to have a sheltered space indoors.

Debating the application, some members expressed concerns regarding the extent of fencing on the proposal, the negative effect this could have on the Conservation Area and its appropriateness of it within the Green Belt. Concerns regarding parking, especially during school opening and closing times, were also raised, as was the potential for increased traffic. Several members commended the business case and concept of the proposed developments.

A Member stated that this was a good application, with applicants who had a proven track record. Although sympathetic to residents this was not a reason to refuse – stating that as dogs were collected and dropped off parking would not be an issue. Members were urged to consider the cost of an appeal. It was **moved** by Councillor Samra and **seconded** by Councillor Gandham that the application be approved for the reasons set out in the officer's report. Further debate took place and

subsequently Councillor Samra and Councillor Gandham withdrew the notice of motion and secondment prior to a vote being taken.

Further concerns were raised by Members of the Committee around the impact of the application on the surrounding area, its heritage and the visual amenity of the greenbelt land. It was **moved** by Councillor Bird and **seconded** by Councillor Murray and upon being put to the vote it was;

Resolved (14 in favour, 1 against)

That Planning Committee refuse planning permission for application 22/1596, contrary to the Officer's recommendations, having regard to the harm to the green belt this application would create, by way of the proposed intensification of use in this proposal and the requirement for the substantial amount of fencing needed within the application as lodged leading to the unwelcome urbanisation of this sensitive area of the green belt and the impact and harm this would also create within the Great Barr Conservation Area.

8 **Plans List 3 – 23/0394 156 Tyndale Crescent, Great Barr, Birmingham**

The Principal Planning Officer (S. Hollands) presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper, providing an overview of the site plan, the proposed layout and parking arrangements.

(annexed)

There was one speaker in support of the application, Mr Rabinder Singh Gill (applicant). Mr Gill explained that the development was policy compliant and would be akin to a family-unit, with the two residents using it as their home. Two carers would be on site with staggered shift patterns ensuring sufficient parking would be available.

It was **moved** by Councillor Bains and **seconded** by Councillor Samra and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission subject to;

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

9 **Plans List 1 – 22/0526 Land at Farmer Johns, 251 Aldridge Road, Streetly**

The Chair informed the Committee that the applicant had been advised that this item could be deferred to a future meeting due to their speakers being unable to attend, however the applicant had requested that the item be determined. The Committee

considered the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

It was **moved** by Councillor Samra and **seconded** by Councillor Murray and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee refuse planning permission for application 23/0394 for the reasons set out in the officer's report.

10 **Plans List 4 – 22/0124 77 Skip Lane, Walsall, WS5 3LP**

The Committee considered the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

It was **moved** by Councillor Bains and **seconded** by Councillor K. Hussain and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 22/0124 subject to conditions, as set out in the officer's report.

11 **Field adjacent the Duckery, Chapel Lane, Great Barr**

The Committee considered the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

It was **moved** by Councillor Bird and **seconded** by Councillor Bains and upon being put to the vote it was

Resolved (unanimously)

1. **That the fourth reason for refusal be withdrawn from the council's reasons for refusal and the appeal.**
2. **That Planning Committee approve the exchange of words in refusal reason 3, as set out in the report.**

At this point Councillor Samra left the meeting.

12 **Development Management Performance Update**

The Group Manager (Planning) presented a report which provided an update on the Development Management service performance.

[annexed]

It was identified that the service was below national targets regarding minor developments, but that the existing backlog was being cleared and it was not an issue unique to Walsall. Large numbers of applications continued to be received, but now at a slower rate than decisions were being issued. Another focus for improvement was customer service with an aim to bring more efficiencies whilst improving customer satisfaction. Some push-back was being reported from applicants seeking multiple reviews but the 'one revision' policy was necessary to clear the existing backlog.

Responding to questions the Group manager (Planning) explained that it was unrealistic to expect the backlog to be cleared before the end of the year but that it should be cleared early in the next year. In categories other than 'minor' developments, including 'major' applications, targets were being met. The dates for consultations would be included in the planning weekly list moving forward. A reduction in new applications was reported and was leading to reduced revenue. Introducing new fees for issues such as permitted developments were under ongoing consideration.

Resolved (by assent)

That the outcomes of the monitoring performance within the Development Management service be noted.

13 **Private Session**

Resolved

That during consideration of the remaining items on the agenda, the Planning Committee considers that the items for consideration are exempt information by virtue of Paragraph 3 of Part I of Schedule 12A of the Local Government Act, 1972, and accordingly resolves to consider the items in private.

At this point Councillor Bird left the meeting, having previously declared an interest in the next item and Councillor Statham took the Chair.

14 **Enforcement table**

Exempt information under paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended)

The Group Manager (Planning) presented a table which provided an update on the progress of formal enforcement actions.

Members highlighted that the costs involved were often very high and officers explained that these were not always recouped. The Development Management service were proposing to double fees for retrospective applications and hoped that the short-term pain of enforcement costs would act as a deterrence.

Individual cases were discussed including the level of financial penalties. Officers explained that fines for non-compliance would often be followed by further warnings and continued fines and prosecutions, potentially leading to high cumulative costs for individuals. The extent of negotiations and efforts in persuasion prior to direct action being taken were considered on a case-by-case basis according to appropriateness.

Resolved (by assent)

That the outcomes of the monitoring performance within the Development Management service be noted.

Termination of meeting

The meeting terminated at 7:15pm

Signed.....

Date.....

Planning Committee (Special Meeting)

Thursday 20 July 2023 at 5.30pm

In the Council Chamber, the Council House, Walsall.

Present:

Councillor M. Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor H. Bashir
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor A. Harris
Councillor C. Horton
Councillor A. Hussain
Councillor K. Hussain
Councillor I. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J Murray
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

In attendance:

A. Ives	Head of Planning and Building Control
A. Sargent	Principal Solicitor
M. Brereton	Group Manager, Planning
P. Gittins	Principal Planning Officer
S. Wagstaff	Principal Planning Officer
R. Ark	Principal Environmental Protection Officer
M. Crowton	Group Manager, Transportation and Strategy
K. Gannon	Development Control and Public Rights of Way Manager
K. Knight	Senior transport Planner
N. Gough	Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

15 Apologies

Apologies for absence were submitted on behalf of Councillor Bains

16 Declarations of Interest

Councillor Gandham declared an interest in Plans List item 1.

17 Deputations and Petitions

There were no deputations or petitions submitted.

18 Local Government (Access to Information) Act 1985 (as amended)

Exclusion of the Public

There were no items for consideration in the private session.

19 Application List for Permission to Develop

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

(annexed)

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

Having declared an interest in the next item, Councillor Gandham left the room for the duration of plans list item 1.

20 Plans List 1 – 22/0895 - Metro Inn Walsall, Birmingham Road

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper, providing an overview of the application, proposed plans, parking, and travel arrangements.

(annexed)

The Group Manager (Planning) explained that the applicant had been met with on a monthly basis and that the issues and unacceptability of the application had been made clear throughout discussions.

There were two speakers against the application – Councillor Rasab (ward councillor) and Mr Gary Sahota (neighbour) and two speakers in support of the application– Mr Daniel Wheelwright (agent) and Mr Peter Todd (highways consultant).

Mr Sahota raised concerns of excessive traffic and the potential effects of this on emergency vehicles and residents exiting driveways, especially when combined with the adjacent bus stops. Concerns were raised regarding air pollution, the social impact of the loss of the existing bar and that there was already a Lidl store nearby. Councillor Rasab reiterated concerns regarding traffic throughout the day and congestion when buses were at the nearby bus stop. Referring to existing issues

with speeding and traffic incidents, Councillor Rasab advised that traffic turning at the site would be hazardous and referred to a recent fatality on the Broadway, stressing that incidents were not always reported to the police.

Mr Wheelwright stated there would be no issue in meeting the requirements of the Lead Local Flood Authority and disagreed with comments regarding the outlook and light for neighbouring properties, which he claimed had not previously been raised by officers. He added that the proposal was much lower than the existing building and was similar to that of the Lidl store approved in Walsall Wood. He confirmed that Lidl had no plans to close its existing store. Mr Todd suggested that the proposed store would not generate new journeys on the highway network, instead redistributing existing journeys as customers sought to reduce costs. Post-opening surveys of stores located near to strategic routes indicated that they did not result in a material increase of through traffic during peak hours. Whilst the Broadway junction struggled at peak times, customers would likely avoid these times. Based on other Lidl stores, parking would be sufficient at peak times, including Christmas. He added that the existing accident record evidenced that the highway was operating safely with only 7 slight severity accidents at the Broadway Junction and none on the Birmingham Road.

Responding to questions, Mr Todd explained that customers could choose to travel outside peak hours to avoid congestion. Although the parking arrangements fell below the Council's standards, these were maximum standards. Mr Wheelwright explained that the proposed access had been kept in its current location following requests from highways officers and regarding vehicles turning right into the store, Mr Todd advised that the model used demonstrated that there would be no material increase in queues or delays at the Broadway junction. The store would have a maximum of 2 deliveries a day, both outside peak hours and HGVs would turn left into the site and right when exiting to limit congestion. Regarding speeding and traffic concerns, Mr Todd referred to the five-year accident record showing no accidents within the vicinity of the site. In response to a query about residents' needs being met by existing stores, Mr Wheelwright explained that as a discount provision, Lidl would provide a beneficial choice locally especially under the circumstances of food inflation. During public consultation Lidl received support and with the Sprint bus lane improvements customers would be more likely to use public transport in future as the site was accessibly located

In response to questions to officers, the Principal Planning Officer advised that although there were alternative retail units available, the sequential test was met. The Development Control and Public Rights of Way Manager provided technical explanations and explained that the Unitary Development Plan (UDP) stated the maximum parking for this site was 135 spaces - there was no minimum standard. After reviewing the transport assessment, travel plan, statement of community engagement and air quality assessment officers did not accept that it met the UDP assessments and national design guide standards, as the parking arrangements did not meet the needs of the site. In particular, the travel plan stated that staff would be asked to park their vehicles on the local network when the car park was full, reflecting the insufficient number of parking spaces. Officers reiterated that there were outstanding road safety concerns, highlighting the absence of a road safety audit to reflect the proposed access/egress arrangements and that Lidl had not

demonstrated how or where journeys on the network would be diverted from. Regarding the air quality assessment, Lidl had advised that the travel plan would resolve the issues identified however, it only referred to staff and not to customers or goods vehicles. The Development Control and Public Rights of Way Manager also advised that although accident data suggested there had been no accidents in the vicinity of the entrance, journeys to the existing Metro Inn had been low volume and the proposal would result in an intensification of use of the access.

Debating the item, members considered all the information provided to them, discussing highways safety concerns related to the nearby bus stops, junctions, and existing issues with congestion likely to be exacerbated by the proposed development.

It was **moved** by Councillor Bird and **seconded** by Councillor Nawaz and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee delegate to the Head of Planning and Building Control to refuse application 22/0895, as set out in the officer's report and subject to:

- Any additional material matters being raised as part of a current re-consultation;
- The finalisation and amendment of refusal reasons.

Councillor Horton entered the meeting.

21 **Plans List 2 – 23/0106 - The Allens Centre, Hilton road**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

The Principal Planning Officer explained that the site was not a designated public green space, it had been included in the draft Black Country Plan and had therefore been subject to public consultation. It was reaffirmed that this was an outline application and it was therefore the 'principle of development' being considered by the Committee.

There was one speaker in attendance against the application - Councillor Hicken (ward councillor). and one speaker in attendance in support of the application - Mr Jeevan Thandi (planning consultant).

Councillor Hicken voiced concerns that the consultation process within the former Black Country Plan did not make clear that removing the green space would be required, adding that Allens Rough was an accessible site used regularly by locals and that it was incorrect that no compensation for the loss of this green space would be required. Mr Thandi commented that whilst the outline proposal was for 59 dwellings, this did not necessarily mean that 59 would be built, adding that the

location was a sustainable and accessible brownfield site in an existing residential area.

Responding to questions, Councillor Hicken described the location as two plots combined into one, with one being a designated green space whilst the other was previously identified for development. Residents were not opposed to the principle of development on the part already designated for it, but the inclusion of the green space was opposed.

Debating the item, it was discussed that as an outline application members were considering the principle of development on the site and that the number of dwellings, highways arrangements and layouts would be determined at a future date, subject to a substantive application. As Council owned land there would be a potential for revenue generation and any sale would be subject to the ordinary tendering process.

It was **moved** by Councillor Bird and **seconded** by Councillor Harris and upon being put to the vote it was;

Resolved (13 in favour, 0 against)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0106 subject to conditions and a S106 agreement to secure open space contributions, affordable housing, and mitigation payments towards the Connock Chase SAC and subject to:

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

22 **Plans List 3 – 23/0495 - 6 The Oaks, Bloxwich**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and additional information included in the supplementary paper.

(annexed)

This was a retrospective application, and the presentation provided an overview of the site, proposed usages and highways conditions. Several objections were highlighted but not all were material planning considerations.

There were two speakers against the application – Mr Gregory Gelddard and Ms Dawn Richards (both neighbours). Mr Gelddard explained that restrictive covenants in the property's deeds stated that the property could only be used for residential purposes. He added that neighbours had never been consulted; that traffic and parking would be an issue; and that the police had already been called to an incident on the street. Ms Richards raised safeguarding concerns including the facility not being Ofsted registered; the over-looking nature of the properties in the area limiting privacy; and the close proximity of the railway (due to safety concerns for residents).

Responding to questions, Mr Gelddard and Ms Richards explained that an incident relating to parking had only occurred the previous week, which may explain why no objections had been received from West Midlands Police. Residents' concerns related both to a lack of confidence in the provider and the suitability of the location for such a facility. Regarding parking it was explained that the cul-de-sac regularly filled up with roadside parking and whilst three vehicles were usually parked for the care home, on one occasion there had been six parked related to the facility.

Officers clarified that although a business, the property remained in residential use. The differences between C2 and C3 class properties were explained, and the Group Manager (Planning) confirmed that a C2 category care home facility was still considered as residential for planning purposes. Any covenants regarding building use were a civil matter and not a material planning consideration.

Debating the item members considered concerns regarding safeguarding and the appropriateness of such facilities being in existing residential areas and raised concerns regarding the possible effects on those neighbourhoods. Members also discussed the need for children's homes and the responsibility of operators to ensure that residents' safety, safeguarding and the standards of provision were suitable.

It was **moved** by Councillor Waters and **seconded** by Councillor Samra and upon being put to the vote it was;

Resolved (8 in favour, 6 against)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0495 subject to conditions and subject to:

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed;**

23 Plans List 4 – 23/0372 56 The Crescent, Walsall

The Principal Planning Officer presented the report of the Head of Planning and Building Control.

(annexed)

There were two speakers on the item, one in favour - Ms Lauren McCullagh (agent) and one against - Mr David Wilkinson (neighbour). Mr Wilkinson spoke on behalf of residents and highlighted concerns regarding on-street parking coupled with buses and two schools in the immediate local area, as well as restrictive covenants placed on the property. Ms McCullagh explained that the proposal complied with local and national policies, meeting an already identified need in a sustainable location.

Responding to questions, Mr Wilkinson explained that the covenant on the property prevented the building being used for any trade or business purposes and claimed that this must have been known before the Council acquired the property. The nature of the area, with a dense population and lots of parking also meant it was unlikely four vehicles could be accommodated, in addition to any visitors.

Responding to questions, officers explaining that any covenants on use would not constitute a material planning consideration. Despite the change of use the property was still considered residential and visitors to the property would visit by appointment.

Debating the application, members discussed the appropriateness of locating such facilities in existing residential areas and raised concerns regarding the possible effects on those neighbourhoods. Members considered parking-related issues and the sufficiency of parking available, whilst one member added that the Council had no control over visitors at existing properties. Discussions regarding the covenant were held and whether this had been considered when the building had been acquired, however, it was acknowledged that this was not a material consideration for planning purposes. The Chair confirmed that Elected Members had not been involved in the acquisition of the building.

It was **moved** by Councillor Harris and **seconded** by Councillor Waters and upon being put to the vote it was;

Resolved (9 in favour, 7 against)

That Planning Committee delegate to the Head of Planning & Building Control to grant planning permission for application 23/0372 subject to conditions and subject to:

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed.**

24 **Plans List 5 – 23/0393 58 Reedswood Lane, Walsall**

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

(annexed)

It was **moved** by Councillor Nawaz and **seconded** by Councillor K. Hussain and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee grant planning permission for application 23/0393 subject to conditions, as set out in the officer's report.

Termination of meeting

The meeting terminated at 8:08pm

Signed.....

Date.....



Development Management Planning Committee

Report of Head of Planning and Building Control on 07/09/2023

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Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 1

Reason for bringing to committee

Major Application and Significant Community Interest.

Application Details

Location: WIENERBERGER LTD, SANDOWN WORKS, 175, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL, WS9 8BL

Proposal: APPLICATION UNDER SECTION 73 FOR THE REMOVAL OF CONDITION NUMBER 8 OF PLANNING PERMISSION 15/0303/FL (WHICH VARIED CONDITION 14 OF PLANNING PERMISSION 08/1338/FL AND CONDITION 14 OF BA17797P) TO ALLOW AN INCREASE IN THE LIMIT OF IMPORTED CLAYS FROM 95% TO 100%. SITE WITHIN THE PUBLIC RIGHTS OF WAY ALD1)

Application Number: 23/0118

Case Officer: Ann Scott

Applicant: Mr Richard Lord

Ward: Rushall-Shelfield

Agent: Mrs Sian Hayle

Expired Date: 17-Apr-2023

Application Type: Section 73: Removal or Variation of Conditions

Time Extension Expiry: 30-Sep-2023



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Recommendation:

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

- No new material considerations being received within the consultation period.
- The amendment and finalising of conditions.
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

Proposal

This Section 73 (S73) planning application is for the removal of condition number 8 of planning permission 15/0303/FL (which varied condition 14 of planning permission 08/1338/FL and condition 14 of BA17797P) to allow an increase in the limit of imported clays from 95% to 100%. The site is within the Public Rights of Way (Ald1)

8. The development hereby permitted shall only continue in association with the adjoining clay extraction operations such that no more than 95% of the clay used in the production of bricks each year shall be imported from elsewhere (i.e. sources other than Sandown Quarry). Confirmation of the tonnages of clay sourced from Sandown Quarry and imported from elsewhere (categorised by each source) annually (i.e. during the annual monitoring period 1st April-31st March) and the remaining clay reserves at Sandown Quarry at 31st March each year shall be submitted to the Mineral Planning Authority by the 1st May each year that the brickworks continues to operate. (old condition 8 to be deleted as this permission seeks it being removed).

Reason: To ensure that the brickworks, which are in the Green Belt and were permitted on the basis that the works remain ancillary to the adjoining quarry, only continue to operate in association with the quarry. Annual updates of clay supplies and usage and the extent of permitted clay reserves at Sandown Quarry are required to enable the Mineral Planning Authority to monitor compliance with the permission.

Site and Surroundings

The application site is an existing brick works manufacturing site situated on the North side of Stubbers Green Road Aldridge. This brickworks site, including brick and clay storage areas is adjacent to Sandown Quarry. The site is located within the Green Belt, with Stubbers Green Bog Site of Special Scientific Interest (SSSI) immediately to the south boundary and Stubbers Green Site of Importance for Nature Conservation across the road. Swan Pool and The Swag SSSI are 400m to the north.

The application site is within the vicinity of the adjacent clay quarry site which has a tandem application for a restoration scheme, reference 23/0120. The current application site utilises an existing vehicular access and there are no physical changes to the brickwork's application site proposed.

The application site is situated within flood zone 2 as defined on the Environment Agency flood map for planning. Near to the site is a definitive public right of way (Ald1) is not physically affected by the proposal to increase the importation of clay but runs around the existing quarry and is defined by existing fencing.. The application site also lies within the vicinity of a SSSI Risk Impact Zone. The site is situated in a low-risk area for Coal Mining legacy development.

Relevant Planning History

08/1338/FL Vary Condition 14 of planning approval BA17797P to Allow Increase of Limit on Imported Clays from 49% to 65% - Granted 4 November 2008

BA1779P – Erection of a brickworks – Granted 25 September 1986.

15/0303 - Application under section 73 for the variation of condition 14 of planning permission BA17797P, (as amended by 08/1338/FL) to allow an increase in the limit on the percentage of imported clays used in the production of bricks at the brickworks from 65% to 95% - Granted 08 September 2015.

23/0120 - Planning application for the restoration of Sandown Quarry through the importation of 3,100,000m³ of inert/non-hazardous material over a 20-year period, the construction of a

new site access and ancillary development. (Site within the Public Rights of Way Ald1) Sandown Quarry Stubbers Green Road Aldridge. – Pending consideration.

- BA17797P (September 1986) erection of brickworks. Condition 14 restricted the importation of clay to 49% of the total works usage in any year.
- 08/1338/FL (November 2008) allowed 65% of clay to be imported, with the condition varied by the granting of planning permission.
- 15/0303/FL (February 2015) allowed for a further 95% clay imports.
- 22/0826 (January 2023) EIA Scoping Opinion for restoration of 3,000,000m³ non-hazardous waste over a 20-year period (withdrawn)

Relevant Policies

National Planning Policy Framework (NPPF)

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

Key provisions of the NPPF relevant in this case:

NPPF 2 – Achieving sustainable development

NPPF 4 – Decision Making

NPPF 6 – Building a strong, competitive economy

NPPF 7 – Ensuring the vitality of town centres

NPPF 8 – Promoting healthy and safe communities

NPPF 9 – Promoting sustainable transport

NPPF 10 – Supporting high quality communications

NPPF 11 – Making effective use of land

NPPF 13 – Protecting Green Belt land 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

NPPF 17 – Facilitating the sustainable use of minerals

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
GP2: Environmental Protection
GP3: Planning Obligations
GP5: Equal Opportunities
GP6: Disabled People
ENV7: Countryside Character
ENV9: Environmental Improvement Initiatives
ENV10: Pollution
ENV11: Light Pollution
ENV12: Hazardous Installations
ENV13: Development Near Power Lines, Substations and Transformers
ENV14: Development of Derelict and Previously Developed Sites
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
JP8: Bad Neighbour Industrial Uses
5.3 to 5.11 Strategic Policy Statement
T1 - Helping People to Get Around
T8 – Walking
T9 – Cycling
T10: Accessibility Standards – General
T11: Access for Pedestrians, Cyclists and Wheelchair users
Black Country Core Strategy

CSP3: Environmental Infrastructure

EMP1: Providing for Economic Growth
EMP2: Actual and Potential Strategic High Quality Employment Areas
EMP3: Local Quality Employment Areas
EMP4: Maintaining a Supply of Readily Available Employment Land
TRAN4: Creating Coherent Networks for Cycling and for Walking
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV2: Historic Character and Local Distinctiveness
ENV3: Design Quality
ENV4: Canals
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV6: Open Space, Sport and Recreation
ENV8: Air Quality
WM1: Sustainable Waste and Resource Management
WM2: Protecting and Enhancing Existing Waste Management Capacity
WM3: Strategic Waste Management Proposals
WM4: Locational Considerations for New Waste Management Facilities
MIN1: Managing and Safeguarding Mineral Resources
MIN2: Production of Aggregate Minerals
MIN3: Maintaining Supplies of Brick Clay
MIN4: Exploitation of Other Mineral Resources
MIN5: New Proposals for Mineral Development

Walsall Site Allocation Document 2019

IND1: Existing High Quality Industry
IND2: Potential High Quality Industry
IND3: Retained Local Quality Industry
IND4: Local Industry Consider for Release
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
W1: Future Waste Management Requirements
M1: Safeguarding of Mineral Resources
M2: Safeguarding of Minerals Infrastructure
M3: Secondary and Recycled Aggregates
M6: Brickworks- Future Supply Requirements
M7: Brick Clay Extraction- Stubbers Green
M8: Brick and Clay Extraction- Other 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

Air Quality SPD

Section 5 – Mitigation and Compensation:

Type 3 – Additional Measures

5.12 - Emissions from Construction Sites

5.13 – Use of Conditions, Obligations and CIL

5.22 - Viability

Consultation Replies

Environmental Protection – No objection

Environment Agency – No objection

Conservation Officer – concerns raised but these relate to the application for the quarry restoration application.

Public Rights of Way Officer – Concerns Raised with regard to the route of the public footpath 1 Aldridge. However, this application does not include any physical changes and the PROW will not be affected by this application.

Strategic Planning Policy – Support In the event of approval being granted, planning conditions should be included that allow for the sharing or pooling of stockpiled resources in-line with BCCS Policy MIN3.

Local Highways Authority – Concerns raised Clarification is sought on the types and size of HGV's expected to deliver clay and inert material to the two sites. Paragraph 9.4.2 of the Transport Assessment states that HGV's with 18t payloads will carry inert infill to the quarry and Paragraph 9.4.5 states that HGV's with 20t payloads will deliver the clay imports to the brickworks. Clearly it is important to fully understand the actual payloads being delivered as this impacts of the number and frequency of HGV trips and the years of operation.

Representations

3 letters from third parties regarding the following;

Close to the SSSI and Swan Pool

Sand from vehicles is transported onto the highway

The site entrance will bring lorries onto a narrow busy road.

Stubbers Green Road too small for HGV's

Concern about impact on the wildlife
Highway safety/accidents
Road already very congested.
Increase in pollution.
Air pollution
Air quality information is out of date.

Determining Issues

Principle of Development
Green Belt Assessment
Heritage Assessment
Amenity of Neighbours and Amenity of Future Occupiers
Highways
Ecology

Principle of development

Consideration of application through s73 of the Town and Country Planning Act (as amended)

Section 73 is often used where circumstances affecting the development have changed, meaning that the conditions which were originally imposed need to be amended. When considering an application under section 73 the LPA can decide that planning permission for the development should be granted without particular conditions or subject to different conditions to those which were attached to the original permission. In this case the conditions of the original permission have been reviewed; those conditions which are no longer relevant, e.g. commencement condition, materials, tree guards and landscape due to the development being implemented and established are not required to be imposed on any permission. Most of the ongoing operational conditions as originally approved are considered to continue to be necessary and are recommended. Some conditions which are now not considered to meet the 'tests' are not recommended.

In 1986 planning permission was granted subject to conditions for the erection of brickworks within the Green Belt which was justified by its reliance on the clay being extracted from the neighbouring Sandown Quarry. Planning permission was originally subject to a condition requiring that the brickworks will only be operated in association with the adjoining clay extraction operations such that no more than 49% of clay used in the production of bricks each year shall be imported from elsewhere. In 2008 Planning Committee approved a variation to increase the limit on imported clays to 65%. The current application proposes to increase that further, seeking imports from 95% to 100% per annum.

In their ES non-technical Summary, the applicant notes that 5% of the 10,000 tonne imported clays to the adjacent brickworks annual requirement is currently provided by Sandown Quarry. We would estimate this to be around 500 tonnes per annum. Given that this document also states that approximately 5 years supply remains (para 1.2.2) then this suggests total mineral reserves stand at around 2,500 cubic tonnes.

When the planning permission for the brickworks was approved it was intended that once reserves at the quarry had run out, the brickworks would cease operating. The application seeks to prolong the life of the brickworks by increasing the amount of clay imports and maintaining employment provision.

A tandem application for the restoration of the quarry has been submitted. The application for the restoration brings other separate issues not related to this application. The proposal to allow the increase in importation of clay from 95% to 100% would be necessary to ensure that the brickworks remain open and can continue to operate and provide employment opportunities for the local community.

Green Belt Assessment

The variation of condition would increase vehicle movements but would not have any further impact upon the openness and purpose of the Green Belt in the immediate future. The issue to consider is whether the reduced reliance on clay from the quarry would cause long-term harm to the Green Belt by prolonging use of the brickworks and the longer period in which restoration of the quarry will take place. Based on the quarry being permitted to be worked until 2042 the variation of this condition would not override this principle, condition regardless of extraction rates. It does appear that the quarry is very near the end of its workable life in terms of extraction rates and the amount of clay left to work. The remaining clay will be stockpiled within the storage area for the brick work site to maximise the remaining volume left and to ensure that there is sufficient supply for the brickworks to continue output at capacity for the interim time until they are able to secure the importation of 100% of clays for use in the brick making enterprise. In accordance with policies GP2 Environmental Protection of the UDP and GB GB1: Green Belt Boundary and Control of Development in the Green Belt of the Site Allocation document.

Heritage Assessment

The application proposed will not result in an adverse impact on any nearby heritage assets.

Amenity of Neighbours and Amenity of Future Occupiers

There have been responses to the proposal from nearby residents although limited to this application. The proposal would make a limited difference to the operation of the site other than an increase in the number of vehicular movements and the amount of clay imported to the site from existing suppliers. The operation of the site already has traffic routing measures in place to control the impact of vehicles to and from the brickworks to minimise the impact on the locality.

Currently there is only a restriction on the level of imports of clay to the brickworks and not the capacity of the site. With an increase in importation of clay to the site is an increase in vehicular movements. This is discussed further in the highways section of this report.

It is considered that the proposal would have a minimal impact on the existing amenities of nearby existing and future occupiers. The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

Highways

The supporting information advises that there will be an additional 2 deliveries per day during weekdays, this equates to an additional 304 daily two-way movements for delivery of clay over an above the existing delivery rates. Distribution methodology takes account of the flow of traffic for the delivery of clay over weekdays only and not on weekends or bank holidays. Highways advise that the brickworks use an existing access and that it is important to fully understand the actual payloads being delivered as this impacts of the number and frequency of HGV trips.

This proposal is being considered on its merits and in accordance with existing Development Plan Policies and National Guidance. The existing operational use at the brickworks is clearly managed to ensure that the additional vehicular movements will follow the existing agreed operational measures to minimise the impact of the increase on the highway network. Highways do not advise against the grant of planning permission and therefore the main issue is whether the increase in the number of vehicles from the resulting importation of an increase of 5% would be detrimental to the safe operation of the highway network. The increase is therefore considered to be acceptable in principle and subject to conditions there are no

highway safety objections to the increase in the level of importation of clay proposed by the variation of condition number 8 of Planning permission 15/0303/FL (which varied condition 14 of planning permission 08/1338/FL and condition 14 of BA17797P) to allow an increase in the limit of imported clays to 100%.

The application is considered to accord with “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.

Ecology

The proposal is not considered to adversely affect the existing ecological value of the site or nearby biodiversity or the SSSI and wildlife. Whilst the proposal does result in an increase in the level of vehicular movements to and from the site this is limited in its increase and unlikely to generate any significant impact on the ecology and biodiversity of the surrounding locality. In accordance with SPD ‘Conserving Walsall’s Natural Environment’ adopted 24 July 2013. Black Country Core Strategy policy ENV1: Nature Conservation (adopted 3 February 2011).

Conclusions and Reasons for Decision

Given that there are no material planning considerations to not support the proposals it is concluded that considering the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

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

Recommendation – Delegate to the Head of Planning Services and Grant subject to conditions and no other material considerations.

1. This development shall not be carried out other than in conformity with the approved plans and documents approved under the terms of planning permission BA17797P, except as may be required by other conditions of this permission.

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted.

2. Noise levels emitted from operations carried out within the buildings (including external fixed plant and machinery) of the development hereby permitted, and measured at 1.0 metres from the nearest noise sensitive building shall not exceed: a) Between the hours of 0700 and 1900 hours a Leq (1 hour) of 50 d.B.A. with an A weighted slow maximum of 55 d.B.A at any one time b) Between the hours of 1900 and 2300 hours a Leq (1 hour) of 45 d.B.A. with an A weighted slow maximum of 50 d.B.A at any one time c) Between the hours of 2300 and 0700 hours a Leq (1 hour) of 40 d.B.A. with an A weighted slow maximum of 45 d.B.A at any one time.

Reason: To safeguard the amenity of surrounding occupiers.

3. No bricks shall be stored on the site to a height greater than 5 metres.

Reason: To safeguard the amenity of the area.

4. The premises shall be used for brickworks purposes and for no other purposes within the Town and Country Planning Use Classes Order 1987 (as amended).

Reason: The site lies within an area within which Green Belt policies apply and as such any other use may conflict with Green Belt policies.

5. Any quarry plant and machinery storage and repair compounds shall only be on concreted areas draining to oil and grease interceptors, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the drainage of the site does not contaminate adjoining land and watercourse and to safeguard the quality of groundwater in the area.

6. There shall be no storage of clay within a distance of 5 metres from the south eastern boundary of the site.

Reason: To ensure that surface drainage water is diverted away from the adjoining Site of Special Scientific Interest and therefore prevent its contamination by the precipitation of suspended clay particles.

7. Office development on the site shall be limited to that required in connection with the operation of the brickworks development hereby permitted and shall be occupied only for office purpose which are ancillary to the brickworks and for no other purpose.

Reason: The site lies within an area within which Green Belt policies apply and as such any other use may conflict with Green Belt policies.

8. For the duration of the development hereby permitted facilities shall be provided, and thereafter maintained and utilised on site to prevent risk of mud being carried onto the public highway. Prior to implementation of any proposed changes to these measures details shall first be submitted for written approval by the Local Planning Authority.

Reason: To ensure that the development hereby permitted does not prejudice the flow of traffic or conditions of general safety along the adjoining highway.

10. Visibility splays of 9 metres by 95 metres shall be provided at the permitted points of entry to the site from Stubbers Green Road. No parking or other obstruction greater than 600mm in height shall be permitted within these splays.

Reason: In the interests of highway safety on Stubbers Green Road.

END OF OFFICERS REPORT



Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 2

Reason for bringing to committee

Council application/owned land.

Application Details

Location: SITES AT TEMPLE BAR, CEMETERY ROAD, VILLERS STREET, NEW HALL STREET AND FORMER INGERSOLL RAND ARCHITECTURAL HARDWARE, MOAT STREET, WILLENHALL, W13 1SZ

Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES ON LAND AT MOAT STREET, TEMPLE BAR, CEMETERY ROAD, VILLIERS STREET AND NEW HALL STREET, WILLENHALL AND THE DEVELOPMENT OF UP TO 54 APARTMENTS, 53 HOUSES AND RETENTION OF LOCAL LISTED BUILDING FOR RESIDENTIAL PURPOSES, ASSOCIATED JUNCTION IMPROVEMENTS AND CAR PARKING, THE CREATION OF NEW PUBLIC OPEN SPACE AND ALL ASSOCIATED ANCILLARY WORKS (ACCESS AND LAYOUT TO BE CONSIDERED) (ADJ TO PROW WILL61).

Application Number: 23/0338

Case Officer: Stephanie Hollands

Applicant: Walsall Council

Ward: Willenhall South

Agent: Planning Arcadis

Expired Date: 03-Jul-2023

Application Type: Outline Permission: Major Application

Time Extension Expiry: 15-Sep-2023



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 111 Agreement to secure a Section 106 Agreement to include affordable housing provision and open space contribution and subject to:

- The amendment and finalising of conditions;
- Addressing concerns regarding flood risk/drainage, ground conditions, heritage, trees and Public Rights of Way; and;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Proposal

Outline planning application for the demolition of existing structures on land at Moat Street, Temple Bar, Cemetery Road, Villiers Street and New Hall Street, Willenhall and the development of up to 54 apartments, 53 houses and retention of local listed building for residential purposes, associated junction improvements and car parking, the creation of new Public Open Space and all associated ancillary works (access and layout to be considered) (adj to PROW Will61).

The proposed scheme comprises:

An indicative 3-storey apartment block along Temple Bar, reducing to 2 storeys along Moat Street;

Indicative 2 and 2.5 storey housing across most of the application sites.

Indicative 2 storey housing and 2 x three storey apartment blocks along New Hall Street.

The retention of the locally listed building is incorporated within the new layout. The application retains the office element of the former Moat Field Works, on Moat Street. It is envisaged that the building will be converted for residential purposes, although that does not form part of the current application. The proposed layout includes sufficient space for the building to be extended, to ensure that the property would have sufficient useable floor area to create a viable dwelling.

The proposed car parking provision has been slightly reduced from the Council's usual standards, having regard to current car ownership rates, the location of the sites close to town centre facilities and existing public transport and the opening of the Willenhall Rail station.

Each of the proposed houses will have two off-street parking spaces. Most of the parking will be within the curtilage of the individual properties, the only exception being in Site E (northern section) where the parking has been accommodated in a secure rear parking court.

Apartments have been provided with one space per unit, in communal parking areas.

Amenity space for apartments is provided at the rate of 20m² per dwelling: for the block at the corner of Moat Street and Temple Bar, part of that is proposed as a roof top amenity area.

Parcel A Proposals:

22 new build dwellings with 44 off-street car parking spaces.

Corner houses create interesting street elevations & act as marker buildings and give a sense of arrival.

Dual aspect houses for increased surveillance.

Opportunity for under croft parking to plots.

New road to serve houses.

Improvements to the existing radius of junction of Moat Street and Gower Street to improve manoeuvring of large vehicles.

Acoustic mitigation measures to ensure amenity.

Parcel B Proposals:

3 storey apartments facing Temple Bar to create a gateway building and amenity spaces, including a proposed roof terrace.

Mixed tenure of 3 Bed and 4 Bed dwellings.

Retention of the locally listed building to enable conversion to a dwelling.

Creation of off-street parking spaces

Active street front to Moat Street and Temple Bar.

Parcels C & D Proposals:

3 no. 3 Bed houses and 18 no. 1 and 2 Bed apartments.

Active street frontage to New Hall Street.

Provides surveillance to Greenway.

Over 1100 sqm of proposed Public Open Space.

Apartment block benefits from views and provides gateway building / sense of arrival.

Enhanced street frontage and scaping and tree planting will further enhance visual amenity.

Parcel E Proposals:

15 houses and 1 apartment

Creation of secure (gated) rear parking court.

Improvements to the existing radius of junction of Cemetery Road and Villiers Street to assist manoeuvring of large vehicles.

The proposal creates a stronger and enhanced frontage along Cemetery Road.

Provides natural surveillance over greenway.

All footways fronting the application site have been widened to a minimum of 2 metres, with footways reaching 3 metres in width in some areas. Dropped kerbs and tactile paving will be provided at all crossing points. Six on-street parking spaces will be provided on the south side of Newhall Street. This will be accommodated within the landscaped area.

The houses will be provided with 100% passive connection to EV chargers and the block of flats will be provided with 20% of the parking spaces with active connection and 80% passive connection.

Cycle parking will be provided in accordance with local cycle parking standards as set out below:

1-, 2- & 3-bedroom houses - 2 spaces per unit.

4-bedroom houses & above - 3 spaces per unit.

Apartments - 1.5 spaces per unit.

The cycle parking for the flats' elements of the proposal will be provided in form of appropriate and covered and secure cycle lockers/ storage.

Steps have been taken to design out the possibility of crime and antisocial behaviour, combined with boundary treatments.

The application establishes two main areas of public open space.

The following have been submitted in support of the application:

Planning Statement

Design & Access Statement (BM3 / Arcadis, 2023)

Noise Assessment Report (Arcadis, 2023)

Flood Risk Assessment (Arcadis, 2022)

Air Quality assessment (Arcadis, 2023)

Ecological Appraisal (Arcadis, 2023)

Arboricultural Impact Assessment (Arcadis, 2023)

Cultural Heritage Desk Based Assessment (Arcadis, 2023)

Heritage Impact Assessment Colonial Works (Arcadis, 2022)

Heritage Impact assessment Moat Field Works (Arcadis, 2022)

Framework Travel Plan (Arcadis, 2023)

Transport Assessment (Arcadis, 2023)

Ground conditions Preliminary Risk Assessment (Arcadis, 2023)

Site and Surroundings

Willenhall is located approximately 2.5 miles west of Walsall town centre, 2.5 miles east of Wolverhampton and 8 miles north-west of Birmingham. The application sites are situated immediately to the north and east of the town centre, within a short walking distance of the shops and services there and the site of the proposed train station.

The outline planning application proposes the redevelopment of five sites: Parcels A and B are located on Moat Street, with frontages to Stafford Street, Temple Bar and Moat Street respectively. Parcels C and D are located on New Hall Street. Parcel C consists of a parcel of land on the southern side of New Hall Street, adjacent to the Cemetery. Parcel D is located on the opposite side of New Hall Street, adjoining a former railway line. Parcel E comprises two land parcels, to the north and south of the Cemetery Road / Villiers Street road junction.

The red line sites and the surrounding are predominantly of 1 or 2 storey structures with few 3 storeys structures towards the north of site B.

There are several trees within the site and the surrounding areas. There are a wide range of different species, but Sycamore and Poplar are most common. Most of these trees are located along the northern boundaries of parcels B and D and the southern boundary of parcel E, within the Greenway footpath/wildlife corridor (Please refer to Arcadis's Tree survey report). Other significant trees are located within the Cemetery, close to parcel C. The Greenway is a dominant feature running through the heart of the area, providing both visual amenity and an off-street pedestrian and cycle route.

The sites are in Flood Risk Zone 1, which indicates a low risk of flooding from rivers. The risk of groundwater flooding is also classified as also low.

There are no World Heritage sites, listed buildings, scheduled monuments, or registered parks and gardens within the site. However, there are 17 Listed buildings and one conservation area within the wider study area. The listed buildings are predominantly located to the south of the application site, around Market Place, and to the southeast around St. Giles' Church. These assets predominantly represent the growth of the application area as a popular residential development area associated with nearby industrial, commercial, and ecclesiastical activity during this time.

Parcel A contains a 2-storey derelict factory building. To the south, the site adjoins an active manufacturing unit; to the west, set back from Stafford Street and behind a line of mature trees, the site faces the former Little London School; the Willenhall War Memorial is located on the corner of Field Street and Stafford Street, to the northwest; parcel B is located on the opposite side of Moat Street, to the north; to the east parcel A faces modern residential properties.

Parcel B is occupied by commercial, and retail/office uses. Currently the site is accessed from Temple Bar or Moat Street. It is occupied by single and two storey structures which are used for a variety of purposes such as metal fabrication / welding and a recruitment office. Several industrial buildings are vacant and derelict. The site includes the locally listed building, Moat Field Works, which faces parcel A. The northern boundary of the site adjoins a former railway line, now used as a Greenway; to the east is a terrace of residential properties; to the south are modern residential properties and parcel A; the Willenhall War Memorial is located on the corner of Field Street and Stafford Street; to the south west, across Temple Bar, are modern residential properties.

Parcels C and D are both located on New Hall Street. Parcel C consists of a single parcel of land on the southern side of New Hall Street, adjacent to the Cemetery. Parcel D is located on the opposite side of New Hall Street, adjoining a former railway line. Parcel C (west) is occupied by a vacant single storey industrial unit and associated parking and storage. It adjoins the cemetery to the south and east and fronts Cemetery Road and New Hall Street. To the north, across New Hall Street are terraced residential properties and derelict

industrial premises. Parcel D is occupied by industrial units, some of which are vacant and derelict. To the north, the site adjoins the Greenway, to the east are industrial uses; to the south, across New Hall Street, the site faces Site C and the cemetery; to the west are terraced residential properties.

Parcel E is divided into two sections by Villiers Street, running in an east west direction between them. Both parts of the site have a return frontage onto Cemetery Road. The northern section of the site appears to be used for industrial / storage purposes and abuts an existing electrical substation. To the north, the site adjoins terraced houses; to the west, across Cemetery Road, are residential properties; to the east, a public right of way runs along the site boundary, with a former industrial building converted for residential purposes beyond; to the south, across Villiers Street, it faces the southern section of parcel E. The southern section of the site includes a number of industrial buildings, of varying ages. Uses on the site include a used car, haulage and repairs business which appears to have an active premises for the business. To the north, across Villiers Street, is the northern section of parcel E; to the west, across Cemetery Road, are residential properties; to the east, there is the Willenhall Liberal Club, bowling green and car park all which are understood to be in active use; along the southern boundary there are mature trees and vegetation and the Greenway.

Relevant Planning History

ENQ/0081 - Redevelopment of Sites – Response provided on 18/06/2021:

In principle it is considered that residential redevelopment can be supported as referred to in the policy segment of the attached appendix subject to justification for loss of the locally listed building and bowling club if these options are pursued and suitable arrangements for relocation of any existing occupiers. There will need to be consideration regarding the type of accommodation provided as higher densities are acceptable in sustainable locations such as this. Highway infrastructure improvements will be crucial to delivery of the proposals.

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 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 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.

Reducing Inequalities

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

age

disability

gender reassignment

marriage or civil partnership (in employment only)

pregnancy and maternity

race

religion or belief

sex

sexual orientation

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

3.6 to 3.8 Environmental Improvement
3.9 Derelict Land Reclamation
GP2: Environmental Protection
GP3: Planning Obligations
GP5: Equal Opportunities
GP6: Disabled People
ENV9: Environmental Improvement Initiatives
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously Developed Sites
ENV17: New Planting
ENV18: Existing Woodlands, Trees and Hedgerows
ENV23: Nature Conservation and New Development
ENV25: Archaeology
ENV26: Industrial Archaeology
ENV27: Buildings of Historic or Architectural Interest
ENV28: The local list of buildings of historic or architectural interest
ENV29: Conservation Areas
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
JP7: Use of Land and Buildings in Other Employment Areas
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
H4: Affordable Housing
LC1: Urban Open Spaces
T1: Helping People to Get Around
T4a - Strategic Highway Network
T7: Car Parking
T8: Walking
T9: Cycling
T11: Access for Pedestrians, Cyclists and wheelchair users.
T12: Access by Public Transport
T13: Parking Provision for Cars, Cycles and Taxis
8.3 Urban Open Space
S4 (F) The Town and District Centres (General Principles)
WH3 (Environmental Enhancement)
WH4 (Development/ Investment Opportunities)

Black Country Core Strategy

Vision, Sustainability Principles and Spatial Objectives

CSP1: Inside a Regeneration Corridor

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

DEL1: Infrastructure Provision

DEL2: Managing the Balance Between Employment Land and Housing

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

HOU3: Delivering Affordable Housing

HOU5: Education and health care facilities

EMP3: Local Quality Employment Areas

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

MIN1: Managing and Safeguarding Mineral Resources

Walsall Site Allocation Document 2019

M1: Safeguarding of Mineral Resources

RC1: Inside a Regeneration Corridor

HC1: Land Allocated for New Housing Development

HC2: Development of other land for housing

HC3: Affordable housing and housing for people with special needs

IND4: Local Industry Consider for Release

OS1: Open Space, Sport and Recreation

EN5: Development in Conservation Areas

Supplementary Planning Documents

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

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

Consultation Replies

Officer's Comments are provided in italics.

Archaeology: No objection subject to conditions.

Clean and Green: No objection. We would not have any issues if the bin store is located on site for the apartments. Bin store should accommodate 7-euro bins, 3 x domestic bins and 4 x recycling bins.

Coal Authority: Withdraws its objection to the proposed development subject to the imposition of the conditions.

Conservation Officer: Concerns raised; conditions recommended (see details below).

Amended information is to be submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Ecology Officer: Objection (see details below).

Environmental Health: Has no comments to make in respect of this application.

Environmental Protection: Concerns raised; conditions recommended (see details below).

Additional information has been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Housing Standards: No comments to make on this application.

Housing Strategy: Based on 106 units 25% affordable units are required to be provided on-site (27 units). The tenure of these units should be 20 social rent, and 7 shared ownership including a mix of with a focus on 3 4 bedroom houses. Vacant Building Credit (VBC) may need to be considered in relation to buildings proposed for demolition.

Lead Local Flood Authority: Objection (see details below).

Additional information has been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Local Access Forum – Would currently support this application.

Local Highways Authority: No objection subject to conditions (see details below).

Public Rights of Way: Raise concerns, conditions recommended (see details below).

Amended plans and information have been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Public Lighting: No objection. Given the extent of the highway works as foreseen in the Highways consultee statement, this would require consequent alteration of the existing street lighting installation and a Section 38 design for all new roads and footways which will be changed or become maintainable following construction. This aspect will require to be considered fully at detailed design stage.

Severn Trent Water: No objections to the proposals subject to the inclusion of a condition.

Strategic Planning Policy: Support (see details below).

Tree Preservation Officer: I have no objections to the principle of development although the layouts are not supported in their current form (see details below).

Amended plans and information have been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Walsall Clinical Commissioning Group: The Integrated Care Board is seeking a contribution of £101,879.96 towards local healthcare infrastructure which is impacted by and directly related to the development and is fairly and reasonably related in scale.

Developer contributions to healthcare shouldn't in general be sought since the NHS funding model provides for increased local funding where the population increases.

West Midlands Fire Service: No objection. Notes for Applicant provided.

West Midlands Police: No objection. Notes for Applicant provided.

Representations

The application was advertised by way of the display of site and press notices and notification letters sent to 194 surrounding properties. The public consultation expired 4th May 2023.

One objection has been received with their comments detailed below:

Simply not enough room in Willenhall to accommodate more people. I strongly object.

One support has also been received with their comments detailed below:

Fabulous idea! At the moment our street looks shabby due to the abandoned industrial buildings. Having residential houses built would make it a welcoming place and provide better atmosphere for families.

Determining Issues

Principle of Development

Heritage Assessment

Design, Layout and Character

Amenity of Neighbours and Amenity of Future Occupiers

Highways

Public Rights of Way

Ecology

Flood Risk / Drainage

Trees / Protected Trees

Ground Conditions and Environment

Planning Obligations

Local Finance Considerations

Assessment of the Proposal

Principle of Development

This application forms a key part of delivering the aspirations of both the council and the West Midlands Combined Authority for the regeneration of Willenhall through the provision of housing on previously developed land.

Willenhall is identified as part of a regeneration corridor in the BCCS Key Diagram. The detailed boundary of the corridor is confirmed by SAD policy RC1. BCCS policy CSP1 states that the network of regeneration corridors will provide new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and locations with the best access to residential services, at moderate densities that allow for a range of house types.

The SAD allocates some former employment and other land for housing in pursuance of the BCCS. Poor quality occupied employment land is allocated as 'consider for release' land. BCCS policy DEL2 describes the process for the release of employment land for housing.

Policy DEL2 refers to the need to retain an adequate supply of occupied and available employment land as set out in policies EMP2, EMP3 and EMP4 before releasing any employment land. There is a growing shortfall in the supply of employment land in the Black Country. This was intended to be addressed by the Black Country Plan (BCP) which proposed, in general, that both the employment and the housing land supply should be increased, with most existing better quality employment land to be retained or redeveloped for employment use.

However, the sites that are the subject of the current application have been assessed in the Black Country Employment Area Review (BEAR)

<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/> which forms part of the evidence base to support the BCP. Whilst the BCP is no longer being proceeded with, the BEAR provides the most up to date evidence of the suitability of these sites for further employment use. It supported the public consultation on the regulation 18 draft BCP. Where there is potential conflict between the adopted development plan and the BEAR, the latter therefore has some weight. The BEAR confirms that all the occupied and vacant employment land in the current application is of poor quality and is not suitable or required for long term retention for employment use.

Reference is made in the planning statement submitted with the application to the Willenhall Framework Plan. Whilst this has been the subject of public consultation, it does not form part of the development plan. However, it is intended to show the wider vision that the council has for the area, including high quality design and environmental improvements.

The sites in this application have several different allocations in the adopted development plan. In some cases, these allocations do not reflect the current situation concerning individual sites or parts thereof. The development plan allocations and current situation in respect of the sites in this application, including the assessment provided by the BEAR, is as follows:

Site A (former Ingersoll Rand, South of Moat Street)

Vacant former employment site. Remains subject to the Willenhall District Centre Inset to the UDP Proposals Map which identifies it as part of an industrial regeneration area and development opportunity under saved UDP policy WH4 vi. This policy states "Although the Council will encourage existing employment uses to remain and will facilitate their expansion where appropriate, when sites are vacated other forms of development might be appropriate in principle - for example leisure, residential or non-food retail warehousing". Given the changes in the market for these alternative uses, this policy is no longer entirely appropriate. However, the BEAR identifies the site as a very low-quality former employment site (reference IN0075.22) that can be released to housing.

Site B (north of Moat Street)

Identified by SAD policy IND4 as consider for release site IN75.1, containing a locally listed building. The western part of this site is part occupied (BEAR reference IN0075.11) whilst the eastern part is vacant (BEAR reference IN0075.12). Both parts are identified as very low quality by the BEAR.

Sites C and D (Newhall Street)

The area north of Newhall Street is allocated by SAD policy IND4 as consider for release site IN77.1, whilst the west site south of Newhall Street is allocated by the SAD as site IN77.20. Both sites have low quality scores in the BEAR (reference IN0077.1 and IN0077.20). The east site south of Newhall Street is a former car park so is not allocated for employment and is not assessed by the BEAR.

Site E (Villiers Street)

The part of the site in employment use to the south of Villiers Street is allocated by the SAD as consider for release employment site IN245. The BEAR assesses this area as low-quality employment land that can be released to housing. The remainder of the area south of Villiers Street is a former club. It has no allocation in the SAD and has not been assessed by the BEAR. The area on the north side of Villers Street is allocated for housing by SAD policy HC1 as site reference HO162a. It has a lapsed planning permission for housing (reference 04/0685/FL/W2)

Despite the shortfall of employment land in the Black Country therefore, the employment sites within the application area are all poor quality and are not suitable for long term retention to help address this shortfall. Residential development of all the sites in the application can be supported on strategic planning policy grounds.

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.

Heritage Assessment

The demolition of Colonial Works, Moat Street Field Works, Century Works, and 20 Villiers Street would result in total loss of non-designated heritage assets associated with Willenhall's lock making industry. However, in this instance it is considered that the redevelopment of this area would bring benefits that outweigh the harm of total loss of these non-designated heritage assets. This application forms a key part of delivering the aspirations of both the council and the West Midlands Combined Authority for the regeneration of Willenhall through the provision of housing on previously developed land.

It is considered the retention of the locally listed building allows for a strong link to the past to be incorporated within the new layout in accordance with Saved UDP Policy ENV32, Policy ENV2 of the BCCS, DW3 of the Designing Walsall SPD and the NPPF.

The Conservation Officer has also advised should the Planning Officer assess there are public benefits that outweigh harm, then the building should be recorded prior to demolition, a level 3 recording survey in accordance with Historic England Guidance: Understanding Historic Buildings: A Guide to Good Recording Practice. The proposal would see the loss of several built heritage assets relating to the industrial town. However, should the proposal be granted permission, the Archaeology Officer also recommends a condition requiring a comprehensive programme of building recording to be undertaken prior to demolition.

The submitted heritage documents fail to reference the significance of Century Works, the buildings along Temple Bar, buildings along Newhall Street and Villiers Street, as well as failing to reference areas of high historic townscape value and designed landscape of high historic value.

Amended information is to be submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Layout

The layout of the proposed scheme respects the relationship between amenity space and parking areas. The development also respects the existing building lines. There would be no breach of the 45 Degree Code with respect to existing dwellings.

The layout of the proposed development is in keeping with its surroundings and in accordance with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and DW3 and DW4 of the Designing Walsall Supplementary Planning Document.

Amenity of Neighbours and Amenity of Future Occupiers

The Applicant has provided the following reports in support of their application. These have been assessed below to take account of the Agent of Change principle:

Air Quality Assessment, Ref. 10041655-ARL-XX-XX-RP-ZZ-007-01, February 2023, by Arcadis.

Noise Assessment Report, Ref. 10040829-ARC-XX-XX-RP-AE-001-P01-S2, March 2023, by Arcadis.

Air Quality Assessment

A planning condition will be required to verify the model used within the submitted air quality assessment prior to construction works commencing to ensure a satisfactory level of air quality for future intended occupants.

Noise Assessment

A noise impact assessment has been undertaken on behalf of the applicant, which in part has assessed current background/residual sound levels in the proximity of the proposed redevelopment. The acoustic report is advising that following mitigation measures, the proposed residential premises will not be subjected to significant *noise* levels. This hypothesis is based on the sound levels that were recorded at the times of the surveys.

Environmental Protection consider that this is not an ideal situation as it would be difficult, if not impossible, to ensure windows remain closed to safeguard amenity. The scenario thus presents that residents could be subject to excessive noise should windows be opened, and any ensuing complaints would have to be investigated and actioned as necessary on the part of the council. While it is accepted that there are other residents located in close proximity, who haven't at this time made any significant noise complaints concerning nearby businesses, this does not equate to a situation where new residents (with commensurate expectations for amenity) will not complain or be adversely affected, potentially requiring the Council to take enforcement action under statutory nuisance provisions; this could be highly detrimental to existing businesses. This situation would be untenable for the council as the local planning authority.

If Committee Members are minded granting planning permission, Environmental Protection offers that planning conditions and/or suitable covenants/agreements between relevant parties need to be included as an integral part of any decision. This relates to the Applicant agreeing mitigation measures, their implementation and validation, maintenance of the said measures and consideration of a deed of easement that is applicable to occupiers of residential development. On-going maintenance of the acoustic measures would need to include the proposed acoustic wall between the BE Wedge factory and the nearby proposed residential dwellings (with suitable clarification of whose responsibility this falls to).

As the acoustic mitigation measures will be required on an on-going basis, Permitted Development Rights need to be removed from the houses to ensure that any extensions or replacements will have the same or better acoustic mitigation measures to those being installed now.

Due to the proximity of the sites to roads and nearby residential and commercial premises, the Applicant needs to agree environmental control measures to ensure nearby interested parties will not be significantly affected by noise, vibration, dust, and debris.

Prior to any demolition or engineering works, site clearance etc., the Applicant needs to undertake an asbestos survey, with any identified being removed in accordance with national guidelines. A condition has been provided.

Additional information has been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

The submitted layout meets the standards set out in Walsall Council's Designing Walsall SPD, where practicable. All garden areas proposed for houses meet the required length / or area requirements and the layout also complies with required separation distances in most instances: on Sites A and B the shape of the site means that the usual separation distance cannot be achieved for some of the houses but does not significantly impact amenity. Amenity space for apartments is provided at the rate of 20m² per dwelling: for the block at the corner of Moat Street and Temple Bar, part of that is proposed as a roof top amenity area.

Highways

The Highway Authority supports the redevelopment proposals, and the proposed layouts include highway infrastructure improvements which are welcomed.

The retention of the one-way operation on Moat Street will not unduly impact on the development layouts as submitted. Some changes to existing on-street parking on Moat Street will be required to accommodate the new access points to the dwellings on Site A.

Additionally, there are two areas of landscaping proposed on under Sites C and D on the southern side of New Hall Street. It is not clear how and under what mechanism these are to be delivered.

Whilst the Highway Authority has raised concerns around the use of house types with under-croft parking due to potential limited visibility of approaching motorists and pedestrians, on balance these impacts can be minimised through conditions to secure suitable frontage boundary treatments to provide necessary pedestrian visibility splays.

Site A Overview

This site redevelopment proposals looks to demolish the existing derelict factory premises and construct 22 x two, three and four bedroom dwellings, together with a new adoptable access link road between Gower Street and Stafford Street.

The level of parking provision is two spaces per dwelling equating to 200%. Considering the site is in a highly sustainable location and the lower level of car ownership in this part of Willenhall, this level of parking is considered acceptable in this instance.

The development looks to widen out the existing narrow footways around the periphery of the site which is welcomed to improve pedestrian accessibility. The widened footways are to be adopted as publicly maintainable highway.

The redevelopment also proposes a new link road between Gower Street and Stafford Street which will also serve as access to Plots 13 to 18. This will also be adopted as publicly maintainable highway.

Site B Overview

This site redevelopment proposals looks to demolish the existing buildings, except for one listed building, and construct 50 dwellings, including 35 flats in a single block, 14 x three- and four-bedrooms dwellings and single dwelling in the Listed Building.

The flatted building has its own private vehicle access off Moat Street to a rear car park with 35 spaces. This is a level of provision of 100%. Considering the site is in a highly sustainable location and the lower level of car ownership in this part of Willenhall, this level of parking is considered acceptable in this instance.

4 public parking bays are to be provided on the Moat Street frontage. The dwellings have two spaces each which is considered acceptable at this location.

Plots 64 to 68 are served by its own access road off Moat Street. A turning area has been provided and Autotracked for a 10.7m refuse wagon. The access road shall be adopted as publicly maintainable highway.

The existing highway footways around the periphery of the site are to be widened to 2 metres and adopted as publicly maintainable highway.

Site C and D Overview

The Site C and D proposal looks to replace the existing commercial buildings and operations in New Hall Street and replace it with 20 dwellings comprised of 8 three bedroomed houses and 12 flats in a single block.

The dwellings have 2 parking spaces each which accords with UDP T13 parking policy.

The flats share a car park with 12 spaces which is a level of provision of 100%. This is considered acceptable considering the location of the site on the edge of Willenhall town

centre and its relatively sustainable location. Also New Hall Street is relatively wide so on-street parking is available if required.

Along with the Site C and D proposal are two areas of landscaping on the southern side of New Hall Street. The western area looks to provide 6 adoptable public parking bays parallel to the highway which is intended to provide some parking provision for the existing residents opposite but would be available to the public.

The eastern site is currently a public car park which is to be lost because of the development. It has currently 34 spaces and a utilisation rate of 26% according to the Arcadis Transport Assessment.

Site E Overview

The Site E proposals looks to redevelop existing commercial premises on two parcels of land north and south of Villiers Street with the junction of Cemetery Road with 15 two, three- and four-bedrooms dwellings and one flat.

The dwellings have 2 parking spaces each which equates to 200%. This is considered acceptable considering the location of the site on the edge of Willenhall town centre and its relatively sustainable location. Also, Villiers Street is relatively wide so on-street parking is available if required.

Plots 101 to 103 front onto Cemetery Road and are proposed to have rear parking together with the single flat Plot 107.

Public Rights of Way

A definitive public right of way (PROW), known as Footpath 61 Willenhall (Wil61) is present between Villiers Street and Temple Road. Site E, to the north of Villiers Street, directly adjoins this public right of way.

Planning drawings show that the former factory directly adjacent to the public right of way is to be demolished and that new dwellings will be provided. Whilst the development is supported in principle, at present Public Rights of Way raise concerns with the proposed development as there is insufficient information to fully confirm the impacts of the development on this public footpath. However, details can be secured through the inclusion of conditions on any approval.

Amended plans and information have been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Ecology

The Ecological Appraisal report completed by Arcadis dated February 2023, was submitted to support the application.

The current preliminary ecological appraisal states that up to 44 buildings were identified as having low to moderate roosting potential for bats and the ground level tree assessment for bat roosts has yet to be completed.

Due to the potential mitigation requirement needed should a roost be identified, detailed preliminary roost assessments on the buildings and trees are required. Further bat surveys required would be secured by way of a condition prior to the submission of the reserved matters application if this application is approved.

The submitted preliminary ecological appraisal states that delivery of biodiversity net gain is achievable, but no information has been provided on the proposals or commitments to achieve this at this time.

The option for biodiversity net gain to be achieved utilising off-site compensation should be a last resort after the design has maximised the delivery of biodiversity net gain within the application site itself. While full details could be provided at the later reserved matters stage preliminary biodiversity net gain details should be provided to ensure that biodiversity net gain can be maximised at the design level of the application before any consideration to offsite compensation is given.

Flood Risk / Drainage

The Lead Local Flood Authority have objected to this application due to insufficient information submitted to demonstrate that an acceptable drainage strategy is proposed.

The proposed development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed.

Additional information has been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Trees / Protected Trees

Parcel A – There are no existing trees on this site. This application doesn't demonstrate sufficient space to provide tree planting to the frontages of the site which is considered necessary to achieve a satisfactory appearance. This can be addressed through the inclusion of specific landscaping conditions to require the submission of an appropriate landscaping scheme.

Parcel B – There are numerous trees immediately adjacent the north boundary that overhang the site. The layout shows buildings immediately adjacent to the boundary resulting in a conflict between overhanging crowns and buildings, particularly in the northwest and northeast sections. This is likely to lead to the Council being placed under future pressure to severely prune or remove some of the trees.

This can be addressed through the inclusion of specific landscaping conditions to require the submission of an appropriate landscaping scheme.

Parcel C – The proposal is to return these areas from existing commercial use to a mix of soft and hard (pedestrian only) landscaping. Further details are required including a revised hard surfaced path for improved legibility.

Parcel D – The proposed houses are a sufficient distance away from the existing trees to the north. The boundary with the gateway building to the north comprises only of a palisade fence and no landscaping. Increased space is however required along this boundary to provide a landscaping scheme incorporating trees of a sufficient height to provide upper-level screening and shrub type planting to provide low level screening.

Improved space for landscaping should also be considered regarding the area beyond the east elevation of the building.

At present the Tree Preservation Officer objects to the layout of Parcel D due to the unacceptable landscaping provision.

Parcel E - North side of Villiers Street – indicative landscaping to the front of the houses unlikely to materialise as there is insufficient space. There is scope to set the dwelling back slightly into the site to allow reasonable tree planting on a prominent corner plot. The same goes for the plots fronting Villers Street (i.e. there is scope to move the dwellings back into the site to allow more meaningful landscaping.

South side of Villiers Street – the single dwelling in the northwest corner could have been afforded more space in line with above comments and nearby development to west to allow sufficient landscaping on prominent corner plot.

West boundary - indication of tree planting to front of houses but insufficient space allocated for these. Likely they will be very short lived due to the constrained space or removed shortly after occupation. Consider increasing space to frontages and to allow for more meaningful landscaping.

Southwest corner – proposed 4-bedroom 6-person unit with row of large and maturing trees immediately to the south. This unit is too close in construction terms and in impact terms. Greater separation is required between the trees and any unit in this location to ensure there is no direct impact and the impact from shading is much reduced. The proposal to prune back overhanging canopies of the trees in this area is unacceptable and should be avoided.

At present, the Tree Preservation Officer objects to the layout of Parcel E due to the impact from existing trees along the south boundary, and unacceptable landscaping provisions.

Amended plans and information have been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Ground Conditions and Environment

The applicant will be required to investigate the land for contamination before any construction commences to determine the need for remediation. It is noted that the Mining Risk Assessment makes recommendations for intrusive investigations for geological reasons, and the applicant is advised to consider combining said investigations with intrusive contaminated land investigations. Planning conditions for contaminated land are being provided.

The site is within the historic core of Willenhall, and as such there are both below ground and above ground heritage assets that may be impacted by these proposals.

The Archaeology Officer welcomes the submission of a Cultural Heritage Desk-Based Assessment with the application and agree with its conclusions. Regarding the below-ground archaeology, the site is within the Willenhall Archaeological Priority Area, and has the potential to contain remains associated with the medieval and early post-medieval settlement. There is a medieval moated manor site here, depicted on early and mid-19th century historic maps, the remains of which may survive at depth despite the potential for truncation by later industrial phases. Other remains from the early medieval period onward may also survive beneath and between the later buildings.

Any archaeology here would likely be of local or regional significance, and not form a constraint on development. However, any remains present would contain information from a significant period in the town's development, and the importance of their contribution to our understanding of the origin, history and development of Willenhall, and the wider Black Country, should not be underestimated.

The Archaeology Officer therefore agree that several stages of work would be required pre-commencement, comprising a phased response of evaluation, mitigation, and publication. As evaluation of the site will only be possible following demolition, this would have to be post-determination, however the Archaeology Officer would recommend that an evaluation of the site is undertaken as soon as possible, to look for opportunities to preserve the moat in situ, if possible (following consideration of layout), or to inform mitigation strategies for preservation by record if not.

The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (January 2023, prepared by Arcadis Ltd that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of conditions.

Amended plans have been submitted to the LPA for consideration and any updated comments will be added to the supplementary paper.

Planning Obligations

Policy HOU3 (Delivering Affordable Housing) of the Black Country Core Strategy sets out that local planning authorities will seek to secure 25% of affordable housing on all sites of 15 or more dwellings where it is financially viable. The tenure and type of affordable housing will be determined on a site-by-site basis based on the best available information regarding housing need. On sites where 25% affordable housing is proven not to be viable, the maximum provision will be sought that will not undermine the viability of the scheme, subject to achieving optimum tenure mix and securing other planning obligations as necessary. Claw back and other flexible arrangements will be sought through planning agreements, wherever possible, to allow for changing market conditions.

The Council's Affordable Housing SPD (April 2008) sets out guidance affordable housing. This includes guidance on the mix of sizes and spatial location within the site.

The applicant would be required to enter into a S106 to secure 25% policy compliant on-site affordable homes including affordable rent and shared ownership tenure.

Policy OS1 of the urban open space SPD and policies GP3 and LC1 of the UDP requires all types of residential development to provide a contribution towards public open space for all development with 10 or more units being proposed. The audit of green spaces around the Borough has identified a shortfall in provision for children and young people and the quality of some parks and other spaces. The aim of the contributions is to maintain and improve all parks and gardens and coping with increased pressure on existing provision and creating new open spaces to cope with additional pressure.

The proposed development of 108 dwellings requires a financial contribution for off-site open space totalling in the region of £164,934 (subject to the number of bedrooms within the retained locally listed building) which will be secured by a Section 106 agreement.

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 because of the construction of new housing.

This application proposes 108 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

The principle of residential use is acceptable. It is considered that the proposed layout builds on local character, and a proposal of this nature could be accommodated on this site with no detrimental impact on the quality of the existing residential environment and would create a satisfactory living environment for prospective residents of the site itself, subject to addressing the remaining issues set out in this report. The proposed contribution of 108 dwellings to the Borough's housing stock is given significant weight. The proposals constitute sustainable development and is in accordance with policy and guidance within both the Black Country Core Strategy (2013) and UDP, "Designing Walsall" SPD and SAD Policies.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding flood risk/drainage, ground conditions, heritage, trees and Public Rights of Way amended plans and additional information have been submitted which are subject of further consultation and assessment.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 111 Agreement to secure a Section 106 Agreement to include affordable housing provision and open space contribution and subject to:

- The amendment and finalising of conditions;
- Addressing concerns regarding flood risk/drainage, ground conditions, heritage, trees and Public Rights of Way; and;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Conditions and Reasons

Time Limits

1a: Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

b. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of approval of the last of the reserved matters to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2: Prior to the commencement of development hereby permitted approval of the details of the following reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced:

Appearance

Landscaping

Scale

Reason: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

3a: Prior to submission of the reserved matters application(s) a bat emergence survey shall be carried out to determine the presence or absence of bats within buildings present within the site and shall include any necessary mitigation and enhancement measures. The bat emergence survey shall be submitted to and approved in writing by the Local Planning Authority.

3b. Any mitigation and enhancement measures shall be implemented prior to first occupation of the development and thereafter retained for the lifetime of the development.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & NE1 to NE6 of the Natural Environment SPD.

Approved Plans

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

Site location plan (70304 - D100) received 23/03/2023

Site block plan (70304 - D101) received 23/03/2023

Site layout plan (70304 - D103K) received 23/03/2023
Site A layout plan (70304 - D104) received 23/03/2023
Site B layout plan (70304 - D105) received 23/03/2023
Sites C and D layout plan (70304 - D106) received 23/03/2023
Site E layout plan (70304 - D107) received 23/03/2023
Demolition plan (70304 - D102A) received 23/03/2023
Landscape parameter plan received 23/03/2023
Height parameter plan received 23/03/2023
Density parameter plan (10041655-AUK-XX-XX-RP-ZZ-0001-02 P02) received 23/03/2023
Land use parameter plan received 23/03/2023
Highways site layout drawing (10041655-ARC-HGN-ZZ-DR-HE-00013 P1) received 23/03/2023
Highways visibility analysis plan (10041655-ARC-HGN-ZZ-DR-HE-00014 P1) received 23/03/2023
Planning Statement received 23/03/2023
Design & Access Statement (BM3 / Arcadis, 2023) received 23/03/2023
Noise Assessment Report (Arcadis, 2023) received 23/03/2023
Flood Risk Assessment (Arcadis, 2022) received 23/03/2023
Air Quality assessment (Arcadis, 2023) received 23/03/2023
Ecological Appraisal (Arcadis, 2023) received 23/03/2023
Arboricultural Impact Assessment (Arcadis, 2023) received 23/03/2023
Cultural Heritage Desk Based Assessment (Arcadis, 2023) received 23/03/2023
Heritage Impact Assessment Colonial Works (Arcadis, 2022) received 23/03/2023
Heritage Impact assessment Moat Field Works (Arcadis, 2022) received 23/03/2023
Framework Travel Plan (Arcadis, 2023) received 23/03/2023
Transport Assessment (Arcadis, 2023) received 23/03/2023
Ground conditions Preliminary Risk Assessment (Arcadis, 2023) received 23/03/2023
Coal Mining Risk Assessment (Arcadis, 2023) received 23/03/2023
Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

Other Conditions

- 5: a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.
- b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.
- c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6a: Prior to commencement of the development hereby permitted details of a programme of site investigations and archaeological work shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. No development shall be carried out on site otherwise than in accordance with the approved details.

Reason: In order to secure an adequate record of the site's archaeology in accordance with saved policy ENV25 of Walsall's Unitary Development Plan.

7a: Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including cross sections, heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

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

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

8a: Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

Construction working hours

Parking and turning facilities for vehicles of site operatives and visitors

Loading and unloading of materials

Storage of plant and materials used in constructing the development

A scheme for recycling/disposing of waste resulting from construction works

Temporary portacabins and welfare facilities for site operatives

Site security arrangements including hoardings

Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

Measures to prevent flying debris

Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)

Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.

Details of proposed measures to safeguard the path integrity and pedestrian safety during demolition of the factory buildings which directly adjoin the public footpath and construction of the proposed dwellings.

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

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

9a: Prior to commencement of the development hereby permitted details of landscaping [phased in relation to any phasing of the development] including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

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

10a. Prior to the commencement of the development hereby approved, a scope for the recording of all the buildings earmarked for demolition under this application to a Level 3 shall be submitted to in writing and approved in writing by the local planning authority. The building recording surveys shall be undertaken by a qualified archaeologist and the form of the recording work shall be in accordance with Historic England's Guidance Understanding Historic Buildings: A Guide to Good Recording Practice (2016).

10b. The development shall not be carried out otherwise than in accordance with the agreed scope for building recording under part A of this condition.

10c. Prior to the development commencing, copies of the building recording surveys shall be made available to the Local Planning Authority.

Reason: To ensure there is a building recording survey undertaken to Level 3 of all the former lock manufacturing industrial buildings earmarked for demolition in accordance with Policy ENV28 and para 205 of the NPPF.

11a. Details of the landscape design works and hard surface details of the proposed works within Wood Street Cemetery to be submitted prior to commencement of the development.

11b. The development shall not be carried out otherwise than in accordance with the approved landscape and hard surface details as per part A of this condition.

Reason: To ensure the landscape works enhance the designed landscape of high historic value at Wood Street Cemetery in accordance with Policies GP2 and ENV33 of the UDP, policy ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

12: Prior to demolition, construction and engineering works commencing, the Applicant shall verify in writing to the Local Planning Authority that the air quality model for the development sites is accurate and that future occupants will not be significantly affected by poor air quality.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

13a: Prior to commencement of the development hereby permitted an asbestos survey shall be carried out and an asbestos Method Statement detailing actions to be taken and timescales for the taking of such action shall be submitted in writing to and approved in writing by the Local Planning Authority.

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved asbestos Method Statement.

c) Any asbestos identified shall be removed in accordance with current best practice and regulations.

d) Prior to commencement of demolition of the existing building a validation report confirming that all asbestos on site has been safely disposed of shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason. To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

14i: A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases to present a likely risk to proposed structures or future occupants of the development. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to any built development commencing. (see Note for Applicant CL 4)

ii) In the event that the desk study and site reconnaissance indicates a potential presence of contamination and/or ground gases on site and prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

iii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

iv) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

v) The remedial measures as set out in the 'Remediation Statement' required by part iv) of this condition shall be implemented in accordance with the agreed timetable.

vi) If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iv) of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and agreed in writing by the Local Planning Authority.

vii) A Contaminated Land Validation report confirming the details of the remedial measures implemented and cross referencing those measures to the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements, shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

viii) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178 and in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

15a: Prior to commencement of the development hereby permitted:

Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority

the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority

details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

b. Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

16a: Prior to the commencement of the development works on Site A, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

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 and in accordance with UDP policy GP2, T7 and T13.

17a: Prior to the commencement of the development works on Site B, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

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 and in accordance with UDP policy GP2, T7 and T13.

18a: Prior to the commencement of the development works on Sites C and D, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

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 and in accordance with UDP policy GP2, T7 and T13.

19a: Prior to the commencement of the development works on Sites E, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

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 and in accordance with UDP policy GP2, T7 and T13.

20: Prior to the commencement of any works on the two landscaped areas on the southern side of New Hall Street, the full engineering details of the required footway widening and the public parking bays with new public footway to the rear of the bays, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required, shall be submitted to and approved in writing by the Highway Authority. The new and widened footway and parking bays shall be offered for adoption as publicly maintainable highway under the appropriate legal mechanisms.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

21: Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

22: Prior to the first occupation of any dwelling on Site A, the parking spaces for that dwelling shall be fully implemented, the area being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces shall thereafter be retained and used for no other purpose.

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

23a: Prior to the first occupation of any dwelling on Site B, the parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces shall thereafter be retained and used for no other purpose.

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

24a: Prior to the first occupation of any dwelling on Site C and D, the parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces shall thereafter be retained and used for no other purpose.

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

25a: Prior to the first occupation of any dwelling on Sites E, the parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces shall thereafter be retained and used for no other purpose.

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

26: Prior to the first occupation of any dwelling on Site A, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

i) Widening of all existing highway footways to a minimum 2 metres, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.

ii) The installation of dropped kerb footway crossings at all vehicle access points, including the modification/revocation of the existing on-street parking Traffic Regulation Order on the southern side of Moat Street to accommodate the new vehicle access points.

iii) Removal and reinstatement of all redundant vehicular access points and rain water channels back to full kerb footway levels.

iv) The construction of the new link road and footway between Stafford Street and Gower Street together with all associated public lighting, drainage and the implementation of any required Traffic Regulation Orders for the one-way operation.

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

27: Prior to the first occupation of any dwelling on Site B, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

i) Widening of all existing highway footways to a minimum 2 metres together with the public parking bays on Moat Street and the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.

ii) The installation of dropped kerb footway crossings at all vehicle access points and access roads.

iii) Removal and reinstatement of all redundant vehicular access points back to full kerb footway levels.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

28: Prior to the first occupation of any dwelling on Site C and D, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

- i) Widening of all existing highway footways to a minimum 2 metres and the construction of the public parking bays, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.
- ii) The installation of dropped kerb footway crossings at all vehicle access points and access roads.
- iii) Removal and reinstatement of all redundant vehicular access points back to full kerb footway levels.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

29: Prior to the first occupation of any dwelling on Sites E, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

- i) Widening of all existing highway footways to a minimum 2 metres including revised junction radii, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.
- ii) The installation of dropped kerb footway crossings at all vehicle access points and access roads.
- iii) Removal and reinstatement of all redundant vehicular access points back to full kerb footway levels.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

30a: Prior to the first occupation of any flat on the development, the car park access road and car park be fully implemented, the areas being fully consolidated, hard surfaced in tarmac or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays. Three parking spaces shall be allocated for disabled users and marked out accordingly.

b) The access road and car park shall thereafter be retained and used for no other purpose.

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

31a: Prior to the first occupation of any flat on Site C and D, the car park shall be fully implemented, the area being fully consolidated, hard surfaced in tarmac or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays. One parking space shall be allocated for disabled users and marked out accordingly.

b) The car park shall thereafter be retained and used for no other purpose.

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

32a: Prior to the first occupation of the Plots 101 to 104 and 107 on Sites E, the rear car park shall be fully implemented, the area being fully consolidated, hard surfaced in tarmac or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

b) The car park shall thereafter be retained and used for no other purpose.

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

33a: Prior to the first occupation of any flat on the development, the internal cycle storage facility shall be fully implemented in accordance with the approved details.

b) The cycle storage 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.

34a: Prior to the first occupation of any flat on Site C and D, the internal cycle storage facility shall be fully implemented in accordance with the approved details.

b) The cycle storage 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.

35: All 2.4m x 3.4m pedestrian visibility splays at the vehicle access points shall be kept clear of any structures and planting at all times.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is retained at all times in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

36: Under any subsequent Reserved Matters applications, the total combined number of dwellings from each development site shall not exceed 108 units.

Reason: To accord with the submitted Arcadis Transport Assessment which is based upon the impacts of a total of 106 dwellings and UDP T13 parking policy.

37: Under any subsequent Reserved Matters applications, the ratio of 4-bedroom dwellings across each site shall not increase from that hereby approved.

Reason: To accord with the submitted Arcadis Transport Assessment and UDP T13 parking policy.

38: Under any submitted Reserved Matters applications, the boundary treatments shall respect all visibility splays demonstrated within the Arcadis Transport Assessment, whereby all splays shall be kept free of any structures or planting exceeding 600mm in height above highway levels.

Reason: In the interests of highway safety and UDP T13 parking policy.

39: Notwithstanding any Permitted Development Rights, all parking spaces shall hereafter be retained and used for no other purpose.

Reason: To retain, at all times, the approved level of parking provision across the development sites, to the satisfactory completion and operation of the development and in accordance with UDP policy GP2, T7 and T13.

40: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

- Class A (enlargement, improvement or other alterations)
- Class B (additions to the roof)
- Class C (other alterations to the roof)
- Class D (porches)
- Class E (building incidental to the enjoyment of a dwelling house)

shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant

West Midlands Fire Service:

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application

Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.
- e. A facility to store building information for firefighters to complete their tasks.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

For flats, either of the following provisions should be made.

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building. Door(s) should be provided such that there is no more than 60m between each door and/or the end of that elevation (e.g. a 150m elevation would need at least two doors).
- b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and meet the provisions in Section 8 of BS 9990.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

3.8.2 Emergency Vehicle Access

a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.

b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.

c) Neither end is obstructed by parked cars.

d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

3.8.3 Increased Carriageway Widths

a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.

b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

3.8.4 General

a) There is no maximum length to a dead end/cul-de sac access route, however, it should accommodate no more than 150 dwellings.

b) A turning circle or hammer head should be provided in any dead end greater than 20 metres in length. It should be provided either at the end or within 25 metres of the end please see Approved Document B – Volume 2.

c) When inspecting plans with regard to access it may be necessary to accept a temporary situation or phased approach until the matter can best be resolved.

Section 14: Fire mains and hydrants – flats

Provision of fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

a. The firefighting stairs.

b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

15.3 A building with basement storeys should have firefighting shafts in accordance with the following.

a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.

b. There are two or more basement storeys, each with a minimum area of 900m².

The firefighting shafts do not need to include firefighting lifts. The building's height and size determine whether firefighting shafts also serve upper storeys.

15.4 Firefighting shafts should serve all storeys through which they pass.

15.5 In buildings where a firefighting shaft is required, a minimum of two firefighting shafts should be provided in either of the following situations.

a. A building that has both of the following.

i. A storey with a floor area of 900m² or more.

ii. A storey 18m or more above the fire and rescue service vehicle access level.

b. A building with a basement storey which is more than 900m².

15.6 Firefighting shafts and protected stairways should be positioned such that every part of each storey more than 18m above the fire and rescue service vehicle access level complies with the maximum distances given in paragraph 15.7. Distances should be measured from the fire main outlet on a route suitable for laying a hose.

NOTE: If the internal layout is not known, the distance should be measured at two-thirds of the direct distance.

15.7 In any building, the hose laying distance should meet all of the following conditions.

a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 15.3).

b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected stairway (although this does not imply that the protected stairway needs to be designed as a firefighting shaft (see Diagram 15.3)).

Wayfinding signage for the fire service

15.13 To assist the fire service to identify each floor in a block of flats with a top storey more than 11m above ground level (see Diagram D6), floor identification signs and flat indicator signs should be provided.

15.14 The floor identification signs should meet all of the following conditions.

a. The signs should be located on every landing of a protected stairway and every protected corridor/lobby (or open access balcony) into which a firefighting lift opens.

b. The text should be in sans serif typeface with a letter height of at least 50mm. The height of the numeral that designates the floor number should be at least 75mm.

c. The signs should be visible from the top step of a firefighting stair and, where possible, from inside a firefighting lift when the lift car doors open.

d. The signs should be mounted between 1.7m and 2m above floor level and, as far as practicable, all the signs should be mounted at the same height.

e. The text should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch.

15.15 The wording used on each floor identification sign should take the form Floor X, with X designating the number of the storey, as intended for reference by residents. The floor number designations should meet all of the following conditions.

a. The floor closest to the mean ground level (see Diagram D4) should be designated as either Floor 0 or Ground Floor.

b. Each floor above the ground floor should be numbered sequentially beginning with Floor 1.

c. A lower ground floor should be designated as either Floor -1 or Lower Ground Floor.

d. Each floor below the ground floor should be numbered sequentially beginning with Floor – 1 or Basement 1.

15.16 All floor identification signs should be supplemented by flat indicator signs, which provide information relating to the flats accessed on each storey. The flat indicator signs should meet all of the following conditions.

a. The signs should be sited immediately below the floor identification signs, such that the top edge of the sign is no more than 50mm below the bottom edge of the floor identification sign.

b. The wording should take the form Flats X–Y, with the lowest flat number first.

c. The text should be in sans serif typeface with a letter height of at least half that of the floor indicator sign.

d. The wording should be supplemented by arrows when flats are in more than one direction.

e. The text and arrows should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch. NOTE: In the case of multi-storey flats with two or more entrances, the flat number should only be indicated on the normal access storey.

Evacuation alert systems

15.17 In blocks of flats (purpose group 1(a)) with a top storey over 18m above ground level (see Diagram D6 in Appendix D) an evacuation alert system should be provided in accordance with BS 8629. Secure information boxes

15.18 A secure information box provides a secure facility to store information about a building for use by the fire service during an incident.

15.19 Blocks of flats (purpose group 1(a)) with a top storey more than 11m above ground level (see Diagram D6 in Appendix D) should be provided with a secure information box. NOTE: Consideration should also be given to other buildings with large, complex or uncommon layouts where the provision of a secure information box may be beneficial.

15.20 The box should meet all of the following conditions.

a. Sized to accommodate all necessary information.

b. Easily located and identified by firefighters.

c. Secured to resist unauthorised access but readily accessible by firefighters.

d. Protected from the weather.

15.21 Best practice guidance can be found in Sections 2 to 4 of the Code of Practice for the Provision of Premises Information Boxes in Residential Buildings published by the Fire Industry Association (FIA).

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey **more than 11m** above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

The approval of Building Control will be required to Part B of the Building Regulations 2010
Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

West Midlands Police:

The applicant may consider the following.

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

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

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see : [HOMES GUIDE 2023 web.pdf \(securedbydesign.com\)](#)

For flats / apartments.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2023 page 73 2b. 45).

SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2023 page 73, 45.3).

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2023 page 74, 45.4-5).

Suitable lighting will provide some security.

Lighting at the levels recommended by BS 5489-1:2020.

External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas.

This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2).

I would recommend 24 hour lighting using a daylight sensor to communal areas. Good quality LED lighting.

Providing security to residents as they make their way within the building. (SBD Homes 2023 page 77 49.8).

Consider cctv multiplex cctv system for all shared areas in particular facial view on all entrances.

A height to 120% of the screen is required for identification. (SBD Homes 2023 page 62, 36.1 – 37.7).

A capture of all persons and vehicles particularly entering and leaving.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

For apartments consider card entry system or similar. With correct management and maintenance this should provide security.

Access control to the building see SBD Homes 2023 page 48, 29.

To allow residents entry, to their floor area and apartment.

Consider for communal shared entrances doors and visitor door entry systems to standard SBD Homes 2023 S48.

In the interests of safety, security and crime prevention I ask that door sets fitted with TS 007 3 star rated cylinders to each of the individual rooms.

Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9).

All doors to a minimum PAS 24: 2022 standard doors for houses and apartments. Particularly external doors.

Consider communal shared entrances doors and visitor door entry to standards LPS 2081 or STS 202.

PAS 24 2022 for all new windows. Controlled fittings – Building Regulations etc.

This includes combined fire resistance with security. (See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

Any entry and to each room would be an individual victim of dwelling burglary.

If required cycle stores, approved products, are recommended (SBD Homes 2023 page 60, 32 and 85, 64).

Located in a clearly visible area.

Public Rights of Way Note to applicant:

To ensure pedestrian safety and create a safe work area, a permit to work and/or temporary prohibition of traffic order may be required. Prior to commencement of any work associated with the development within, or adjoining footpath Wil61, the applicant must agree details of their proposed work with highways and apply for any necessary permits. Upon completion, the applicant must reinstate the path to its present condition. For details go to [Apply to temporarily close a public right of way \(PROW\) | Walsall Council](#), or contact PublicRightsofWay@walsall.gov.uk at least 28 days before commencement of any work within the footpath. No excavations, scaffolding, hoarding, signage, storage of materials, or other activities associated with the proposed development are to be present within, over or underneath this footpath without prior agreement of the highways authority.

HIGHWAY AUTHORITY - NOTES TO APPLICANT:

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

Notes for Applicant – Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011+A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority and the persons/business responsible for the Building Regulation compliance. For example, photographs of earthworks, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive, and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority. The Validation Report shall be written by a Technically Competent person/company.

CL4

The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

4. Acoustics and Noise

i) Acoustic mitigation measures to ensure that a good acoustic environment is achieved within the residential premises shall be agreed in writing with the Local Planning Authority. This shall accord with, but not be limited to, ProPG: Planning & Noise - Professional Practice Guidance on Planning & Noise - New Residential Development (May 2017).

ii) A Validation Statement confirming the implementation of agreed acoustic mitigation shall be submitted in writing to the Local Planning Authority prior to the development being brought into use. The development shall not be brought into use until the local authority has issued confirmation that the Validation Statement is acceptable.

iii) All agreed acoustic mitigation measures shall be maintained for the life of the development.

NOTE TO APPLICANT (and future occupiers)

Due to the nature of acoustic and contaminated land mitigation measures installed within the development, **Permitted Development Rights have been removed.**

Any new or replacement items installed to provide mitigation will be required, as a minimum, to provide the same performance of mitigation. Any existing mitigation measures should not be compromised as a result of any future works/installations.

END OF OFFICERS REPORT



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

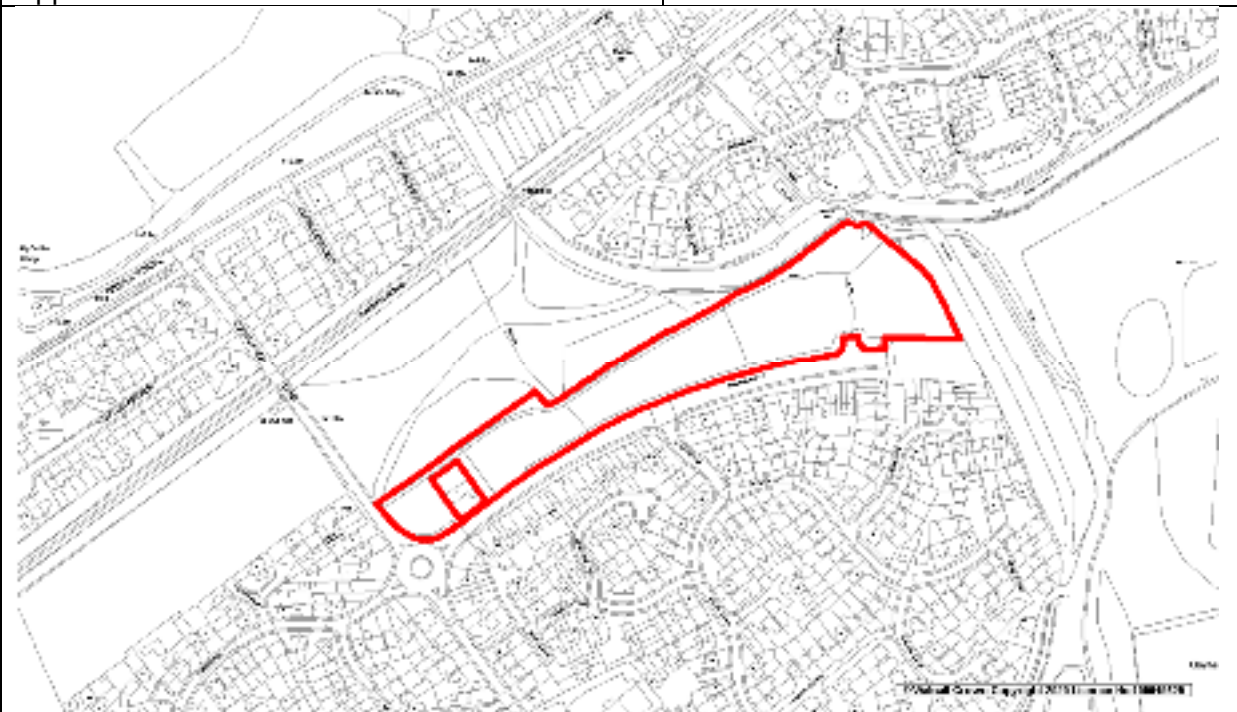
Ward: Brownhills

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 within 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



Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 4

Reason for bringing to committee

Called in by Councillor Andrew

Application Details

Location: BOATMANS REST, 20, HIGH STREET, WALSALL WOOD, WALSALL, WS9 9LP

Proposal: DEMOLITION OF EXISTING PUBLIC HOUSE AND REPLACEMENT WITH 9 ONE BEDROOM AND 7 TWO BEDROOM APARTMENTS WITH ANCILLARY PARKING AND AMENITY.

Application Number: 20/0616

Case Officer: Ann Scott

Applicant: Sanghera

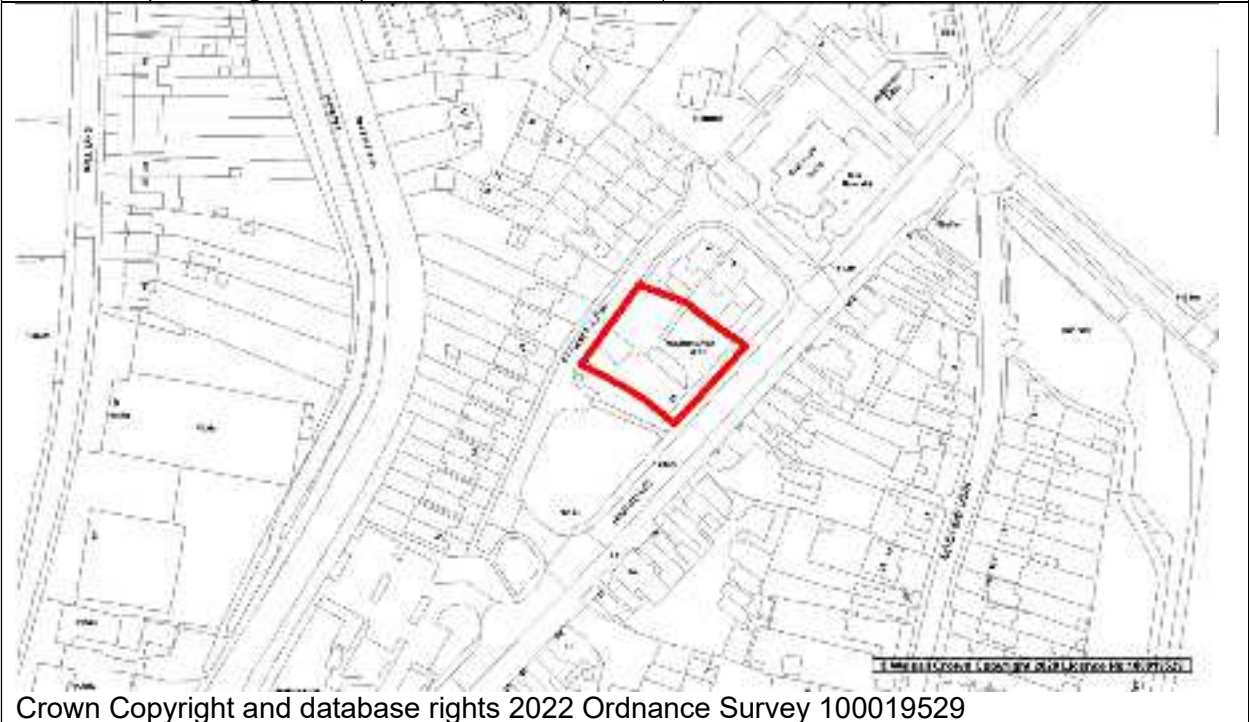
Ward: Aldridge North And Walsall Wood

Agent: Lapworth Architects Limited

Expired Date: 19-Feb-2021

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

Time Extension Expiry: 29-Jul-2021



Recommendation

Refuse

Proposal

This application proposes the demolition of the existing public house and replacement with 9 one bedroom and 7 two-bedroom apartments with ancillary parking and amenity. Amended plans have been received to provide changes to the scheme to include revised access, boundary treatment and amenity space of 162m² and cycle and bin storage within the building. Pedestrian access is from High Street and vehicular access is from St Johns Close. The design includes landscaping and some amenity space.

Site and Surroundings

The application site is an existing public house with associated land and car park on the South Side of High Street Walsall Wood. The public house is a modest two storey building known as The Boatman's Rest, 20 High Street and is identifiable on historic mapping dating from 1902, if not earlier. The building is classed as a non-designated heritage asset, as defined in the NPPF. The building has been altered and modified over the years; however, its steep pitched roof and plan form are still evident of the original public house.

The application site is situated within the 15 km zone of influence for the Cannock Chase SAC and is within Flood Zone 1 as defined on the Environment Agency Flood Map for Planning.

Vehicular access is proposed amended and proposed from High Street.

Relevant Planning History

BC49437P- New toilets and kitchen extension- approved 20/5/1997
BC56717P-Extension to public house – approved 22/12/1998
07/2033FL- Smoking shelter – refused 12/04/2007
02/1236- Replacement garage/store – approved 30/01/2003
03/0637- Conservatory and external seating – Refused 08/10/2004
04/1786- Conservatory and covered area – approved 27/10/2004

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 8 – Promoting healthy and safe communities

NPPF 10 – Supporting high quality communications

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 Framework, Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment).

Defines significance as 'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Planning Practice Guidance

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.

Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm.

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
GP3: Planning Obligations
GP5: Equal Opportunities
GP6: Disabled People
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously Developed Sites
ENV17: New Planting
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
ENV40: Conservation, Protection and Use of Water Resources
H3: Windfall Sites on Previously Developed Land and Conversion of Existing
T7 - Car Parking
T8 – Walking
T9 – Cycling
T10: Accessibility Standards – General
T11: Access for Pedestrians, Cyclists and Wheelchair users
T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
T13: Parking Provision for Cars, Cycles and Taxis
LC1: Urban Open

Black Country Core Strategy

Vision, Sustainability Principles and Spatial Objectives
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
LC8 Community facilities
EQ2 - Cannock Chase Special Area of Conservation

Walsall Site Allocation Document 2019

T4: The Highway Network
HC2: Development of Other Land for Housing

Supplementary Planning Document

Conserving Walsall's Natural Environment

The natural environment and new development
NE5 – Habitat Creation and Enhancement Measures
NE6 – Compensatory Provision

Designing Walsall

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

Open space, sport and recreation

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

Air Quality SPD

Section 5 – Mitigation and Compensation:

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

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

Consultation Replies

Conservation Officer – objection on the grounds of the loss of the non-designated heritage asset and design.

Environmental Protection – Concerns raised regarding noise from the heavily traffic road High Street to future occupiers. Acoustic Survey requested.

LLFA – Standing advice advised No objections.

Ecology – No objection No ecological objections.

In respect to the Preliminary Bat Roost Assessment and Bird Survey report undertaken by Christopher Smith dated 20th May 2021 provided in support of this application. I am satisfied that the survey report has provided sufficient information in line with best practice guidelines to indicate that it is unlikely for bats to be roosting and birds nesting within the building.

Precautionary working practices and lighting recommendations have been put forward within the report to ensure any potential for disturbing and or harming bats has been minimised and avoided.

Police Architectural Liaison Officer – raises concerns about crime in relation to the position of the parking to the rear of the flats. Recessed entry doors which should be located at the building line. The proposed 1.8 metre fencing would reduce the ability of natural surveillance. Lighting is recommended. The development should be carried out in accordance with secured by design principles.

Highways – Raise concerns regarding The Highway Authority will require an extension to the 1.8m wide public footway in St Johns Close across the entire site frontage linking to the existing footway either side of the site. The footway shall be offered for adoption as a publicly maintainable highway via an agreement under S38/278 of the Highways Act 1980. This will provide a fully accessible pedestrian link to the site from St Johns Close to the benefit of the public at large as well as provide protection of the access visibility splay from potential obstructions.

The proposed boundary treatment either side of the proposed access on St Johns Close shall provide a pedestrian visibility splay measuring 2.4m x 3.4m within which no solid structure exceeding 600mm in height above footway level. A suitable physical boundary treatment will be required along the back of footway across the High Street frontage to prevent potential unauthorised vehicular access and parking along this frontage.

Housing Standards – concerns raised with regard to the lack of information on room sizes.

Natural England – No objections

Strategic Planning Policy – No objections

Severn Trent Water – No objections

West Midlands Fire Officer – Fire safety measures should be incorporated into the development in accordance with B5 of the building regulations.

Highways England – No objections

Community Safety - Historically, areas within close proximity have been subject to considerable ASB and criminal activity. It would benefit developers and residents to ensure the highest standards of security are applied.

Public Lighting – No objections

Clean and Green – No objections

Historic England – No comments to make

Representations

15 Third party letters of comment regarding the following.

Highway safety/Increased congestion

Insufficient parking within the site leading to on street parking.

Residential amenity

Overlooking/loss of privacy/light

Impact on/loss of Trees within/adjacent the site

Out of keeping with the existing buildings and character of the area

Revised plans do not improve the building or overcome the concerns.

High Street is traditionally two storey brick buildings.

Inadequate vehicular access

Overdevelopment of the site.

Proximity to existing houses is unacceptable.

Building unsympathetic to the church and village green area of High Street.

Access is close to a junction.

Residents got the grass and planting in the open space on High Street.

Noise levels will rise.

Drainage issues in the locality

The Victorian Public House should not be demolished, and the historic building should be preserved.

Determining Issues

Cannock Chase SAC

Principle of development

Design Layout and character

Heritage Assets

Highway Safety

Amenity of existing and future occupiers

Ground Conditions and Environment

Flood Risk and Drainage

Ecology

Crime and Antisocial Behaviour

Local Finance Considerations

Assessment of the Proposal

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 affects 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 taken into account 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 16 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. Members will be aware, that should they wish to support the current proposal, they cannot set aside the Cannock Chase SAC requirements and the applicant would need to complete the appropriate documentation, plus agree to the payment of mitigation monies via a legal agreement (S106 in this instance given the need to secure affordable homes and Urban Open Space contributions) before a planning approval could be issued.

Principle of Development

The application site is on a parcel of land of 780m² within the limits of development for Walsall Wood. The site has no allocation and has been in use as a public house and associated land.

Paragraph 8 of the NPPF relates to achieving sustainable development and seeks to ensure that new development is sustainable in terms of the economy, social objectives and environmental objectives. Paragraph 10 provides for the presumption in favour of sustainable development. In terms of the location of the proposed development there are no objections in principle to the development of 1 dwelling in this location within the development limits and related to the Pelsall Centre and wider settlement pattern.

Housing Need

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 seeks to ensure the governments' objective of significantly boosting the supply of homes. Paragraph 61 relates to strategic housing supply policies and should be informed by local housing need. The council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test because of low housing delivery over the last three years. Paragraph 73b of the NPPF seeks to ensure that the supply of new homes should be well located and designed and supported by the necessary infrastructure and facilities including a choice of transport modes. Walsall Wood is connected by bus and rail services to the wider area and provides a sustainable location for the proposed development. The application site is closely located to the Walsall Wood urban area. In principle residential development is supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 69 and 119.

Paragraph 74 relates to maintaining supply and delivery of housing sites over the development plan period. Local Planning Authorities should update annually a supply of deliverable sites against their housing requirement set out in adopted strategic policies.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to create a network of cohesive, healthy and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

The present Housing Delivery Test indicates that Walsall only achieved around 70% of its housing delivery over the period 2021-2022. Where applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites. The presumption is in favour of granting permission as indicated in Paragraph 11d. Whilst the council does recognise there is a short fall in housing currently, in this instance the delivery of 16 additional dwellings does not outweigh the harm the development currently has.

Highway safety

The site is in a sustainable location with close access and links to public transport, and walking/cycling to services and facilities within Walsall.

In respect of the proposed revised layout plans the highway authority has concerns regarding the proposed access and boundary treatment and would require an extension to the public footway and changes to the boundary treatment. The revised layout does not appear to have taken on board the revised changes required by the Highway Authority. Whilst conditions are advised for further revisions to the proposed layout, including a Grampian condition for the footway the application fails to comply with "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.

Amenity of existing and future occupiers

Objections have been received from third parties in the locality regarding loss of privacy, overlooking, and impact on the amenities of the locality.

The flats do not appear to meet the Nationally Described Space Standards for dwellings, although these are advisory in nature, they are a reasonable measure of future occupiers amenity, plus it is noted, the planning inspectorate do refer to them in decisions. For a one bedroom one person flat the space standard is 39m² including 1m² of storage and for a one bedroom 2 person flat the space standard is 50m² with 1.5m² of storage.

There is no information provided regarding the tenure of the flats and whether they are for sale or for rent on the open market. The proposed size of some of the flats are considered to not provide a satisfactory standard of amenity for existing and future occupiers. It is also unclear from the submitted application if the flats are proposed as one or two person flats.

The proposed development sits on High Street Walsall Wood. The main road is heavily trafficked, and the Environmental Protection Officer asked for an acoustic survey. Revised plans have been submitted to amend the layout to demonstrate amenity space within the site, so it is not immediately adjacent to the ground floor apartments rather than the previous communal amenity space proposed in the first layout drawing provided.

An amenity statement has been provided to demonstrate the proposal includes 162m² of amenity space including space on the roof and refers to nearby parks and open spaces. The proposed amenity space is not particularly useable space and includes paved areas within the site and around the car park area. It is unclear if the applicants would support contributions to the improvement of the adjacent public amenity space next to the application site. This will not negate the need for open space contributions. As the level of amenity space required per apartment is normally a minimum of 20m² of private amenity space per flat in accordance with the Designing Walsall SPD standards.

Appendix E of the Designing Walsall SPD Numerical Guidelines for residential development sets the minimum separation distance between habitable windows in two storey and above developments as 24 metres. And is applicable more robustly at the rear of properties. Separation distances from the rear of the apartment block to the nearest dwellings on St Johns Close is approximately 20 metres which is not an acceptable level of separation distance for a two to three storey building. The minimum standard for two storeys and above is 24 metres rear separation distance.

No further information on noise or acoustic survey has been provided and presently there is no assessment of existing noise levels from road traffic noise. The Environmental Protection Officer maintains their request for an acoustic assessment of the existing situation so that they can advise on potential mitigation measures. Presently there is insufficient information submitted to provide an informed decision as to whether the proposed development would be acceptable in amenity terms, in relation to noise, the size of the dwellings and whether the space standards are met. Normally if the space standards are not met it is considered that sufficient justification should be provided to demonstrate why the space standards cannot be met on the proposed development. As it is a new build proposal and not a conversion it is considered that space standards could and should be achieved. It is also a reasonable request to seek a noise assessment during the application stage to ensure the site is suitable for residential use, or to guide what amendments to the scheme may be required to make the proposal acceptable for residential use.

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.

Design layout and character

The application site is the public house and land associated at the Boatman's Rest High Street Walsall. The proposal involves the demolition of the existing public house and the erection of a flat roofed utilitarian three storey apartment building. Materials are facing brickwork, zinc cladding and stone window surrounds, with colour coated aluminium windows and timber doors.

The site primarily faces High Street Walsall Wood. Landscaping is proposed within the site to try to integrate the proposal into the surrounding locality. Some amenity space is proposed within the site; however, this is very low some 162m² which is insufficient for the size of the building and is not useable or private amenity space as it surrounds mainly the perimeter of the building and car park area. Consequently, the small amount of green space can only be considered as part of the street scene landscaping at best. Fenestration is proposed to the front and rear elevations to try to prevent overlooking to nearby properties. An open space contribution would be required as set out in the "open" space section of the report.

The proposed development is unacceptable in design terms. The replacement building is a three-storey development and is significantly higher and larger than the existing building. It is of a flat roofed design which does not reflect the existing character of the locality in terms of siting, scale, design and appearance. Its siting it in close proximity to the High Street green area and St Johns Church, it fails to contribute positively to the existing character and appearance of the locality, and is considered to discord 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

Impact on Non-Designated Heritage Assets

Some justification provided to address the loss of the public house which is a community asset, and the case sets out the location of other public houses nearby within the vicinity of the application site ranging from 0.05 miles to 1.4 miles from the application site. The public house is no longer in use and the site remains vacant.

A heritage statement is provided to describe the significance of the Non-Designated Heritage Asset.

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

The proposal seeks the demolition of the Boatman's Rest, total loss of the non-designated heritage asset, as such the proposal is contrary to para 203 of the NPPF.

The proposed three storey flat roof development by virtue of its design, scale, appearance, and form does not reflect the existing design character of the area. The proposal would be contrary to the design policies referenced above.

Affordable Housing

An affordable housing contribution of £152,000.00 towards offsite provision would be required or 4 units on site. In accordance with the adopted Walsall Affordable Housing SPD. A Section 106 would be required to secure this contribution.

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.

Open Space

An open space contribution of £36,0034.00 would be required in accordance with the Walsall SPD open space. A Section 106 would be required to secure this contribution.

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

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. 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. Details of surface water, flood risk and drainage can be secured by appropriate conditions.

Ecology/Tree protection

An ecology report has been submitted with this application. Which indicates that there are no protected species or nesting birds affected by the proposed demolition. The application site is presently domestic garden area, and it is unlikely that there would be any protected species within the site. The ecology report advises that any demolition would take place outside the nesting season for birds or when any fledglings have fledged. Bat roosting and bird nesting opportunities can be incorporated into the new building. Mitigation measure should be put in place to ensure in the event of any protected species being found that they are not harmed or injured.

If the LPA were minded to approve the application a condition to secure additional landscape measures to augment the proposed landscape scheme is considered necessary, where possible planting should be incorporated into the development to assist in integrating into the surrounding locality and to enhance the potential for biodiversity on the site.

The proposed application is accompanied by an Arboricultural survey. Trees are identified within the site some of which have an amenity value. Pruning and tree removal works are proposed to facilitate the development. Objections have been received from third parties with regard to the potential loss or impact on trees from the resulting development further information would be required to ensure that any adverse impact on trees would be mitigated and tree protection measures provided which could be controlled by a condition if the LPA were minded to support this proposal. In accord with 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 NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan apply in relation to legacy coal mining.

Crime and Antisocial Behaviour

The proposal is considered to result in some harm to the amenities of the locality and for future occupiers from crime and antisocial behaviour. Measures to include PIR lighting within the site and monitored CCTV are proposed to assist with the security of the site. The set-in pedestrian access points also need amendment, so they flush with building elevations and prevent hiding places. Access points to stores or into the building under the undercroft should also be amended as they have limited natural surveillance, which can put the access and the users of the accesses at risk from criminality and anti-social behaviour. These elements cannot be conditioned to be amended. The Police Architectural Liaison Officer advises that Secured by Design measures are built into the proposed development. These can be secured via a condition. In accordance with accord with Saved Unitary Development Plan Policy GP2 (Environmental Protection), Site Allocation Document Policy HC2 (Development of Other Land for Housing), the aims of Appendix D (Numerical Guidelines for Residential Development) of the Designing Walsall SPD and the National Planning Policy Framework 2021.

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 because of the construction of new housing.

This application proposes 16 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 loss of a non-designated heritage asset, adverse impact on the character

and appearance of the area and the concerns regarding highway safety and the Cannock Chase 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 16 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 development would result in the loss of a non-designated heritage asset. Insufficient justification has been provided to demonstrate that the proposed development would overcome the policy concerns against the development Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The proposal seeks the demolition of the Boatman's Rest, total loss of the non-designated heritage asset, as such the proposal is contrary to para 203 of the NPPF.

The design of the proposed development by reason of its design, constitutes an over development of the site, and a lack of sufficient of private amenity space has been provided, and insufficient safety and security measures incorporated within the proposed development which would harm the amenities of future occupiers, in addition adequate separation distance is not achieved from the proposed building to the properties at the rear of the site Contrary to the Designing Walsall SPD Annexe E. On balance the proposal fails to contribute positively the character and appearance of the locality in terms of siting, scale and design, Contrary to the saved Unitary 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.

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.

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.

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