



Planning Committee

Report of Head of Planning and Building Control on 25 April 2024

Plans List Item Number: 2

Reason for bringing to committee

Major Application and Departure from the Unitary Development Plan

Application Details

Location: LAND OFF, BARRACKS LANE, BROWNHILLS, WS8 6LT

Proposal: OUTLINE APPLICATION FOR CLASS B8 (STORAGE AND DISTRIBUTION), CLASS B2 (GENERAL INDUSTRIAL) AND CLASS E (LIGHT INDUSTRIAL) DEVELOPMENT WITH ALL MATTERS RESERVED. RESUBMISSION OF 23/0410

Application Number: 23/1600

Case Officer: Ann Scott

Applicant: Keyhill Developments Ltd

Ward: Brownhills

Agent: Mr M Robson

Expired Date: 23-Apr-2024

Application Type: Outline Permission: Major Application

Time Extension Expiry: 25-Apr-2024



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Recommendation:

1. Refuse

Proposal

Outline application for Class B8 (storage and distribution), Class B2 (general industrial) and Class E (light industrial) development with all matters reserved. Resubmission of 23/0410.

Site and Surroundings

The application site is situated at the edge of the Walsall Metropolitan District Council area to the East side of Barracks Lane and the North side of Lichfield Road Brownhills. The site presently comprises of Green Belt land which is in agricultural and residential use. The site lies near the Anglesey Bridge over the Anglesey Branch Canal on Lichfield Road which runs along the West boundary to the application site to the application site and is a locally listed heritage asset. In addition to the Northwest of the application site is the Middleton Canal Bridge along Chase Road which is a locally listed heritage asset.

The site is situated in the zone of influence for the Cannock Chase SAC.

Relevant Planning History

23/0410 - Outline application for Class B8 (storage and distribution), Class B2 (general industrial) and Class E (light industrial) development with all matters reserved except for detailed access design. – Withdrawn 16 November 2023.

10/1265/FL -Demolition of the original buildings and the removal of 2 no. freight railway carriages and the retention of the existing buildings on land rear of 235 Watling Street Brownhills. – Refused 11 February 2011.

11/1086/FL - Resubmission of a retrospective application for the demolition of the original buildings and the removal of 2 no. freight railway carriages and the retention of the existing buildings. land rear of 235 Watling Street Brownhills. – Refused 18 October 2011.

12/1179 - Erection of 2no timber agricultural storage buildings (modification of existing brick building) and erection of 1no agricultural barn (modification of existing breezeblock building) in association with existing pig farm. 235 Watling Street Brownhills Granted 11 January 2013.

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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life

THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan - www.go.walsall.gov.uk

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

Black Country Core Strategy (BCCS)

Walsall Site Allocations Document

Unitary Development Plan

Walsall Town Centre Area Action Plan

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Ecology – Objections. Since the previous application 23/1410 that applicant has submitted an Ecological Impact Assessment (EclA) dated November 2023. While it is understood that by submitting the report the applicant looks to address these comments. Upon reading section 1.4 of the report, it was disappointing that a full review of planning history and my original comments were not considered as part of the assessment. Concerns raised regarding the potential for lighting associated with the proposal to impact light sensitive species including bats.

The survey effort undertaken for bats is insufficient, falling short of the good practice guidelines outlined by the Bat Conservation Trust in 2023. Only in exceptional circumstances, can ecology surveys be conditioned, as such it is considered best practice to undertake all surveys prior to any permission given. From the review of the application and EclA, no exceptional circumstances apply at this stage. The ecological survey did not include breeding bird species.

The proposal whilst in outline presently is unlikely to meet the 10% net gain in biodiversity.

A metric biodiversity calculation measurement should be included to ensure accordance with the NPPF as part of the application for assessment.

Limited information has been provided on the hedgerow assessment.

Strategic Planning Policy – Objection. This application is a resubmission of application 23/0410 which was withdrawn. The development plan policies that applied to that application remain unchanged. We have amended our comments, however, to address the revised version of the National Planning Policy Framework (NPPF) that was published in December 2023. The site was allocated for employment development by the Black Country Plan (BCP). However, the decision of the four authorities not to proceed with the BCP means that any proposals in the draft plan now have no weight. Certain evidence prepared for the BCP may have some weight, but the December 2023 NPPF revision has significantly changed how local authorities may address a land supply shortfall in relation to the green belt. Paragraph 145 now states “once established, there is no requirement for green belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter green belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made

only through the plan-making process’.

Staffordshire County Council – Highways Objection.

The traffic flow figures provided in the Transport Assessment document do not match from one junction to the other – I am only looking at the junctions connected to Barracks Lane. There is insufficient information to assess the proposal.

Walsall MBC Highways Authority – Objection the Highway Authority cannot support the proposal in its current form until the issues raised are addressed: - Concerns raised by National Highways.

Highways England – Objection with regard to insufficient information to assess the impact of the proposal in relation to trip generation, trip distribution, traffic growth, drainage, air quality, noise and boundary treatments.

Archaeological Officer – Concerns Raised. The site comprises mostly undeveloped land, adjacent to the Watling Street Roman Road and within the Watling Street Archaeology Priority Area. As such, there is the potential for archaeological heritage assets to be present within the site boundaries (of prehistoric, Roman, and Saxon date), that may be impacted by this development. A 3-stage condition is recommended requiring a programme of archaeological work that identifies, records, and analyses any archaeology present, and to appropriately disseminate the results. This work would ensure that any loss of heritage asset from the development would be mitigated by preservation by record, in accordance with UDP Policy ENV25.

Canal and River Trust - Objection

The application documentation as submitted does not provide sufficient information to enable the LPA to consider the impact of the proposal on the ground conditions of the site, the structural stability of the canal and the impact of such solutions on the locality. Specifically, the continued safe use of the canal corridor and its quality as a SLINC and Greenway. These are material considerations that would determine the acceptability of the proposal in principal and therefore without provision of this information the proposal is contrary to Policies EN4 Canals, LC5 Greenways and EN1 Natural Environment Protection, Management and Enhancement of the Walsall SAD 2019; Policies ENV1 Nature Conservation, ENV4 Canals and ENV6 Open Space, Sport and Recreation of the Black Country Core Strategy 2011 as supported by paragraphs 174, 183-184 of the National Planning Policy Framework 2021 and the National Planning Practice Guidance (NPPG: Land Stability).

Lead Local Flood Authority – Insufficient information has been provided to demonstrate that an acceptable Flood Risk Assessment and Drainage Strategy has been provided in relation to an easement to the canal system, and mitigation measures in the submitted flood risk assessment including finished floor levels, surface water flows in the event of a severe flood event, and infiltration/porosity tests.

Environmental Protection- Objection regarding noise to adjacent neighbours based on the applicant's own submission, plus the limited detail and the proposal for a wide range of planning use classes

Police Architectural Liaison Officer – Concerns raised regarding the following.

The Wryley and Essington Canal towpath to the west of the site.

Rivers and canals can provide vulnerability, access other than via road.

I recommended the applicant contact the Canals and Rivers Trust.

Adjacent footpaths and towpaths can increase vulnerability to sites.

The following updated information. I would recommend security using the principles of Secured by Design.

Natural England – objection insufficient information provided to assess the impact of the development on the following sites. The Southern Staffordshire Coalfield Heaths, and Cannock Extension Canal SAC.

Lichfield Council - Following a review of this consultation from Walsall Council, Lichfield District Local Planning Authority raises no objection to the principal of the development. The LPA would like to recommend that you take into consideration your local policies and guidance contained in the National Planning Policy Framework.

West Midlands Fire Officer – concerns raised regarding requirements for B5 Access and facilities for the Fire Service. Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

Inland Waterways Association Lichfield Branch – Objection The timetable for a new Walsall Local Plan is uncertain, but currently not expected to go to

Examination before 2026. Any major new development proposal, and particularly any involving removal of Green Belt protection, would clearly be premature before that process has completed, or even started, and to approve it would be to undermine the integrity of the whole planning system. Therefore, IWA objects in principle to this application and expects it to be refused.

Hammerwich Parish Council

1. Our councillors believe that part of the proposed development falls within the boundary of Hammerwich Parish Council, so the case should not be solely decided to Walsall Council.

2. The proposed development will bring heavy traffic flow and vehicles to the area. The Hammerwich Parish Council is concerned about the pressure to be put on Barracks Lane which was not built for to support industrial developments. The Parish Council requests the traffic concerns to be addressed.

Officer Comments – *the application site is not within the boundaries of Hammerwich Parish council the boundary is the A5 Watling Street, and the application site is to the South side of the A5 Watling Street. The application site is wholly within the Walsall Metropolitan Council Boundary.*

Neighbour and interested parties comments

102 Comments received objecting to proposal for the following reasons

- Highway safety
- Residential amenity
- Noise
- Increase in traffic
- Loss of green belt
- Impact on nearby residents
- Potential for impact on wildlife/ecology
- Overdevelopment
- Not the right location for this development

1 letter of support regarding local employment opportunities

Determining Issues

- Principle of development
- Green belt assessment
- Heritage assessment
- Cannock chase SAC and HRA
- Design, layout and character
- Amenity of neighbours and future occupiers
- Highways
- Ecology and Biodiversity Net Gain
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Other key determining issues

Principle of Development

The site is largely undeveloped agricultural land situated within the Green Belt to the North of Lichfield Road and the West side of Barracks Lane. The application is for outline permission with all other matters reserved for a later stage. A revised indicative site opportunity layout drawing has been provided and demonstrates access from Barracks Lane.

The Strategic Planning Policy Section advise, the planning policy issues for this application are balanced.

The current NPPF (December 2023) states; that the choice to not use Green Belt applies regardless of the proposed land use. As such, it also applies to the allocation of land for employment development. Regardless of this, the expectation that the Green Belt should only be reviewed through the local plan process remains unchanged from previous versions. The amount of land required for employment still has to be balanced with the amount required for housing and other uses. Without prejudice to any future decision on the Walsall Borough Local Plan, if the council chooses not to allocate land in the Green Belt for housing, it follows that the resulting reduction in housing growth will also reduce the number of jobs and the amount of employment land that will need to be required. If on the other hand more employment land is provided than there are people to fill the resulting jobs, a surplus of employment land could result in a requirement to provide additional housing to meet the demand for workers.

Of the documents provided by the applicant, 'Barracks Lane Consultation Objection Response 050424' only refers to the comments from other parties and does not deal with strategic planning policy issues. 'Barracks Lane Planning Statement Addendum' contains the following:

- Extracts from national green belt policy.
- Reference to a legal case in Bedfordshire from 2015 concerning the circumstances in which very special circumstances may apply in the absence of a green belt review through the local plan.
- Extract from the green belt assessment carried out for the Black Country Plan.
- Reference to Avison Young Strategic Employment Sites Study.
- References to two appeal cases, one for housing and one for logistics.
- Reference to a 2008 appeal court concerning very special circumstances.

All of these points however pre-date the December 2023 NPPF revision and do not address the very special circumstances which might apply to this particular proposal. With regards to the Avison Young Strategic Employment Sites Study, this was published in 2021 on behalf the West Midlands local authorities (a copy is available at West Midlands Strategic Employment Sites Study - Final Report May 2021 (Stratford.gov.uk)). However, it only examined the need and supply of sites of 25ha and larger. Whilst it identified areas of search, it was also not site-specific. The current site is also only 15ha so is outside the scope of the Avison Young report.

As such, the additional documents submitted on the 5 April 2024 do not raise any new planning policy issues and the review of the Green Belt should only take place as part of a review of the Walsall Borough Local Plan and not through the determination of a planning application.

The site lies within the West Midlands Green Belt as defined by SAD Policy GB1. The land is presently Grade 2 Very Good Agricultural 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 objections in principle to the development for the development of this land as the development would be inappropriate development and is by definition, harmful to the Green Belt.

The proposed development does not fall within the identified categories set out in the revised National Planning Policy Framework paragraph 44 as having “very special circumstances” and conflicts with the purpose of including land within it. a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 44 g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings).

The applicant has not demonstrated why this proposal should be in this location rather than any other location as part of its very special circumstances and what other sites may have been considered and discounted before choosing this site. The applicant would also need to demonstrate clearly why other sites have been discounted and not just because they do not own any other sites considered.

The application is accompanied by a Planning Statement which identifies that the application site is situated within the Green Belt.

In addition, the LPA has undertaken a Screening Opinion for the application site and has found that the proposed development falls within the Schedule 2 of the Environmental Impact Assessment Regulations 2017 as its a site in excess of 0.5 hectares and for reasons related to noise impacts to neighbours, potential odour, traffic generation and safety, impact on ecology/protected species, limited BNG and the potential for below ground archaeological deposits it is considered at this stage an environmental statement weighing all of the competing issues should be carried out. No EIA statement has been submitted with the proposed development.

Green Belt Assessment

Para 142 of the National Planning Policy Framework seeks to ensure that the construction of new buildings in the Green Belt shall be regarded as inappropriate development, with a small number of exceptions. The application proposes limited buildings to facilitate the restoration of the quarry including a site office and facilities for the on-site staffing operation of the site. These buildings would be of a temporary nature and would not remain on the site once the restoration works are completed.

Paragraph 143. Green Belt serves five 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.

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Exceptions to this are: paragraph 154 a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it

replaces; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and 154g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The application is accompanied by a Planning Statement which identifies that the application site is situated within the Green Belt. Policy GB1: Green Belt Boundary and Control of Development in the Green Belt seeks to ensure that inappropriate development or where very special circumstances exist which clearly outweigh the potential harm to the green belt by reason of inappropriateness and any other harm. Paragraphs 152 to 154 of the National Planning Policy Framework relates to proposals affecting the Green Belt.

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 NPPF Chapter 13 Protecting Green Belt. The NPPF states; there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. The proposal remains inappropriate development in the Green Belt. No very special circumstances have been evidenced or demonstrated to justify the development in this greenbelt location. The proposal would be contrary to the guidelines in the National Planning Policy Framework 2023. 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 is accompanied by a heritage statement. Near the site there are two locally listed heritage assets. The site lies near the Anglesey Bridge over the Anglesey Branch Canal on Lichfield Road which runs along the West boundary to the application site to the application site and is a locally listed heritage asset. In addition to the Northwest of the application site is the Middleton Canal Bridge along Chase Road which is also a locally listed heritage asset.

Para 209 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 relevant Development Plan policies BCCC ENV2 (Historic Character and Local Distinctiveness) and SAD EN4 (Canals) and the NPPF revised December 2023 paragraph 209, The submitted heritage statement advises that there are no designated heritage assets within the site but within the wider settling the Wryley and Essington Canal Anglesey Branch there are non-designated heritage assets Middleton and Anglesey Bridges. In addition, the submitted Heritage assessment considers the outbuilding at Sandfield Farm, recorded on the HER, and concludes that this building is of limited heritage interest and that the loss of this setting would not be harmful to the non-designated heritage assets.

The Archaeology Officer advises that the site Concerns Raised. The site comprises mostly undeveloped land, adjacent to the Watling Street Roman Road and within the Watling Street Archaeology Priority Area. As such, there is the potential for archaeological heritage assets to be present within the site boundaries (of prehistoric, Roman, and Saxon date), that may be impacted by this development. An archaeological survey would therefore be required. The heritage assessment submitted does refer to the Staffordshire Hoard which lies across the road from the application site and advises that it is difficult to assess what contributions if any that the application site has made to that heritage asset.

The views of the Conservation Officer will be reported to the Planning Committee.

Based on the comments set out in the submitted heritage statement there is insufficient information provided to assess the impact of the development on existing designated and non-designated heritage assets including potential for local archaeology. Contrary to Development Plan policies BCCC ENV2 (Historic Character and Local Distinctiveness) and SAD EN4 (Canals) and the NPPF revised December 2023 paragraphs 207 and 208.

Design, Layout and Character

The application is in outline only with all other matters reserved for a later application. The application is accompanied by an indicative layout drawing to demonstrate access to Barracks Lane and what opportunities the development could potentially provide. A main route through the centre of the site with areas of proposed development potential to the North and South of the access through the site. Some areas are proposed to be kept as areas for a link between the site and the canal and to the Southwest boundary, landscaping, and ecological mitigation along the boundary with the adjacent Wryley and Essington Canal (Anglesey Branch) and to the Northwest boundary with Watling Street dual carriageway a green landscape buffer is shown. The north south cycle/walking route through the site unfortunately would bring

an un-surveilled route through the site that has the potential to increase anti-social behaviour and fear of crime to the locality. In trying to deal with the fear of crime in the future its likely additional lighting would need to be included which only serves to then impact on the ecology of the location or create further nuisance and to the detriment of neighbouring occupiers of the site including the caravan park. If there is to be a north south walking/cycling route, the applicant should work with the canal and rivers trust and look to enhance the canal towpath where there is already some traffic and make it a more attractive and safer route for any additional and existing users.

The site boundary follows the line to the south of an existing mobile home park where properties are sited for year-round residential use this is not a holiday park. There are no provisions in the current application for mitigation measures to protect the occupants of the existing mobile home park from noise, disturbance, visual intrusion, security and potential odours from the proposed development which would be detrimental to the existing amenities of the occupants. The existing noise survey does not take into account the full impact of the proposed development on nearby residential and commercial properties.

The topography of the land is flat in parts with undulating areas raising toward the canal bank which is bunded and at a higher level. A section through the site demonstrates the potential for five units in particular units E and F are along a similar ground level to the canal. There is insufficient information provided to demonstrate the height of the proposed industrial units which have the potential to be at least 15 metres in height and could potentially dominate the openness of the existing Green Belt land. In addition, any external lighting would potentially adversely impact the site and surrounding locality from additional light pollution which may adversely affect birds and other protected species.

The proposed development of the site would be inappropriate and would have a greater impact on the openness of the green belt than existing development and would cause substantial harm to the character of the of the openness of the Green Belt. Contrary to Paragraphs 152 to 154 of the NPPF.

The south boundary is adjacent to the boundary with Staffordshire County Council which means the impacts to the green belt have the potential to spill outside of the boundary of Walsall council to the detriment of a much wider population and area.

The proposal is contrary to 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 GB1 (Green Belt Boundary) of the Walsall SAD. And the NPPF paragraphs 152 to 154. Protecting Green Belt Land.

Amenity of Neighbours and Amenity of Future Occupiers

Near to the application site are residential properties in proximity. A significant number of objections have been submitted by third parties as set out in the responses section to this report. The main concerns relate to residential amenity, highway safety, traffic speed, congestion, additional traffic generation, air quality impact on wildlife, canal and ecology, noise, and disturbance.

The application is accompanied by an interim noise impact assessment which advises that the site is in an area where background sound levels are dominated by road traffic from the A4 and M6 during day and night hours and advises that the development is appropriate for the location taking into account the likely effects on pollution, health, living conditions and the natural environment. The report advises that noise mitigation measures should be provided to reduce the impact of noise giving rise to significant adverse impacts on health and the quality of life. A baseline for noise data at the site is based on existing predicted ambient sound. The background sound level used in the assessment is advised as being considered conservative and therefore the assessment findings are conservative. As the end uses of the proposed development site are not yet identified, fixed plant sound levels and locations are not predicted in the interim noise assessment. The report assumes that good acoustic design can control noise emissions from plant and the delivery times are based on a worst-case situation. Proposed traffic flows have been predicted based on peak morning turning flows and may not represent the final level of traffic generated and concludes that a full BS4142 Noise Assessment should be undertaken with an updated site layout to avoid the potentially significant adverse effects identified.

The nearby residential mobile home site is adjacent to the Southern boundary and the application site encompasses the residential site on three sides. These mobile homes are unlikely to have the normal level of sound proofing expected in a traditional residential property construction. There is the potential therefore for the occupiers of these mobile dwellings to be adversely affected by the level of noise and disturbance from a resulting development. There is nothing proposed to protect the amenities of nearby residential properties. Bunding and landscaping screening would be necessary to mitigate the potential impact of noise, and visual intrusion.

The Council's Environmental Protection team object to the application on the basis that the submitted noise report provides a lack of detail about the likely impact of the proposed development. Of more concern is that the Noise Report (NIA) uses the site opportunity plan to make predictions about the level of noise from vehicle movements to affect the residential use at Sandfield Farm Home Park and concludes 'For existing sensitive receptors at Sandfield Park Mobile Home Park, the impact of noise from the proposed Development would be adverse during the day and significantly adverse at night'.

Having regard to the findings of the Noise Impact Assessment, the wide-ranging scope of the planning class uses requested and the lack of detail regarding layout etc. Environmental Protection is not able to support the proposal.

Insufficient information has therefore been provided to determine the impact of the proposal on the existing amenities of the locality.

The proposed development is considered 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, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places, and Policy GB1 (Green Belt Boundary) of the Walsall SAD and paragraphs 152 to 154 of the NPPF Protecting Green Belt Land.

Highways

The Local Highway Authority advises the site is located along the boundary between Walsall and Lichfield, with the site itself located within Walsall and access to the site, via Barracks Lane, located within Lichfield. A pedestrian and cyclist link to the site would be required between the site and Lichfield Road, to the south of the site. The link should be designed in accordance with LTN 1/20, with consideration given to personal security of users and future maintenance of this route.

VEHICLE PARKING: Car parking standards and cycle parking standards for Walsall can be found in Walsall UPD Policy T13. Electric Vehicle Charging Point (EVCP) provision should accord within 6.5.4 of The Black Country ULEV 2020.

Highways England recommend that the application is not granted as they have reviewed the Transport Assessment dated May 2023 and raise concerns regarding the trip generation data provided in the assessment provides limited information and the TRICS data has been used to assess a single Class E use. The submitted Transport Assessment fails to reflect the number of proposed buildings within the site as such cannot support the proposal. Highways England advise that the Good Practice Guide 2023 Table 1 should be used to ensure the selected sites appropriate reflect the location of the proposed development.

The adjacent authority Staffordshire County Council highways have concerns regarding the information provided in the applicants Transport Assessment regarding traffic flows as the figures provided does not match from one junction to another and cannot there support the application and recommends refusal because of insufficient information.

The Walsall Highway Authority concur with issues raised by National Highways regarding TRICS parameters and trip distribution and cannot support the proposal in its current form as there is insufficient information provided.

The proposal is contrary to saved policies T7 - Car Parking, T13: Parking Provision for Cars, Cycles and Taxis, of the Walsall UPD, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development and the Revised National Planning Policy Framework Chapter 9 Promoting sustainable transport, paragraphs 114, 115 and 116.

Ecology and Biodiversity Net Gain

The Council's Ecologist has objected the application based on the submitted information. Previous comments made during the consideration of 23/0140 relate to the lack of an ecological survey submitted assessment in relation to protected species. An ecological survey has now been provided but fails to provide sufficient information regarding the constraints of the site and limited information on the potential for the proposed developments impact on bats in particular with regard to lighting and in addition the timing of the survey work undertaken from August to October 2023. Good practice for survey works as set out in the good practice guidelines set out by the Bat Conservation Trust.

The Ecologist therefore considers that the survey effort undertaken for bats is insufficient and would require best practice to be followed to ensure the level of survey data calculated on foraging and commuting bats is sufficient to inform the application. Only in exceptional circumstances can surveys be conditioned. Due to the area of the site which encompasses large agricultural fields the ecological survey should also have included breeding bird surveys this was omitted, and the ecologist would require this information to provide an informed response. The loss of agricultural land can have a significant impact on ground nesting birds.

There is no information regarding external lighting from the proposed development which has the potential to adversely impact nesting birds and protected species. Which would have an adverse effect on the ecological value and biodiversity of the application site.

Biodiversity Net Gain is to be measured to ensure accordance with the National Planning Policy Framework. Limited information has been provided on the hedgerow assessment survey and the ecologist would require this information to provide an informed response.

The application fails to provide sufficient information to inform the ecological impact of the proposed development and is 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) and the revised National Planning Policy Framework 2023 Chapter 15 Conserving and enhancing the natural environment.

Flood Risk / Drainage

The Lead Local Flood Authority object to the proposal based on insufficient information has been provided to demonstrate that an acceptable Flood Risk Assessment and Drainage Strategy has been provided in relation to an easement to the canal system, and mitigation measures in the submitted flood risk assessment including finished floor levels, surface water flows in the event of a severe flood event, and infiltration/porosity tests.

The proposed development is not acceptable in terms of flood risk and drainage and is contrary to the Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Chapter 14 of the revised NPPF December 2023. Meeting the Challenge of climate change flooding and coastal change.

Trees / Protected Trees

The application has been accompanied by a Trees Constraints plan for the site and the views of the Council's Trees and Landscape Officer will be reported to the committee. Normally a Tree Survey is required to fully inform the proposed development and its likely impact on existing trees within and near to the application site. A full tree survey has not been provided to identify the existing trees within the site and in addition as set out in the Ecologists Response insufficient information has been provided regarding the ecological impact of the proposed development. Limited information is provided on the proposed landscaping, where areas of landscaping and potential buffer areas are provided on the submitted site opportunities drawing.

Insufficient information has therefore been provided to adequately inform the likely impact of the development on existing trees and landscaping and the proposed development is not acceptable contrary to the Walsall 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) and Chapter 15 of the revised National Planning Policy Framework Conserving and enhancing the natural environment.

Ground Conditions and Environment

The application site is in an area at low risk of coal mining activity. No further coal investigation is considered necessary in this instance. There are no objections from the Coal Authority. Standing advice is advised. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority.

In addition, no information has been provided in an archaeological survey would be required as the site is in proximity to Watling Street and is in an area which could potentially be affected by below ground archaeological deposits. No information has been provided in relation to any potential ground contamination and a phase one ecological survey would be expected to identify any potential impacts on flora and fauna.

There is insufficient information provided on existing site conditions and existing and proposed site drainage conditions and capacity for a sustainable drainage system. As there is limited information on existing ground conditions, drainage, archaeological deposits, and the environment the proposal lacks sufficient detail to make an informed view on the suitability of the site to accommodate the proposed development. Contrary to saved UPD Policy ENV10 and G2 Environmental Protection. ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Chapter 14 of the revised NPPF December 2023. Meeting the Challenge of climate change flooding and coastal change.

Other key determining issues

Paragraph 2 of the National Planning Policy framework relates to achieving sustainable development and sets out the principles of achieving sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being, and environmental protection. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic, social and environmental objective.

This application has failed to demonstrate sufficient information to assess the impact of the proposal on these fundamental objectives for sustainable development and the application is therefore contrary to the advice in the National Planning Policy Framework 2023 Chapter 2 Achieving Sustainable Development. And fails to provide sufficient information to demonstrate very special circumstances put forward to outweigh the Green Belt Policies set out in the Development Plan and the National Planning Policy Framework 2023.

Conclusions and Reasons for Decision

This application has failed to provide sufficient information regarding highway safety, impact on the existing amenities of nearby occupiers, the impact of the proposal on the openness of the Green Belt including any very special circumstances put forward to outweigh the Green Belt Policy. heritage assets, ecological impact, drainage, and flood risk and below ground archaeological deposits. This application is does not accord with local and national planning policies and guidance as set out in this report.

This application is a resubmission of a previous application where concerns were raised regarding the matters set out in the report and the application was subsequently withdrawn this application fails to overcome the concerns raised. The

application is not accompanied by an Environmental Impact Assessment and the Local Planning Authority has carried out a screening opinion for the application and considers that the application falls into Schedule 2 of the Environmental Impact Assessment Regulations 2017.

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.

Recommendation -

Refuse

Reason for Refusal

1. The proposed outline development of Class B8 (storage and distribution), Class B2 (general industrial) and Class E (light industrial) development with all matters reserved 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.

2. 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.

3. The application fails to provide sufficient information to inform the ecological impact of the proposed development and is 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) and the revised National Planning Policy Framework 2023 Chapter 15 Conserving and enhancing the natural environment.

4. 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).

5. Insufficient information has therefore been provided to determine the impact of the proposal on the existing amenities of the locality, 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, together with Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places.

6. Insufficient information has been provided to assess the impact of the development on existing designated and non-designated heritage assets. Contrary to Development Plan policies BCCC ENV2 (Historic Character and Local Distinctiveness) and SAD EN4 (Canals) and the NPPF revised December 2023 paragraphs 207 and 208.

7. Insufficient information has been provided to demonstrate that an acceptable Flood Risk Assessment and Drainage Strategy has been provided in relation to an easement to the canal system, and mitigation measures in the submitted flood risk assessment including finished floor levels, surface water flows in the event of a severe flood event, and infiltration/porosity tests. The proposed development is not acceptable in terms of flood risk and drainage, contrary to the Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Chapter 14 of the revised NPPF December 2023. Meeting the Challenge of climate change flooding and coastal change.

8. The application fails to provide sufficient information to inform the Environmental impact of the proposed development as the application falls into the Schedule 2 Category of the Environmental Impact Regulations 2017, and 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, together with the advice in paragraph 8c of the National Planning Policy Framework 2023 in order to protect and enhance our natural, built and historic environment.

END OF OFFICERS REPORT