



Walsall Council

Planning and Building Control

Planning Committee 05 Sep 2024

Plans List Item 2

Report of Head of Planning and Building Control

Reason for reporting to the planning committee.

- 1) Major applications contrary to Planning Policy
- 2) Departure from the Development Plan

Application details.

Application reference: 21/1797

Site location: LAND NORTH OFF, NORTHFIELDS WAY, CLAYHANGER

Application 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 type: Outline Permission: Major Application

Link to application documents: <https://go.walsall.gov.uk/planningapps?id=21/1797>

Applicant: Ellie Liggins Silverbrick (Clayhanger) Ltd, Vesey House, 5-7, High Street, Sutton Coldfield, B72 1XH

Planning agent: Michael Robson Cerda Planning, Vesey House, 5-7, High Street, Sutton Coldfield, B72 1XH

Ward: Brownhills

Red line location



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Recommendation

Refuse

At the 7th September 2023 Planning Committee meeting, this application was withdrawn from the agenda at the request of the applicant to submit further information in support of the application. The Chair advised the Committee that Plans List Item 3 - Application 21/1797 – Land North of Northfields Way, Clayhanger - was withdrawn from the agenda and deferred for consideration at a future meeting.

The following section of this update report will set out the changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

There is no change to the recommendation.

Any Other Updates

The applicants' agent advised when the application was withdrawn from the September 2023 Planning Committee Agenda that they would submit additional information to support the proposal.

No further supporting information has been received to date. In addition, the site falls within the Zone of influence for the Cannock Chase SAC, Policy EC2 of the Black Country Core Strategy applies and an additional reason for refusal has been included for the lack of a SAC assessment and mitigation. This is discussed further in the SAC Chapter of this report.

The applicant's agent has subsequently submitted a viability assessment, and the draft findings of the independent review have been agreed. These are as follows.

The calculations are set out below:

The S106 sum is £630,000 with an average unit value of £284,464. 30% of £284,464 is £85,339. £630,000 / £85,339 is 7.38 units equivalent to 13% affordable.

There is an option of on-site affordable or off-site contributions of £630,000. The number of affordable on-site units are not confirmed at this stage as the application is in outline only and the proposal is for up to 55 dwellings but if the affordable housing is provided on site it could potentially equate to 14 dwellings.

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 Farmhouse Clayhanger Lane – Granted 15 July 2002

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

A draft text of the NPPF for consultation has been published on the 30th of July 2024 the consultation period expires on the 24 September 2024.

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

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 Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

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.

Consultee comments (planning officer's summary)

Strategic Planning Policy

Policy Comments on the revised draft NPPF text for consultation - Potentially the recently proposed NPPF revisions would allow the site to be considered as 'grey belt' land. However, if so, that would also mean that the development would have to provide for 50% affordable housing and different viability considerations. The NPPF consultation is asking about options for these, but it states that the government is particularly interested in the impact of setting benchmark land value at the lower end of the spectrum.

Object. The proposal represents inappropriate development in the Green Belt. Whilst the site was proposed for allocation for housing in the draft Black Country Plan, a very large number of representations were made in response to consultation on this draft. The Black Country authorities subsequently resolved in October 2022 to cease work on the Black Country Plan (BCP).

Walsall only has a three-year housing land supply based on the current national standard method and has failed the housing delivery test. However, NPPF paragraph 11d), read with footnotes 7 and 8, states that policies in the NPPF that protect against inappropriate development in the Green Belt continue to apply in such circumstances.

The current adopted (December 2023) NPPF states at paragraph 145 that 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.

The new government is currently (July to 24 September 2024) consulting on changes to the NPPF that would alter this wording. The proposals include allowing individual planning applications for development in the Green Belt on so-called 'grey belt' land that could include the current application site. However, given that the proposals are only at the consultation stage and are likely to attract significant objections, they have very little weight at present. Furthermore, even if they were to be introduced, the proposals states that where land is released from the Green Belt through plan preparation or through development management, housing schemes should include at least 50% affordable housing, and new or improved green spaces that are accessible to the public should be incorporated.

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 have been raised regarding the proposed development regarding drainage, access, and ground contamination.

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 travel plan to inform of the proposed walking/cycling routes and identified amenities within distance for this site.

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

Public rights of way object to the proposed outline planning application, due to insufficient information which means that:

- the impacts of the proposed development on Footpath 32 Brownhills cannot currently be determined.
- delivery of the proposed Stopping Up and Diversion Order, and delivery of new diverted pedestrian links cannot currently be verified.
- The Stopping Up and Diversion Order must be made and come into effect before commencement of the development and therefore details are required at the early stages of the planning process.

Network Rail

Has no comments to make.

Housing

No comments received.

Neighbour and interested parties' comments (planning officer's summary)

Support

1 letter received with comments that the third party is in support of proposal.

Objection(s)

37 comments received objecting to proposal for the following reasons:

- 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.
- A park would be a better than more housing. (The planning authority has to assess 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.
- 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

- 1) Principle of development
- 2) Green belt assessment
- 3) Heritage assessment
- 4) Cannock chase SAC and HRA
- 5) Design, layout, and character
- 6) Amenity of neighbours and future occupiers
- 7) Highways
- 8) Ecology

- 9) Flood risk / Drainage
- 10) Trees / Protected trees
- 11) Ground conditions and environment
- 12) Planning obligations
- 13) Other key determining issues

Assessment of the proposal

Principle of development

The site is largely undeveloped land situated within the Green Belt to the North of Northfield Way. The 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 could 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 is poorly thought out contributing to 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 illustrated 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. However, the number of affordable units is not known at this stage as the proposal is in outline only with an indicative layout at this stage.

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 support to the proposal, when considering the Framework as a whole, and 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.

Revised policy comments from the Strategic Planning Policy Officer advise of the following;

The proposal represents inappropriate development in the Green Belt. Whilst the site was proposed for allocation for housing in the draft Black Country Plan, a very large number of representations were made in response to consultation on this draft. The Black Country authorities subsequently resolved in October 2022 to cease work on the Black Country Plan (BCP).

Walsall only has a three-year housing land supply based on the current national standard method and has failed the housing delivery test. However, NPPF paragraph 11d), read with footnotes 7 and 8, states that policies in the NPPF that protect against inappropriate development in the Green Belt continue to apply in such circumstances.

The current adopted (December 2023) NPPF states at paragraph 145 that 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.

The new government is currently (July to 24 September 2024) consulting on changes to the NPPF that would alter this wording. The proposals include allowing individual planning applications for development in the Green Belt on so-called 'grey belt' land that could include the current application site. However, given that the proposals are only at the consultation stage and are likely to attract significant objections, they have very little weight at present. Furthermore, even if they were to be introduced, the proposals states that where land is released from the Green Belt through plan preparation or through development management, housing schemes should include at least 50% affordable housing, and new or improved green spaces that are accessible to the public should be incorporated.

Green belt assessment

NPPF paragraphs 137 and 138 advise the following.

137. (Draft NPP consultation paragraph 139) 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. (Draft NPPF consultation paragraph 140) 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 2023 Protecting the Green Belt, and the Saved UDP Paragraphs 3.2 to 3.5 The Countryside and Green Belt and CSP2 Development outside the growth network of the BCCS and GB1: Green Belt Boundary and Control of Development in the Green Belt in the Walsall Site Allocation Document.

NPPF Draft Text for consultation

A draft consultation is underway in respect of the revised changes proposed to the NPPF by the incoming government. The main changes are an addition to paragraph 150 (147 of the draft revised NPPF) where it adds to the existing text "Where Green Belt land is released for development through plan preparation or review, development proposals on the land concerned should deliver the contributions set out in paragraph 155 below."

The paragraph numbers in relation to green belt are proposed to be changed to paragraphs 140 to 157.

NPPF Consultation Draft Paragraph 149 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF Consultation Draft Paragraph 151 g limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

NPPG Consultation Draft Paragraph 152 In addition to the above, housing, commercial and other development in the Green Belt should not be regarded as inappropriate where: a. The development would utilise grey belt land in sustainable locations, the contributions set out in paragraph 155 below are provided, and the development would not fundamentally undermine the function of the Green Belt across the area of the plan as a whole; and b. The local planning authority cannot demonstrate a five year supply of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 76) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years; or there is a demonstrable need for land to be released for development of local, regional or national importance. c. Development is able to meet the planning policy requirements set out in paragraph 155.

NPPG Consultation Draft Paragraph 155 Where major development takes place on land which has been released from the Green Belt through plan preparation or

review, or on sites in the Green Belt permitted through development management, the following contributions should be made: a. In the case of schemes involving the provision of housing, at least 50% affordable housing [with an appropriate proportion being Social Rent], subject to viability; b. Necessary improvements to local or national infrastructure; and c. The provision of new, or improvements to existing, green spaces that are accessible to the public. Where residential development is involved, the objective should be for new residents to be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.

NPPG Consultation Draft Paragraph 156 Regarding the provision of green space, development proposals should meet local standards where these exist in local plans, for example local planning policies on access to green space and / or urban greening factors. Where no locally specific standards exist, development proposals should meet national standards relevant to the development. These include Natural England standards on accessible green space and urban greening factor and Green Flag criteria.

NPPG Consultation Draft Paragraph 157 Additional guidance on viability considerations for development in the Green Belt is provided in Annex 4. Viability in relation to Green Belt release. (This annex refers to land which is released from Green Belt and does not apply to the current application as the land is not released for development and the advice is in draft form and so is given little weight).

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 Northeast 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 regarded 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 and 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 UPD and ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the BCCS.

Cannock Chase SAC and HRA

This proposed application is located within the 15km zone of influence of the Cannock Chase SAC and proposes a net increase of 55 dwelling(s). The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”) place a duty on competent authorities (in this case Walsall Council) to consider the potential for effects upon sites of European importance prior to granting consent.

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

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment.

A mitigation payment per each net new dwelling of £344.01 is required in accordance with Black Country Core Strategy Policy EQ2 and the Habitat Regulations. The payment is non-negotiable.

The applicant has not agreed to provide the SAC mitigation. The application cannot therefore be supported as it is considered to be contrary to the Black Country Core Strategy Policy EQ2 and the Habitat Regulations.

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 unacceptable 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 significant amendment before the planning authority would be able to support it. However other policy concerns in relation to the principle of development are set out in the relevant chapters of this report.

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 regarding 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 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 raise concerns around the proposed design / arrangements for the amended master plan in relation to the Northfield Way / Allerdale Road priority junction. The proposed arrangement gives priority to the Allerdale Road arm by way of simple lining and hatching. No vertical features are proposed across the wide, 3 lane junctions, to deter speeding drivers along Northfields Way such as more deflection. Further discussions are required with the Highway Authority to come up with an acceptable junction design. The proposed highway junction arrangement is unacceptable to the Highway Authority at present.

The red line boundary fails to include the full extent of the areas of highway improvement to be improved under a S278 highway works agreement. The proposed highway junction arrangement is unacceptable to the Highway Authority at present.

The dwellings fronting Northfields Way (Plot no.17 – no.35) are proposed within the Highways Extent (see Highways Extent attached). A stopping up order will be required.

Details of the width, alignment and construction of the new proposed diverted section of footpath 32 Brownhills are required. This information must be in place before the Order is made and is required at planning stages to demonstrate that the stopping up and diversion order and in turn that the development can be delivered on highway. Given that there are protected trees in the new proposed diverted path and construction of a tarmac path in this area could damage tree roots details need to be provided by the applicant as a priority. Details of improvements to the area of footpath 32 Brownhills along the original farm track that is to be retained on its current alignment are required. Details must show a level and inclusive tarmac surface, path width, footpath signs and way markers, the old field gate and stile nr 80 Northfields Way are to be removed and replaced with bollards set to 1.5m pedestrian gap.

There is insufficient information provided on the driveways proposed in relation to the PROW/Shared surfaces these need to be shown on a drawing. The PROW may not be possible to adopt due to the shared surfaces/driveways. The TRO on Northfields Way would require revocation to allow for the access to vehicles from Northfields Way. This would be at the developer's expense.

Details of current/proposed pedestrian links to and from the site would require the submission of further information to clarify in relation to a Section 247 Order. Cycle and pedestrian access should be provided from the current Northfields Way turning head through the proposed estate roads to the towpath at Coopers Bridge. Further information is necessary in relation to existing links between the proposed development and the LNR canal towpath and Clayhanger Common and how they will be upgraded/provided. Within the proposed development there are several private pathways shown on the amenity space area further details would be required to demonstrate that these are not a public right of way and will be locked/gated for residents use only.

The public rights of way officer objects to the proposal and advises that despite earlier requests for details on proposed changes to footpath 32 Brownhills which lies within the red edge and will be affected by the proposal, only limited information has been provided. These relate to the delivery of the proposed stopping up and diversion order and the proposed new pedestrian links cannot be verified. These details are required at early stages of the planning process and must come into effect prior to the commencement of the development.

Northfields Way was originally intended to form part of the Clayhanger Bypass, the concept of which was being driven by the Council's Transportation Team.

The by-pass scheme is no longer being pursued but the construction of Northfield Way was managed and supervised by the Transportation team. The reason why the road abruptly comes to an end is because a sizeable swine fever burial pit was uncovered at relatively shallow depth. From a highway maintenance perspective, it is advised not to allow a road to be built on the embankment, or any affected access roads within the estate without first removing the pig remains and backfilling with suitable material in accordance with Design Manual for Roads and Bridges. If the remains are left in place there is a high risk that the carriageways will settle, not to mention the health risk to construction workers and future residents. From a Highway Authority point of view the application simply looks to build within the red line boundary and does not look at the wider aspects of 'access' in terms of the nature and suitability of the Northfields Way as a residential street, which is effectively what it would become. Northfields Way originally designed and built to be part of a strategic by-pass proposal for Clayhanger which is reflected in its wide street geometry and junction design with Allerdale Road.

The proposal is contrary to relevant policies regarding highway safety "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 and the NPPF 2023.

Ecology

The Council's ecologist objects to the application on the grounds of the ecological assessment submitted with the application is over 2.5 years old and is out of date. Ecological reports and surveys are only valid for 18 months. The drainage strategy for the site is not up to date and there is no information provided as to how surface water run-off will be managed so it does not enter the Wyrley and Essington Canal. The Application site lies at a pinch point along an ecological corridor following Wyrley and Essington Canal linking Clayhanger SSSI, Brownhills Common SINC and Clayhanger Village SLINC. Noted to be part of the core landscapes within the Black Country Local Nature Recovery Map and Strategy. The proposal will further narrow the wildlife corridor reducing its ability to act in this way. A revision to the proposals to include a greater level of greenspace along the northern boundary and greater connection of the native planting to the eastern offsite woodland. Insufficient information is provided to adequately assess the ecological impact of the development in relation to Ecological Impact contrary to BCCS Policy ENV1 Nature Conservation, ENV4 Canals, ENV5 Flood Risk Sustainable Drainage and Urban Heat Islands, and UDP Policies ENV16 Black Country Urban Forest, ENV23 Nature

Conservation and New Development, ENV24 Wildlife Corridors, Walsall Site Allocation Document EN1 Natural Environment Protection, management and

enhancement, EN2 Ancient woodland, EN4 Canals, and Supplementary Planning Document Conserving Walsall's Nature Environment.

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, it is 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 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

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 for 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). BCCS ENV16 Black Country Urban Forest, and the Supplementary Planning Document Conserving Walsall's Nature Environment.

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. No information is provided on this matter. Contrary to The NPPF Paragraph 189 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

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 preferably on site in the first instance, on or off site if this cannot be achieved, and in addition 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. This together with a SAC Mitigation Contributions of £18920.55 at the current rate of £344.01 per dwelling for 55 dwellings. Notwithstanding a draft agreed figure for viability of £630,000 The applicant has not agreed to any contributions or a section 106 at this stage, so this would form a reason for refusal.

Conclusion and reasons for decision

This application has failed to demonstrate / fail to provide sufficient information regarding its impact on the Green Belt, SAC, Mitigation, Highway Safety, Ecology, affordable housing and open space contributions and on balance, this application is does not accord with local and national planning policies and guidance as set out in this report. 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.

The material planning considerations weigh against the proposal such that it is recommended for refusal.

Recommendation

Refuse

1) 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), EQ2 (Cannock Chase Special Area of Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the NPPF.

2) 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 2023, policy CSP2 Development outside the growth network of the Black Country Core Strategy, Saved Policies 3.2 to 3.5, GP2, and ENV7 Countryside Character of the Walsall UDP, Policies GB1 and EN1 of the Walsall Site Allocation Document.

3) The proposed development would trigger the need for affordable housing contributions the applicant has failed to provide sufficient 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 2023.

4) 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. The Walsall Unitary Development Plan and the National Planning Policy Framework 2023.

5) 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).

6) 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, of the Walsall Unitary Development Plan April 2006 and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development and paragraph 115 of the National Planning Policy Framework 2023 .

7) Insufficient information is provided to adequately assess the ecological impact of the development in relation to Ecological Impact contrary to BCCS Policy ENV1 Nature Conservation, ENV4 Canals, ENV5 Flood Risk Sustainable Drainage and Urban Heat Islands, and UDP Policies ENV16 Black Country Urban Forest, ENV23

Nature Conservation and New Development, ENV24 Wildlife Corridors, Walsall Site Allocation Document EN1 Natural Environment Protection, management and enhancement, EN2 Ancient woodland, EN4 Canals, and Supplementary Planning Document Conserving Walsall's Nature Environment.

End of report