

Planning Committee

Report of Head of Planning and Building Control on 01 December 2022

Plans List Item Number: 2

Reason for bringing to committee

Major Application

Application Details

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

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

Application Number: 20/0830

Case Officer: Peter Gittins

Applicant: Aldi Stores Limited and John Roberts

Ward: Pelsall

Agent: Steve Keeling

Expired Date: 01-Nov-2020

Application Type: Outline Permission: Major Application

Time Extension Expiry: 15-Sep-2021



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Recommendation

Refuse

Proposal

This planning application was deferred from the meeting of 20th June 2022 due to further information submitted by the applicant, and additional consultation responses received which required further consideration. The LPA and applicant have agreed to proceed to present this application for determination at the 1st December Planning Committee. The LPA will not therefore accept any further submissions from the applicant and has therefore written this report on the basis of the information available on the planning file at the time of writing this report.

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

The applicant has provided indicative drawings and a design and access statement for the proposal which shows that the care home would comprise a two-storey facility sited along the north and east boundaries of the site in an L-shape formation with onsite parking to the front along with landscaped areas and boundaries. The existing trees and vegetation along Bush Grove would be retained with the exception of removal of some existing vegetation to accommodate the new vehicle access for the site to be created from Bush Grove, which is the subject of this current application.

This application is supported by a number of documents which has informed the LPAs assessment of this application and forms the basis of this report content.

Site and Surroundings

The Site is located on the B4154 (Walsall Road), directly to the south of central Pelsall. The site comprises a disused football pitch (which previously accommodated Pelsall Villa). Adjacent to the site is a former public house (The Old Bush), a locally listed building.

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

The football ground was rendered incapable of use following vandalism and a serious fire in 2017. Pelsall Villa subsequently left the ground in July 2017. The football pitch has remained disused since this date.

The surrounding area is characterised by a range of uses, including public open space/sports facilities and existing residential properties. The open space provision includes the extensive Pelsall Common and Pelsall Cricket and Sports Club to the north of the site. The Site is also in close proximity to a small parade of shops on Allens Lane (c.100m to the south west), together with a wider range of facilities and services forming part of the Pelsall Local Centre.

Relevant Planning History

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

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

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

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

13/0682/PT- Replacement of existing 16mt. monopole with new 16 metre dual user monopole, reinstatement of floodlights and one no. cabinet to replace two existing ones- GSC- 08-Jul-2013

16/1763 - Full Application for Creation of a vehicular access off Bush Grove. Refused permission 19-May-2022 for the following reasons (*summarised*):

- 1. Increase in traffic and detrimental to the free flow of traffic along the highway and to highway safety.*
- 2. Insufficient on-site parking to meet its operational needs.*
- 3. Potential harm to protected trees.*
- 4. Impact on the existing amenities of nearby occupiers from additional noise and disturbance.*
- 5.Harm to local landscape.*

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

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

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

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

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

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

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

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability

- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H6: Nursing Homes and Rest Homes for the Elderly
- ENV40: Conservation, Protection and use of Water Resources
- LC1: Urban Open Spaces
- LC6: Sports Pitches

- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- EQ2: Cannock Chase Special Area of Conservation

Walsall Site Allocation Document 2019

- HC3: Affordable Housing and Housing for People with Special Needs
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network
- EN3: Flood Risk
- OS1: Open Space, Sport and Recreation
- EN5: Development in Conservation Areas

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows

- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Local Highways Authority

Insufficient information has been provided to demonstrate:

- what the cumulative traffic impacts would be for this proposal along with the applicant's separate proposal on adjacent land for the proposed Aldi foodstore.
- that the necessary pedestrian access and visibility splays can be provided along Bush Grove.
- whether improvements could be made to assist in managing the impacts arising to the crossroad at Hall Lane/ Vicarage Road/Walsall Road/ Norton Road.
- that collision causation has been considered.

Conservation Officer

Objection: The proposal would result in a loss of the open green nature of the site which currently adds to the local townscape character in the Pelsall Common Conservation Area. The loss of hedgerow and trees on Bush Grove to provide the proposed access would be visually detrimental. The scale, massing, design, and layout of this proposal also fails to reflect the local and historic context. This proposal would fail to enhance and preserve the character and appearance of the Pelsall Common Conservation Area.

Strategic Planning Policy

Loss of sports pitch will require replacement and mitigation measures. A comprehensive development approach should be taken to ensure effective use of land and to avoid only one of the applicant's development coming forward (this care home proposal and adjacent Aldi foodstore proposal under a separate planning application). Contributions towards affordable housing and open space would be required.

Ecology

No Objection: Subject to conditions to secure detailed landscaping and habitat enhancement, a scheme of ecological mitigation and precautionary measures for local bat populations.

Tree Officer

Concerns regarding the loss of established hedgerow and loss of two Class B (moderate quality) protected Silver Birch Trees () and the detrimental impact on the landscape character of Pelsall Conservation Area.

Severn Trent Water

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

Coal Authority

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

Community Safety

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

Local Lead Flood Authority

No objection.

Environmental Protection

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

Public Health

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

Public Rights of Way

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

Sport England

No Objection: Subject to a S106 to secure funding for off-site football facilities in lieu of the lost playing field.

Environmental Health

No Objection: Concur with previous advice given Annex 1 of the Planning statement attached to the application in respect of noise assessment and compliance with guidance in respect of ventilation.

Natural England

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

Public Lighting

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

Ramblers Association

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

West Midlands Fire Service

No Objection: Note to applicant regarding compliance with building regulations.

West Midlands Police

No Objection: Recommendations for CCTV external cameras, external LED lights with sensors, and Secured by Design principles.

Walsall Council Social Services

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

Representations (*Officer Comments in Italics*)

This application has been through three rounds of public participation. A total of 15 x objections have been received and 9 x in support. The matters raised by the public participation can be summarised as follows:

Objection:

- Increase traffic volume in Bush Grove, noise pollution and congestion.
- Loss of football pitch and open space detrimental to local community.
- Lack of views of the Common from care home.
- Oppose the opening of bush grove to provide an entrance.
- Lack of parking, inadequate access and increased highways safety impacts.
- Detrimental to character of the area.
- Impact on amenity of neighbours.
- Detrimental to the viability and vitality of the village centre.
- Site should be used for allotments for physical and mental health (*LPA must determine an application based on the details put before it*).
- Care home better placed on site where Aldi plan to build (*LPA must determine an application based on the details put before it*).
- Loss of designated open space.
- Increased pollution will have an impact on wildlife.
- Three storey building will be imposing on outlook.

- Privacy will disappear
- Don't want care home (*this is not a material planning consideration*).
- Causing stress for elderly neighbours (*this is not a material planning consideration*).
- Impact on house prices (*this is not a material planning consideration*).

Support:

- Great addition.
- Creation of new jobs.
- Consideration of a further access from the track to the development.
- New housing for Pelsall is welcomed.
- Apartments will move old people out of homes and free them up for families, reinvigorating the community.
- Please ensure the buildings are sympathetic to the common area.
- Will be in keeping with the quiet, friendly area.
- Support the care home but not the Aldi proposal next to it.
- Support care home as it is a vital service for the elderly and vulnerable.

Determining Issues

- Principle of Development
- Heritage
- Cannock Chase SAC and Cannock Extension Canal SAC
- Access
- Planning Obligations
- Other Matters

Assessment of the Proposal

Principle of Development

The site has no site-specific allocation in the Council's adopted Development Plan and is not safeguarded for any uses in the Site Allocation Document. The surrounding area is characterised by a range of uses, including public open space/sports facilities and existing residential properties. The open space provision includes the extensive Pelsall Common and Pelsall Cricket and Sports Club to the north of the site. The Site is also in close proximity to a small parade of shops on Allens Lane (c.100m to the south west), together with a wider range of facilities and services forming part of the Pelsall Local Centre. Due to the presence of bus stops, and pedestrian and cycle links in the vicinity it is considered that the location of the site is sustainable. The proposed principal of a C2 care home use can therefore be supported under SAD policy HC3 b) and c), however this is subject to other material considerations as set out below.

Heritage

The application site is within the Pelsall Common Conservation Area and the site adjacent, subject of application 20/0832 includes the Old Bush Inn, a Locally Listed building.

Concerns raised by the Conservation Officer are noted regarding the indicative scale, mass and design of this care home proposal on this currently open site, and subsequent potential impacts arising to the Pelsall Common Conservation Area.

Whilst it is acknowledged that parts of the site currently provide a sense of openness, the site is set within existing predominantly two-storey built form; the Old Bush P.H on the adjacent site to the west, residential properties to the south along Bush Grove and residential properties along Walsall Road to the north. A single storey building is also present to the north-west of the site (Pelsall Cricket Club) which is set back some 60m from back of footpath on Walsall Road. A substantial two storey assisted-living development fronting Vicarage Road is also present to the north of the Cricket Ground site which restricts any potential views through to the application site from this vantage point. It is therefore considered that the site currently affords intermittent open views through the site from main public vantage points to the south of Walsall Road and Pelsall Common South.

It is however acknowledged that due to the current absence of built form to the east of the site, greater open views are present along the public footpath to the east (McClean Way), though somewhat screened by existing mature trees along its perimeter.

It is acknowledged that should this development come forward in isolation that it has the potential to result in a partial development of the wider site which could subsequently result in piecemeal development that would fail to integrate well with its surroundings, and would fail to reflect the established pattern of development which predominantly fronts Walsall Road and Bush Grove. Given this application is made by the same applicant as the adjacent Aldi foodstore proposal it is considered reasonable to secure assurance from the applicant that both developments (if approved) would come forward at the same time by way of a Section 106 Agreement. This would ensure effective use of land as required in local and national planning policies and guidance.

There may be an opportunity to provide the built form closer to the southern portion of the site closest to Bush Grove which would be seen against the backdrop of existing built form at Bush Grove and beyond to the south. This is considered would better reflect the character of the area and would reflect the siting and layout of the adjacent foodstore proposal. Whilst the overall proposals would reduce the openness of the conservation area, given the existing intermittent views through the site as explained further above, and because this relates to reserved matters for consideration at a later stage, it is considered that a refusal reason would not be warranted on this basis.

Paragraph 197 of the NPPF seeks development to sustain and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states 'great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

This current outline application seeks approval of the access which would result in the loss of hedgerow and two important and protected trees which contribute to the green nature, character, and appearance of Pelsall Common Conservation Area. The loss

of these trees and hedgerow would have less than substantial harm to the significance of Pelsall Common Conservation Area, however, that scale of harm would be weighed as high. Furthermore, the proposal would fail to sustain and enhance the significance of the Pelsall Common Conservation Area and would fail to make a positive contribution to the local historic character and distinctiveness of the Conservation Area.

Given this application is recommended for refusal, there are considered to be no public benefits arising that would outweigh the harm arising. This proposal is contrary to paragraphs 189, 197, 199 and 202 of the NPPF.

Appearance, landscaping, scale and layout are all reserved matters for consideration at a later stage. If approved, outline conditions could therefore specify that any reserved matters application(s) address the Council's concerns of layout, scale and appearance. These future detailed applications would be judged on their own merits and a detailed assessment of any heritage impacts and the arising 'planning balance' tests would therefore be carried out for these elements of the proposal at a later stage should this current outline consent be granted.

Cannock Chase SAC and Cannock Extension Canal SAC

On 17th August Habitat Regulations Assessment Stage 1 screening was undertaken on this application. This determined that as the proposed care facility is to be designed for older people that require additional care facilities and who are unlikely to travel and are less able to use recreational spaces such as Cannock Chase SAC, the application is likely to not result in significant harm to the SAC. From a review of the amendments to the submitted indicative plans this position has not changed and no further assessment is required. A condition would be included on any approval to define the care home use.

Access

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

This application was submitted to the LPA in 2020 during Lock Down; the applicant was unable to provide traffic counts at that time as there were little / no vehicles on the roads at that time, and no indication as to when those trips might return. In that unique situation, the Local Highway Authority (LHA) signposted the applicant to the Council's traffic data from 2014, although under normal circumstances data of that age would have been unreliable and would not have been acceptable.

The LHA did not previously raise an objection to the application due to the lack of an up-to-date evidence base and the limited and out of date information on traffic counts that was available at a particularly difficult, unique, and uncertain time.

The applicant has submitted an updated Transport Assessment (TA) in August 2022. However, the LHA maintains a holding objection due to insufficient information on the following matters:

1. The TA fails to consider, and demonstrate, what the cumulative traffic impacts would be combined with the applicant's adjacent Aldi foodstore proposal and whether improvements could be made to assist in managing the impacts arising to the crossroad at Hall Lane/ Vicarage Road/Walsall Road/ Norton Road. It has come to light that small areas of highway-related work (up to an area of two hundred square metres) could be carried out on Common Land without the need to provide replacement land under Common Land legislation.
2. The TA identifies 9 x collisions, including 4 collisions involving a right turn, 4 shunts and one incident including a pedestrian. development will increase flows on these movements then there is a strong possibility that collisions could increase. In the preceding 5 years (2012 -2016) there have been 5 collisions (1 fatal involving a motorcycle). Collisions are increasing over time and the development would give rise to increased traffic flows in the peaks for right turns between Walsall Road and Vicarage Road. The TA fails to consider collision causation and therefore fails to fully examine the likely impacts of the development along with any further necessary highway improvements to minimise / mitigate this.

The LHA also advise that this proposal fails to demonstrate that the necessary pedestrian access and visibility splays can be accommodated within the application site.

Given the presence of other refusal reasons as set out in this report, and the level of negotiation already carried out between the LPA and the applicant since this application was submitted in 2020 which followed pre-application advice, it is considered that this application should now be concluded based on the information available at this time. The refusal reason would provide a clear position to the applicant which could inform any potential future re-submission to try and address these points, or to lodge an appeal against the Council's decision.

It is considered that the applicant has provided insufficient information to demonstrate whether the development would result in an unacceptable impact on pedestrian and highway safety, or that the residual cumulative impacts on the road network would be severe.

Planning Obligations

Loss of Sports Facility

This site contains part of a disused football pitch, which previously accommodated Pelsall Villa FC. The proposed development seeks to redevelop part of the football pitch for the purpose of delivering a care home. A separate planning application which seeks to deliver an Aldi foodstore on land directly to the west, has also been submitted by the applicant. Together with the Aldi food store, the proposed residential care home would result in the complete loss of the former football pitch of Pelsall Villa FC.

The submitted Sports Facilities Supporting Statement confirms that the applicant accepts the principle of providing mitigation for the loss of the disused football pitch. The provision of a proportionate financial contribution has been proposed. Significant negotiations have been undertaken with the applicant, Sport England and the Council's Healthy Spaces Team.

It is accepted that mitigation in the form of an off-site commuted sum would be acceptable in this instance which would be used towards the improvement of wider local community football facilities including 3G artificial grass pitches and improved changing room facilities.

Given the advanced status of the Council's emerging updated Playing Pitch and Outdoor Sports Strategy (PPOSS) weight can be given to it in the determination of this current application. The emerging picture is broadly consistent with the existing published strategy which doesn't identify a need to retain the stadia grass pitch facility (due to a lack of need at this time to serve the needs of teams playing in the football pyramid), and instead identifies the need to prioritise investment in community football facilities where there is still a need to deliver improvements to the quality of existing grass pitches and changing rooms and to deliver additional 3G Artificial Grass Pitches (AGP's) to meet an identified shortfall of provision.

However, due to the length of time since the off-site contribution was calculated for this application and due to a recent significant increase in build costs, the originally required contribution of £996,079 is likely to have increased, and would need to be reviewed prior to any approval. Several potential locations where this contribution could be used to benefit users displaced from the application site are being explored but have yet to be confirmed.

The applicant has failed to confirm whether this development in isolation could provide the full necessary sports pitch mitigation contribution in the event that the adjacent Aldi foodstore proposal is not supported, and does not come forward for development.

Travel Plan

A full Travel Plan (TP) would be required and secured in a Section 106 Agreement in order to monitor and assess it. The aims of the TP are to increase awareness and encourage use of environmentally friendly modes of transport amongst staff and customers. It introduces a package of management measures that will help to facilitate staff travel by sustainable modes of transport. Reduce single occupancy, single purpose vehicle use by staff. The plan sets SMART targets. The initial target of the TP (i.e. the results of the first travel survey) will be to achieve a modal split in line with the average figures at, and to then reduce the proportion of staff driving single occupancy single purpose private car journeys to work by 5%, absolute, within five years of the TP being adopted.

Affordable Housing and Open Space

The applicant has confirmed that this care home proposal would cater for older people that require additional care facilities rather than self-catered individual units. Therefore no contributions towards affordable housing or open space are required and a condition would be included on any outline approval to define the intended use.

On the basis that this application is recommended for refusal, the final terms of the necessary provisions of a Section 106 Agreement have not been agreed and this will therefore form a further refusal reason as the sports pitch mitigation and Travel Plan are both necessary to make the development acceptable in planning terms.

Other Matters

All other suggested conditions and recommendations made by consultees would be included on any outline approval, subject to meeting the necessary tests, or would be considered as part of any relevant future application submission(s) in relation to the reserved matter(s) of appearance, landscaping, scale and layout.

Impact on neighbours amenity

The LPA is only in receipt of indicative layout plans at this outline stage and the final position, scale and design of the building would be the subject of any future detailed reserved matters application submission(s). An assessment of potential impacts on neighbours amenity would therefore need to be carried out by the LPA at that later stage.

However, based on the current submitted indicative plans the building is shown to be sited around 36m away from the nearest residential property on Bush Grove and this is likely to provide sufficient separation to minimise any impacts arising to neighbours amenity and accords with the standards set out in the Council's adopted Designing Walsall SPD.

Trees

The proposal would result in the loss of an established hedgerow to the south of the site adjacent Bush Grove and the loss of two category 'B' (moderate quality) protected Silver Birch trees arising from the creation of the proposed main access the subject of this outline application. The loss of trees and hedgerow to create the main access would result in harm to the visual amenity of the locality and to the character of Pelsall Common Conservation Area. This will form a refusal reason.

The submitted indicative layout fails to demonstrate sufficient areas of landscaping to accommodate any meaningful planting and would also result in the loss of a row of prominent 'B' category trees situated along the east boundary adjacent the footpath and former railway. However, layout and landscaping are reserved matters and could therefore be dealt with at any later detailed reserved matters stage(s).

Ecology

The submitted Preliminary Ecological Appraisal, Ecology Walkover Survey and Bat survey report are considered to be acceptable subject to conditions as recommended by the Ecology Officer. These reports are nearing their two year expiration and any delay in determining this application is therefore likely to result in the need for the applicant to provide updated surveys.

Conclusions and Reasons for Decision

On the basis of the information on the file at the time of writing this report there are concerns around highways safety and lack of an agreed form of mitigation measures to make the development acceptable in planning terms via a Section 106 Agreement.

As set out in the report, there are no material planning benefits of this proposal that would outweigh the harm and this application is therefore recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

The LPA has carried out extensive negotiations with the applicant and has provided pre-application advice to the applicant prior to the submission of this current planning application. The LPA has therefore met its requirement to act in a positive and proactive manner.

Recommendation

Refuse

Reasons

1. The proposed access off Bush Grove would result in the loss of hedgerow and two important and protected trees. This loss would result in detrimental harm to the visual amenity and character of the area and would have less than substantial harm to the significance of Pelsall Common Conservation Area, that scale of harm being weighed as high. Furthermore, the proposal would fail to sustain and enhance the significance of the Pelsall Common Conservation Area and would fail to make a positive contribution to the local historic character and distinctiveness of the Conservation Area. The proposal is therefore contrary to Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Saved Policies GP2 (Environmental Protection) & ENV18 (Existing Woodlands, Trees and Hedgerows) of the Unitary Development Plan, Policies ENV1 (Nature Conservation) & ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document, the Conserving Walsall's Natural Environment SPD and Paragraphs 174, 189, 197, 199 and 202 of the National Planning Policy Framework.
2. This application fails to provide sufficient information to demonstrate whether the development would result in an unacceptable impact on pedestrian and highway safety, or whether the residual cumulative impacts on the road network would be severe. This proposal is therefore contrary to Saved Policy GP2 (Environmental Protection) of the Unitary Development Plan, Policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy, T4 of the Site Allocation Document and Paragraph 111 of the National Planning Policy Framework.
3. This application fails to provide mitigation for the loss of an existing sports pitch and fails to provide a full Travel Plan which are necessary to make the development acceptable in planning terms. This proposal is contrary to Saved Policies GP3 (Planning Obligations), LC6 (Sports Pitches), T8 (Walking) & T9 (Cycling) of the Unitary Development Plan, TRAN2 (Managing Transport Impacts of New Development) & TRAN5 (Influencing the Demand for Travel and Travel Choices) of the Black Country Core Strategy, OS1 (Open Space, Sport and Recreation) & T4 (The Highway Network) of the Site Allocation Document, Exception E4 of Sport England's Playing Fields Policy and Paragraph 99 of the National Planning Policy Framework.

END OF OFFICERS REPORT