



Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 2a

Reason for bringing to committee

The application is brought to Planning Committee as the site is Council owned land and the applicant has appealed to the Planning Inspectorate against non-determination of the planning application. The planning authority is seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

Application Details

Location: ALDRIDGE MANOR, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 8NJ

Proposal: ALTERATIONS TO THE MANOR HOUSE TO FORM EIGHT RESIDENTIAL FLATS. ALSO, THE DEMOLITION OF A GARAGE AND ACTIVITY HALL IN THE CURTILAGE OF THE SITE, ASSOCIATED CAR PARKING, HARD AND SOFT LANDSCAPING.

Application Number: 22/0279

Case Officer: Thomas Morris

Applicant: Mr P Pearce

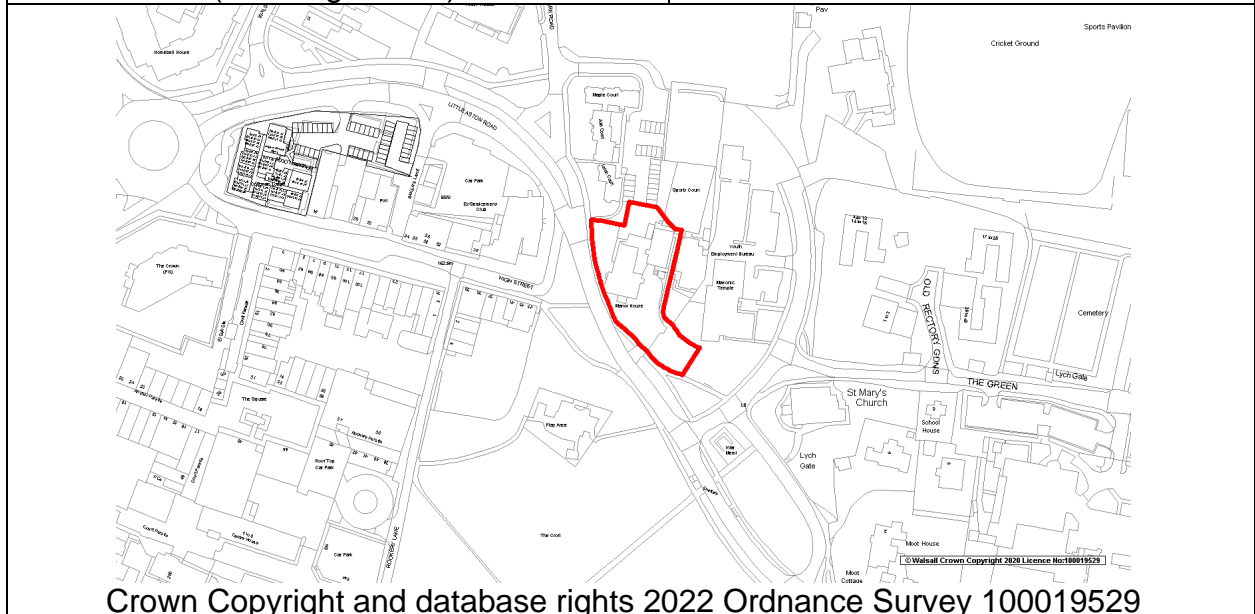
Ward: Aldridge Central And South

Agent: Mr Ed Griffin

Expired Date: 26-May-2022

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

Time Extension Expiry:



Recommendation:

1. Refuse.

Proposal

This application seeks full planning permission for alterations to the Aldridge Manor House to allow for its conversion to 8 self-contained flats, demolition of the existing garage and activity hall, as well as associated car parking and hard/soft landscaping works.

The physical works to the Aldridge Manor House include blocking up existing openings, creation of new openings, enlargements to existing openings, removal/alteration of twentieth-century interventions and alterations to existing internal fabric. The proposed external alterations are set out as follows:

- **North Elevation** – Removal of external stairs, removal of existing lighting and signage, ground floor new window opening, new windows to the first and second floor right hand wing, new glazed roof to extension and new window in extension.
- **East Elevation** – Removal of lighting and signage, removal of multiple rainwater goods, removal of external stairs, ground floor replacement of door with window and infilling of door closest to portico, single storey extension enlargement of window, infilling of window, removal of 20th c window and replacement, new glazed door and new window, infilling of door and new glazed door.
- **South Elevation** – Removal of existing lighting and signage.
- **West Elevation** – Removal of signage and lighting, removal of aerial and some rainwater goods, ground floor - new door, new rail bar at first floor, reinstating new door and creation of larger opening to accommodate new doors, new window opening at second floor, reinstatement of windows at first and second floor, single storey existing window enlarged and new glazed roof.

The proposal includes the demolition of the existing activity room and garage which are detached from the main Manor House. These buildings will make way for a shared patio and shared amenity space.

The proposal will convert the building to 8 x self-contained flats, made up of 2 x one-bedroom flats, 5 x two-bedroom flats and 1 x three-bedroom flats. The internal layout of the proposed flats is set out as follows:

- **Flat 1 (2b4p)** Ground Floor, Gross internal floor area of 74.1sqm, comprising bedroom 1 (19.1sqm), bedroom 2 (15sqm), kitchen/dining/living room (31.2sqm), utility room (2.1sqm) and bathroom (6.7sqm).
- **Flat 2 (2b4p)** Ground Floor, Gross internal floor area of 97sqm, comprising bedroom 1 (13.4sqm), bedroom 2 (12.3sqm), living/dining/kitchen (38sqm), study (12.8sqm), entrance/utility room (12.7sqm) and bathroom (8sqm).

- **Flat 3** (1b2p) Ground Floor, Gross internal floor area of 60.3sqm, comprising a bedroom (23.6sqm), kitchen/dining room (8.4sqm), living room (14.2sqm), utility room (2.2sqm) and bathroom (5.3sqm).
- **Flat 4** (1b2p) First Floor, Gross internal floor area of 50sqm, comprising a bedroom (10.8sqm), dining/living room (29.5sqm) and bathroom (5.5sqm).
- **Flat 5** (2b3p) First Floor, Gross internal floor area of 58sqm, comprising bedroom 1 (13.2sqm), bedroom 2 (8.7sqm), kitchen/living room (23.9sqm), bathroom (4.9sqm) and WC (1.8sqm).
- **Flat 6** (3b4p) First/Second Floor, Gross internal floor area of 94.5sqm, living room (17.9sqm), kitchen (14sqm), WC (2.5sqm), bedroom 1 (13.8sqm), bedroom 2 (9sqm), bedroom 3 (7.8sqm), bathroom (3.8sqm) and WC (1sqm).
- **Flat 7** (1b2p) Second Floor, Gross internal floor area of 38.7sqm, bedroom 1 (13sqm), kitchen/living room (17.7sqm) and bathroom (5.2sqm).
- **Flat 8** (2b3p) Second Floor, Gross internal floor area of 55.8sqm, bedroom 1 (12.3sqm), bedroom 2 (8.2sqm) kitchen/living room (23.4sqm) and bathroom (5.1sqm).

Externally, a part shared/part private garden including a shared patio area will be provided, comprising a total area of approximately 875sqm.

15 car parking spaces (including 2 accessible parking spaces) and 11 cycle parking spaces are proposed.

Vehicular access to the site will be provided by the existing main access off Little Aston Road, the boundary wall adjacent to this access will be reduced in height to 0.6m. A new opening in the boundary wall will provide a pedestrian access off Little Aston Lane to the front of the building.

New boundary treatments in the form of hedges and fencing is proposed on the site's Western boundary to Little Aston Lane and the site's Eastern boundary to the car park of Mason Lodge site.

The application is submitted alongside an application for listed building consent for the proposal (See application reference number 22/0282).

Site and Surroundings

The application site comprises the Aldridge Manor House, which is a Grade II listed, three-storey detached building, designed with a hipped slate roof, five bays and a two storey rear wing. The site is located off Little Aston Road and is within the Aldridge Conservation Area and Aldridge District Centre. There is Green Belt land to the north and east of the site. The site is within 15km of the Cannock Chase Special Area of Conservation (SAC).

The Aldridge Manor House would have originally been a dwelling but has historically been in use as a library and more recently as a youth centre. The most recent use of the building was as a temporary bedsit/hostel type accommodation, comprising six one-bedroom bedsits/studios (Approximate floor area of 680sqm). The existing use

also comprises 20sqm of Use Class B8 (Storage and Distribution) at the existing garage and 180sqm of former Use Class D2 (Assembly and Leisure) (Now Use Class F2b) at the existing activity hall.

The surrounding area comprises a mix of uses, including commercial uses, shops and restaurants on the opposite side of Little Aston Road to the West, a residential care home to the north and the Aldridge Compass Suite to the east.

Relevant Planning History

20/0103 - Redevelopment of land off Little Aston Road, Aldridge, comprising: demolition of ancillary buildings, erection of 48 Extra Care Retirement Apartments (Use Class C2), conversion of Aldridge Manor House to create 7 flats (Use Class C3), erection of 3 dwellings – Refused 10/02/2021.

20/0127 - Listed Building Consent to: Repairs, refurbishment and alterations to the Manor House, forming 7 residential flats including part demolition of existing listed building – Refused 10/02/2021.

15/1628 – Listed building consent for the installation of commemorative blue plaque – Grant listed building consent – 23/12/20015.

08/0495/LB – Listed building consent for the provision of disabled ramp from car park to sports hall and provision of disabled car park space - Grant Listed Building Consent 01/07/2008.

08/0483/FL - Provision of disabled ramp from car park to sports hall and provision of disabled car park space – Grant Permission Subject to Conditions 25/06/2008.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **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
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres

- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S8: Housing in Town Centres
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities
- AL1: Primary Shopping Area
- AL2: Environmental Improvement
- AL3: The Croft
- AL4: The Precinct
- AL5: Land at High Street / Little Aston Road
- AL6: Rail Station
- AL7: Pedestrian and Cycle Routes
- AL8: Traffic Circulation and Bus Priority
- AL9: Car Parking

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy

- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

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

Conservation Officer – No objections, subject to the following conditions:

- Submission of details of all boundary treatments adjacent the Masonic Lodge and land to the north, including details of the height, materials and external finishes of all boundary treatments.
- Submission of a full suite of materials for the exterior including details of colour finishes and manufacturers details.
- Submission of a revised landscape plan showing semi mature hedge planting to screen the proposed boundary between Aldridge Manor and the Masonic Lodge and to the private garden fronting Little Aston Road.

Ecology Officer – Advise that the site is located within 15km of the Cannock Chase Special Area of Conservation (SAC) and has completed the Stage 1: Screening Assessment. Advise that development is likely to result in significant harm to the Cannock Chase SAC and therefore the application should progress to Stage 2: Undertaking an Appropriate Assessment.

Historic England – No objections.

Local Highways Authority – No objections, subject to the following conditions:

- Parking spaces to be implemented and retained thereafter prior to first occupation.
- The redundant footway crossing off Little Aston Road at the north-west corner of the site shall be permanently closed off and reinstated to full kerb height prior to first occupation.
- Residents cycle shelter to be fully implemented prior to first occupation.
- The existing frontage boundary wall to be reduced in height to 600mm above footway level for at least 1 metre distance either side of vehicle access point on Little Aston Lane prior to first occupation.
- Construction Methodology Statement to be submitted and approved prior to first development.

Pollution Control – No objections, subject to the following conditions:

- Requires the submission of an asbestos survey
- Requires the submission of a demolition management plan
- Requires the submission of an air quality low emission scheme

Severn Trent Water – No objections.

Tree Preservation Officer – No objections.

Waste Management (Clean and Green) – No objections.

West Midlands Fire Service – No objections.

West Midlands Police – No objections.

Representations

One representation was received, objecting to the proposal on the following grounds:

- There is already too much traffic in Aldridge Village.
- The site is too close to the shops, church, cricket club and schools.
- Aldridge Village is already full due to the recently built retirement apartments.
- The proposal will worsen traffic in the area where the volumes of traffic are already high and dangerous, including lorries using Little Aston Road.

Determining Issues

- Principle of Development
- Heritage and Design
- Amenity of Future Occupiers
- Amenity of Neighbours
- Parking and Access
- Trees and Protected Trees
- Flood Risk and Drainage
- Ground Conditions and Environment
- Cannock Chase SAC and HRA
- Five-year Housing Land Supply
- Local Finance Considerations

Assessment of the Proposal

Principle of Development:

The application proposes the change of use of Aldridge Manor House, located within the Aldridge District Centre and Aldridge Conservation Area. Historically, the building was used as a library and as more recently as a youth centre. The current use of the building is as temporary bedsit/hostel type residential accommodation within the main Manor House building, consisting of 6 studios for social/affordable rent, albeit there is no planning history for the site which authorises this use. The existing activity hall and garage to be demolished are currently vacant.

The proposal will convert the building to 8 self-contained flats. Saved Policy S8 of the UDP supports housing in established centres such as this to support the vitality and viability of the District Centre. The policy also recognises that dwellings within established centres may not have the same level of amenity as can be expected in a suburban area. Policy HC2 of the SAD also supports housing on other land in the Borough, provided a satisfactory level of residential amenity can be achieved. Given the site's location within an established centre, the principle of the residential use of the building is therefore acceptable.

With regards to the loss of the youth centre use, Policy LC8 of the UDP relates to the loss of local community facilities, stating that the loss of such uses will only be acceptable in specific situations. The existing use of the site is as bedsits/studios and the remaining buildings are vacant. It is therefore understood that the youth centre use is no longer active at the site. The loss of the youth centre also needs to be balanced against the need for housing, in a situation where the Council are no longer able to demonstrate a five-year housing land supply. On this basis, whilst it is accepted that no justification for the loss of the youth centre use has been provided, this is acceptable in this instance as the use is no longer active and there is need for housing in the Borough.

In summary, the principle of the proposed development is acceptable, subject to the application complying with other material planning considerations.

Heritage and Design:

The Aldridge Manor House is a Grade II listed building located off Little Aston Lane, within the Aldridge Conservation Area. The building is detached, three-storey and designed with a hipped slate roof, five bays and a two storey rear wing. The building has a slightly neglected appearance featuring some modern additions and outbuildings which have resulted in a negative impact on the significance of the building. The setting of the listed building has also been harmed by the construction of Little Aston Lane, meaning that the original front and side gardens and driveway of the building have been lost. The outbuildings within the curtilage of the listed building are of little architectural merit and historical significance and the site also lacks the greenery and planting found elsewhere in the conservation area.

Considering the impact of the proposal on the significance of the listed building and its setting, the proposed external alterations include the removal of the unsympathetic twentieth-century alterations, including the external stairs, lighting, signage, aerial and rainwater goods. The removal of these features is therefore acceptable as they currently detract from the appearance and significance of the building. The additional external alterations to the listed building include alterations and enlargements to some of the existing window/door openings on the North, East and West elevations. These alterations are not likely to result in harm to the significance of the listed building as they relate to existing openings, subject to the submission of further details which could be secured by planning conditions.

The proposed works to the listed building also include the insertion of a new window at the second floor on the West elevation, facing Little Aston Road. This new window will serve bedroom 3 of flat 6 at the second floor. The insertion of the new window of different proportions to existing windows and breaking with the established hierarchy of windows at this highly visible elevation will result in some harm to the significance of the listed building, with the level of harm being considered to be low to medium.

The new window will serve bedroom 3 at flat 6, however, this bedroom is only 2m in width, therefore falling short of the minimum requirement of 2.15m width for single bedrooms, as stated within the Technical Housing Standards – Nationally Described Space Standards. Given that this bedroom falls short of the space standards for minimum bedroom widths, the harm to the significance of listed building as a result of the insertion of a new window, and that the flat already has two other bedrooms, if this application were approved, amended plans would be required showing the removal of this window and merging bedrooms 2 and 3 for this flat, in order to reduce the level of harm the proposal will have on the significance of the listed building.

The only alterations to the South elevation, which is the main elevation and front of the building are the removal of signage and lighting and these changes will enhance the appearance of this elevation and are acceptable.

Externally, the removal of the modern outbuildings are acceptable given that they are of little architectural merit or historical significance. These alterations will also allow for the creation of a rear landscaped amenity space and landscaped frontage which will go some way to enhancing the setting of the listed building and the character and appearance of the Aldridge Conservation Area.

In summary, by virtue of the proposed installation of a new window on the second floor West elevation, the proposal is considered to result in 'less than substantial harm' to the significance of the listed building. In accordance with Paragraph 202 of the NPPF, this harm needs to be considered against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. Whilst the proposal would contribute to the building's retention within a positive use and would contribute to its conservation and viability, if the application were approved, it is recommended that the proposed window is removed to reduce the impact of the proposal on this significance of the listed building. On this basis, the proposal would both have public benefits and would enhance the significance of the listed building and would therefore be acceptable, subject to the conditions listed below.

Amenity of Future Occupiers:

The proposal will convert the building to a total of 8 self-contained flats, consisting of 5 x 2-bedroom flats, 2 x 1-bedroom flat and 1 x 3-bedroom flat. The full proposed internal layout of the building is set out within the Proposal Section of this report.

Flats 1, 2, 3, 4 and 6 meet the minimum gross internal floor area standards as set out within the Technical Housing Standards – Nationally Described Space Standards. Flat 5 at the first floor falls 3sqm short of the minimum floor space standard of 61sqm for a 2-bedroom, 3-person flat, however, this shortfall is negligible and considered acceptable. Flat 7 at the second floor falls 22sqm short of the minimum floor space standard of 50sqm for a 1-bedroom, 2-person flat (the bedroom is a double). However, the flat meets the minimum requirement of 37sqm for a 1-bedroom, 1-person flat and is therefore acceptable. Flat 8 at the second floor falls 5sqm short of the minimum floor space standard of 61sqm for a 2-bedroom, 3-person flat. This shortfall is again negligible and is therefore acceptable. The floor space of the flats also needs to be weighed in the context of the impact any internal changes will have on the listed building, which is not being extended. The internal layout of the building is therefore acceptable weighing the beneficial re-use of the building and the positive upgrade of the building.

The proposed garden at the flats is set out to include small sections of private gardens surrounded by larger areas of shared gardens, as well as a shared patio area. Appendix D of the Designing Walsall SPD requires that dwellings with shared gardens provide a minimum of 20sqm of garden per dwelling. When considering the proposed garden as whole including the private and shared spaces, the garden comprises an area of approximately 875sqm, which is well in excess of the 160sqm minimum garden area requirement for the proposed 8 flats. The proposed garden area is therefore acceptable.

In summary, the proposal is acceptable with regards to the amenity of future occupiers.

Amenity of Neighbours:

The Manor House building is a detached property set within its own grounds, generally separated from neighbouring properties. The adjacent uses include a residential care home to the north and the Aldridge Compass Suite to the east. There are commercial uses to the west opposite Little Aston Road.

The proposal does not include any extensions to the building and will not therefore result in any loss of light and outlook to any neighbouring properties. The proposal will also not result in any overlooking of neighbouring gardens. No concerns in relation to noise and disturbance impacts of the proposal have been raised.

In summary, the application is acceptable with regards to the impact on the amenity of neighbours.

Parking and Access:

The application site will provide a total of 15 car parking spaces, 2 of which will be accessible parking spaces, as well as 11 cycle spaces. UDP Policy T13 requires 2 parking spaces per unit for flats with individual parking, which equates to a maximum provision of 16 spaces. The proposed 15 car parking spaces is therefore in accordance with the policy requirement and is acceptable given the proximity to the local centre. The inclusion of cycle storage within a shelter will also encourage sustainable travel. Waste Management have raised no objections to the location of refuse storage toward the rear of the site.

The existing main vehicular access from Little Aston Road will be retained as the main access to the site and an additional pedestrian access within the boundary wall will be created. The boundary walls around the main access will be lowered to a height of 0.6m from ground level and this will enhance visibility at the access to the site. It is noted that an objection on the grounds of traffic and highways safety has been submitted, however, the proposal will have no greater impact on highways safety and traffic generation compared to the existing situation.

In summary, the application is acceptable with regards to the impact on highways safety and parking, subject to the conditions recommended by the Local Highways Authority.

Trees/Protected Trees:

The site is not subject of a Tree Preservation Order; however, it is within the Aldridge Conservation Area and there are several trees at the site which add to the character of the area. The application is supported by a tree survey and tree constraints plan. The proposal does not include the removal or pruning of any trees within the site and additional planting is proposed which will enhance the site. The proposed development will therefore have no detrimental impact on trees.

Flood Risk and Drainage:

The site is located outside of flood zones 2 and 3. The proposal is of a relatively minor scale and will not therefore result in any flood-risk and drainage issues and no drainage related conditions would be required if the application were to be approved.

Ground Conditions and Environment:

The site is located within the Coal Development Low Risk Area. The proposal does not include the erection of any new structures within the site and therefore ground disturbance and exposure to contaminated land is unlikely. If the application were to be approved, due to the proposed demolition of buildings, an asbestos survey and demolition method plan would be required, to ensure any contamination risks are managed.

Cannock Chase Special Area of Conservation and Habitats Regulation Assessment:

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

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

Walsall Council is not part of the SAC Partnership. However, due to the reference to a 15km zone of influence, Walsall Council is currently considering its position in relation to impacts on the Cannock Chase SAC and mitigation. It must ensure that planning decisions do not have any negative impact on the SAC and, if they do, it must either refuse permission or secure appropriate mitigation measures.

On 1st July 2022, the Head of Planning and Building Control wrote to all applicants and agents whose applications fall within 15km of the Cannock Chase SAC to indicate that whilst Walsall Council was considering its position, they may consider it appropriate to submit a Habitats Regulation Assessment for their proposed development in Walsall Borough as part of their proposed mitigation.

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

Having regard to the location of the development site, its nature, proximity to the SAC and all other relevant information, the Council's Ecology Officer carried out a screening assessment to assess if there were likely significant effects of the proposal and to consider real (not hypothetical) risks. This concluded that the development would lead to a significant impact on the SAC and an appropriate level of mitigation would be required.

As a likely significant effect on the SAC was identified, before the application could be approved, it would need to progress to Stage 2: Appropriate Assessment, to assess the likely significant effects on the integrity of the SAC and its conservation objectives and to identify ways to avoid or minimise those adverse effects. While Walsall Council, as the Competent Authority, would carry out the 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. In this case the application has not proceeded to the Appropriate Assessment, the Local Planning Authority have no option but to refuse this application in line with the Habitats Regulations.

In summary, notwithstanding the previous comments regarding the acceptability of the proposal, due to the site's location within 15km of the Cannock Chase SAC and the absence of Appropriate Assessment, the application cannot currently be approved by the Local Planning Authority. On this basis, if the applicant had not appealed against non-determination, officer's recommendation would have been to refuse the application on these grounds.

Five-year Housing Land Supply:

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

Local Finance Considerations:

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

This application proposes 8 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The applicant has been appealed to the Planning Inspectorate against non-determination of the planning application. The planning authority are seeking a resolution from Members of the Planning Committee on how they would have otherwise determined the application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

Whilst the recommendation to the Committee is that the application should be refused for the impact Cannock Chase SAC, the principle of the conversion of the listed building to residential use could be accepted. The application site is located within the 15km of the Cannock Chase SAC and the proposal has been screened to consider the likely effects on the conservation objections of the SAC. As the development is for 8 new dwellings, it will therefore likely have a significant harmful impact on the SAC and is required to proceed to the Stage 2 undertaking of an Appropriate Assessment. In the absence of any information submitted by the applicant toward the Appropriate Assessment, the Local Planning Authority has no option, but to refuse the application in line with the Habitats Regulation, if the application had not been appealed against non-determination. This constitutes a significant reason for refusal and cannot be outweighed by any of the benefits of the scheme.

In summary, 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 in this instance are unable to support the proposal.

Recommendation

Reasons for Refusal

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 8 dwellings and has failed to provide any potential necessary mitigation measures. This proposal is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Black Country Core Strategy Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) & ENV1 (Nature Conservation), UDP Saved Policy ENV23 (Nature Conservation), SAD Policy EN1 (Natural Environment Protection, Management and Enhancement) and the National Planning Policy Framework.

Notes for Applicant

None.

END OF OFFICERS REPORT