



## Planning Committee

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

Plans List Item Number: 3

### Reason for bringing to committee

Major Application

### Application Details

**Location:** FORMER OLD BUSH INN, WALSALL ROAD, PELSALL, WALSALL, WS3 4BP

**Proposal:** DEMOLITION OF EXISTING BUILDINGS, THE ERECTION OF A RETAIL FOOD STORE (CLASS A1), WITH ASSOCIATED CAR PARKING AND LANDSCAPING

**Application Number:** 20/0832

**Case Officer:** Peter Gittins

**Applicant:** ALDI STORES LIMITED and Mr John Roberts

**Ward:** Pelsall

**Agent:**

**Expired Date:** 02-Nov-2020

**Application Type:** Full Application: Major Use Class A1 (Shops)

**Time Extension Expiry:** 15-Sep-2021



### 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 application seeks full planning permission for the following development:  
“Proposed Demolition of existing buildings at the site of The Old Bush Public House, Walsall Road, Pelsall, WS3 4BP and the erection of a Class A1 Food Retail Store, with associated access, car parking, servicing and landscaping.”

The proposed store has a gross external area (GEA) of approx. 1863m<sup>2</sup>

The proposed store comprises:

- 1315m<sup>2</sup> retail space, to include mainly for food, with a small range of non-food products.
- Ancillary warehousing, servicing and staff welfare areas.
- Delivery bay and unloading area.

The proposed food store occupies the southern portion of the Site nearest Bush Grove. The shopfront façade has been designed to face towards the north, where the main car parking area is located. The proposed service yard and delivery area is located to the east of the food store, which faces away from Walsall Road.

The overall height of the proposed store is approximately 6.67m to the top of the roof from finished floor levels. The store will comprise mainly of brickwork facades in line with surrounding buildings.

The entrance is to have a glazed shopfront and canopy providing focus to the main elevation. The canopy, which is illuminated from below, also provides a covered, well-lit area over the trolley store.

A new dedicated vehicle access to the site will be created off Walsall Road. There will be customer parking for the store along with landscaped boundaries and new trees. Deliveries to the store will be via the car park, with the loading bay at the far end of the building to the east.

A total of 126 car parking spaces are proposed including:

- 8 no. disabled spaces
- 7 no. parent and child spaces
- 2 no. electric vehicle charging spaces

Two cycle shelters are also proposed (capacity 16 no. cycles).

Pedestrian access will be provided from Walsall Road. There will be a direct pedestrian connection between the entrance to the store and the footway on the east side of Walsall Road.

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. It comprises a former public house (The Old Bush), a locally listed building, and part of a disused football pitch and changing rooms (which previously accommodated Pelsall Villa). The Site also includes an area of hardstanding, which previously provided car parking associated with the public house. The remainder of the pitch is the subject of a separate application (20/0830) that appears elsewhere on the agenda for this meeting.

The site is approximately 750m away from Pelsall Local Centre. The Site measures approximately 7,986sqm, and is a rectangular shape. There are two TPOs on the site (17/1976 and AB 3/1964), including a group of trees to the rear of the former Old Bush PH which contains 4 poplar trees and along the southern boundary of the site along Bush Grove where there are 5 Birch, 1 Poplar and two 2 Ash trees. The application site is located within Pelsall Common Conservation Area which means that all other trees within the site are also protected.

The submitted planning statement explains that the Public House closed in October 2014 and has remained vacant since this date. Since the closure of the PH, the associated buildings/structures have suffered from acts of vandalism and fire damage. The most serious fire occurred in July 2016, which destroyed a substantial part of the building, including most of the roof.

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 southwest), together with a wider range of facilities and services forming part of the Pelsall Local Centre 0.4miles to the north along Norton Road.

## **Relevant Planning History**

### **Old Bush Inn**

BC59439P/C - Full Application for emergency fire escape to rear – GSC 16/08/1999

07/1781/FL/E10 - Full Application for Erection of smoking shelter - Refuse Permission - 16/10/2007

07/2568/FL/E10 - Full Application for Erection of Canopy roof as a shelter for Smokers - GSC13/03/2008

20/0946 - Prior Notification: Demolition, Prior approval for the demolition of the former Old Bush Inn public house. - Prior Approval: Refused 08/09/2020 for the following reason:

*"The works described above and in the details of the application fall outside the scope of Schedule 2, Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended from time to time) As such an application for full planning permission is required. The GDPO excludes Public Houses as being permitted development for demolition."*

### **Pelsall Villa Football Club**

BC63281P/C - Full Application for 15m high telecommunications mast and ancillary equipment. - Refuse Permission, 31/05/2001

02/0114/FL/E7 - Full Application for Telecommunications mast designed as an existing floodlight - Refuse Permission, 15/03/2002

13/0682/PT - Full Application for 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, 08/07/2013

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.*

20/1385 - Prior Approval Telecommunications: Installation of 2 no. equipment cabinets and 1 no. meter cabinet enclosed by a 2.1m high palisade fence and ancillary works. - Prior Approval: Granted, 23/12/2020

### **Relevant Policies**

#### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](https://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 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.

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](https://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
- ENV40: Conservation, Protection and use of Water Resources
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- LC1: Urban Open Spaces
- LC6: Sports Pitches
- LC8: Local Community Facilities
- 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
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- 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

### **Walsall Site Allocation Document 2019**

- SLC1: Local Centres
- SLC2: Local Centres Development Opportunities
- OS1: Open Space, Sport and Recreation
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- EN5: Development in Conservation Areas
- T4: The Highway Network



## Supplementary Planning Document

### Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

### Designing Walsall

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

### Open space, sport and recreation

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

### Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites

- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

## **Consultation Replies (*Officer comments in italics*)**

### **Local Highways Authority**

Insufficient information has been provided to demonstrate:

- whether improvements could be made to assist in managing the impacts arising to the crossroad at Hall Lane/ Vicarage Road/Walsall Road/ Norton Road.
- the number of likely trips to the foodstore based on empirical evidence.
- that collision causation has been considered.
- that traffic impacts have been fully considered.
- that the proposed layout could accommodate the necessary pedestrian access and visibility splays to serve the applicant's adjacent care home proposal.

### **Conservation Officer**

Objection: The proposed development would result in the loss of a locally listed building, loss of open space, and the loss of trees and hedgerows within the Pelsall Common Conservation Area. The proposed built development results in the site being dominated by built form (a large supermarket with associated signage) and car parking. The proposal fails to take into account the location and historic character of Pelsall Common Conservation Area, characterised by its village setting and open and green nature. Whilst the proposal would have less than substantial harm to the significance of Pelsall Common Conservation Area, the scale of harm is considered to be weighed as high.

### **Strategic Planning Policy**

Objection: The proposal needs to address the various designations that apply to the site, including loss of open space and the locally listed building, the impact on the conservation area, loss of trees and potential wildlife habitats. The proposed development raises issues including the need to satisfy the sequential test and design.

In respect of the sequential test, an alternative site within a designated centre is evident within the specified likely 10-minute catchment area for this proposal site. Ravenscourt in Brownhills District Centre appears to be an available and suitable, sequentially preferable site. This is further demonstrated by the applicant's separate planning application for a comparable foodstore at this alternative site (Ref: 22/0171).

### **Ecology**

Objection: No likely significant effect on the Cannock Chase SAC, but updated Preliminary Roost Assessment and Dusk emergence and Dawn re-entry surveys are necessary prior to granting of any planning permission.

### **Wildlife Trust**

Raised the following concerns and recommendations:

- seeking a higher proportion of native species in landscaping scheme (*this could be secured by planning condition(s)*).
- Preliminary Bat Roost Assessment and emergence surveys now out of date.
- CEMP should be submitted prior to determination (*this could be secured by planning condition(s)*).



- Arboricultural method statement and justification required for loss of Class C TPO tree T12.
- Revised external lighting design required to safeguard local bat populations (*this could be secured by planning condition(s)*).

### **Severn Trent Water**

No Objection: Subject to the imposition of a drainage condition.

### **Archaeology**

No Objection: Subject to a condition on planning consent requiring a programme of archaeological work to identify and excavate any remains so they can be preserved by record.

### **Coal Authority**

No Objection: The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. No conditions required.

### **Community Safety**

No Objection: Suggest barrier to the main access and motorcycle restrictors on footpath access to avoid out of hours access and potential anti-social behaviour.

### **Highways England**

No Objection

### **Historic England**

No Objection

### **Lead Local Flood Authority**

No Objection: Subject to imposition of a condition that the development be implemented in line with the submitted drainage strategy.

### **Local Access Forum**

Raised concerns regarding the Transport Assessment having been undertaken during Covid Conditions (*additional information has since been provided and no further response has been received from this consultee following re-consultation*).

### **Environmental Protection**

No Objection: Subject to compliance with the Air Quality SPD, Construction Environmental Management Plan, and noise mitigation measures.

### **Public Health**

No Objection: Recognise the productive use of the space after years of it being derelict. The development will support the local economy, particularly in terms of creating employment opportunities for the local workforce. Public Health welcomes the inclusion of sustainable transport options within the application.

### **Public Rights of Way**

No Objection - There are no definitive public rights of way across or adjacent to the red and blue planning boundary site outline for the proposed foodstore and associated car parking. The proposed development will not impact upon any public rights of way and there are no public rights of way objections or requirements.

**Sport England**

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

**Structures**

No Objection: The site lies outside the consideration zone for the Limestone Mine workings and therefore planning restrictions imposed by virtue of the limestone workings do not apply.

**Sustrans**

No Objection: Requests consideration of a link between development and McLean Way.

**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

**Tree Officer**

Concerns over loss of important protected trees that make a significant contribution to the landscape character of Pelsall Common Conservation Area and likely future pressure to remove a further mature tree.

**Representations (*Officer comments in italics*)**

The application has been through three rounds of public participation since the original submission. A total of 82 responses have been received, 2 neutral, 33 in support and 47 objections. 5 x responses did not provide their full address and one response did not contain any comments which will all therefore be given little or no weight in determining this application.

Responses were received from local residents, community groups and businesses in Pelsall, residents from Brownhills, Aldridge and Bloxwich and from a national market competitor.

The matters raised in response to the public participation can be summarised as follows:

**Support:**

- Much needed local resource.
- Potential to support maintenance and improvements to McClean Way.
- It will complement the local shops.
- Development will reduce road traffic to supermarkets in Brownhills and Aldridge.
- Believe ALDI are making every effort to accommodate the Local needs.
- Proposed "Old Bush" plaque is welcomed.
- Replacement 3G pitch could be sited on the spare land at the Education Development Centre off Pelsall Lane.

- Proposal would improve the appearance of the area and the current state of the existing building.
- Would create many jobs.
- Extra traffic would be nominal.
- A greater choice and improved competition for shoppers.
- Increased traffic would help to slow other motorists down.
- Less travel time to get to an Aldi store.
- Investment in Pelsall.

## Objections

- Lack of necessary town centre health checks.
- Lack of robust evidence to support findings on town centre trading impacts which are likely to be significant / this will be a large impact on the village shops, making them go out of business.
- Would detract from the village atmosphere and would destroy the facilities already existing.
- Lack of assessment of impact on town centre planned investment.
- Inadequate sequential testing.
- Additional trips contribute to an unsustainable business model.
- An incomplete Viability Assessment in terms of impact on heritage assets.
- A design that fails to address impacts on the conservation area.
- The loss of a community use and lack of consideration of other beneficial uses / Object to the loss of the Pub as a community facility.
- The loss of a sports pitch.
- The volume of traffic will increase and increased road safety issues.
- The local roads cannot accommodate large delivery vehicles.
- Unlikely to attract high levels of customers arriving on foot.
- Insufficient on-site car parking and/or off street car parking / Public are likely to use Pelsall Common for overflow parking.
- Noise, pollution to the local environment.
- Proposed Old Bush plaque is unacceptable. The existing building could be retained and converted into a hotel to meet local needs.
- Loss of important historical building.
- Proposed unsympathetic design and large scale does not fit in with the area and would result in significant visual impacts to the harm of the landscape, character of the area, Pelsall Common, the village and the Conservation Area
- Impact on biodiversity.
- Store not necessary in this location due to presence of existing store in Brownhills.
- Reduced light and outlook from front habitable windows.
- Concerns over security of the site and anti-social behaviour and increased fear of crime.
- Application fails to make reference to Aldi consultation exercise and no statement of community involvement submitted.
- Documents not available to view on the Council's website (*all submitted documents are published on the LPAs website*).
- Assessment has not been made of community facilities within the wider area.

## Determining Issues

- Sequential Test
- Loss of Public House

- Heritage
- Archaeology
- Cannock Chase SAC and Cannock Extension Canal SAC
- Design, Layout and Character
- Amenity of Surrounding Occupiers
- Trees and Landscaping
- Highways
- Noise
- Ground Conditions and Environment
- Flooding
- Air Quality
- Ecology
- Planning Obligations

## **Assessment of the Proposal**

### **Sequential Test**

Local and national policies are clear that a sequential approach ('town centre first') should be applied. This site falls outside of a centre and the sequential test must therefore be applied in this instance.

Pelsall is largely surrounded by Green Belt which separates it from surrounding centres and the village benefits from large areas of open space in the form of Pelsall Common. In this respect, Pelsall does not represent a 'densely populated built area such as a city or large town', it should be viewed more as a semi-rural area with a village character where journey times to shops might be expected to be longer than the 5 minute catchment that Aldi are seeking to achieve. Based on evidence within the GVA Study of the Black Country Centres 2009 and the Black Country Centres Study Volume 1 Main Report 2020, the Council's Planning Policy Team argue that a 10 minute drive-time catchment is appropriate given the semi-rural location of Pelsall and the proximity of a number of nearby centres which could provide this retail offer to Pelsall residents in a sequentially preferable location.

The applicant has carried out a sequential test and has since made a number of revisions to it in an attempt to address concerns raised by the Council, including an expansion of the sites, and centres, to be considered. Sites have now been considered within:

- Leamore Local Centre
- Shelfield Local Centre
- Pelsall Local Centre
- Walsall Wood Local Centre
- Spring Lane, Shelfield Local Centre
- Buxton Road, Bloxwich Local Centre
- Blakenall Local Centre
- Coal Pool Local Centre
- Rushall Local Centre
- Bloxwich District Centre
- Aldridge District Centre
- Walsall Strategic Town Centre
- Brownhills District Centre

Most of the identified sites have been ruled out for not being suitable or available including the Rookery Lane site in Aldridge which the applicant has now demonstrated could not accommodate the proposal.

The applicant has submitted a separate planning application for an Aldi foodstore at the Ravenscourt site within the Brownhills District Centre. The applicant argues that the separate proposal at the Ravenscourt site would serve a different catchment (residents of Brownhills) and should therefore be excluded from the assessment in relation to this Pelsall site. However, the Planning Policy Team argue that the Ravenscourt site would serve a wider catchment inclusive of Pelsall residents, not exclusive to it, and that it is therefore available and suitable to accommodate this proposal. Given the availability of this sequentially preferable site the applicant has failed to meet the necessary sequential test, is contrary to local and national planning policies and guidance and the application should therefore be refused.

### **Loss of Public House**

The proposal includes the demolition of a former Public House, which is recognised as a community use in terms of UDP Policy LC8, however since the use has not been in operation for at least seven years and the building is in a poor state of repair, it is considered that it is not necessary to satisfy the requirements of the policy in this instance.

### **Heritage**

The application site is within the Pelsall Common Conservation Area and the Old Bush Inn is a Locally Listed building. The proposal includes the demolition of the former Public House.

Whilst it is acknowledged that parts of the site currently provide a sense of openness, the site contains a large building fronting Walsall Road and is set within existing predominantly two-storey built form; residential properties to south along Bush Grove and residential properties along Walsall Road to the north. A single storey building is also present immediately north 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.

### **Locally Listed Building**

The Old Bush Inn is in a state of disrepair having been the focus of several arson attacks. The heritage statement states 'the historic and architectural values of the former public house are now diminished by the repeated fire damage and vandalism which has occurred to the building since its closure in 2014'. It also references loss of significance parts of the historic roof structures and coverings etc....historic fabric is

likely compromised beyond reasonable repair. It also references the 'cost of materials for repairs, and in its fire damaged, vandalised and semi derelict state. The main central core plan form of the existing building including roofing structures remain, intact up to the roofline, including the architectural detailing seen on the front elevation.

The heritage statement references the site cannot be used 'viably as a public house or any other community use', and the submitted financial viability statement considers a public house and nursery/crèche as the uses, which are mostly likely to generate interest and also concludes that both schemes would be financially unviable. The FVS does not include an options appraisal to demonstrate there is an interest in uses other than a public house or a nursery / crèche. A care home or residential development (or a mixed-use scheme) or extension to the locally listed building to accommodate an appropriate use / reuse of the building have not been considered, furthermore, there is no evidence that the site has been appropriately marketed that will enable its conservation.

Since 2016 the Council has pursued the repair of the locally listed building through planning enforcement. Paragraph 196 of the NPPF states ***'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'***. It is unfortunate that the building is in its current state of disrepair which could have been minimised or avoided through repairs and maintenance by the owner. Adequate measures to prevent unauthorised access and further deterioration of the building have not been previously implemented and the building has not been maintained, although it is understood that some measures have more recently been put in place by the owner. Paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed development would result in the total loss of the locally listed building contrary to Saved UDP Policy ENV28 and Paragraph 203 of the NPPF.

#### Harm to the Significance of a Designated Heritage Asset and preservation of the character and appearance of the Pelsall Common Conservation Area

The site is located within Pelsall Common Conservation Area, a designated heritage asset. Paragraph 197 of the NPPF seeks development to sustain and enhance the significance of heritage assets and outing 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'.

The Pelsall Common Conservation Area Appraisal and Management Plan references Pelsall dating back to Anglo Saxon times. The Conservation Area is broken into five zones, the site being in character zone five, known as The South Common, which has



the feel and appearance of parkland. The southern part of the Common is surrounded by 20th century housing with remnants of historic character surviving. The Pelsall Common Conservation Area is generally domestic in scale, enhancing the sense of wide expanses of open space. Traditional building materials are red brick, handmade plain clay roof tiles and stone detailing to windows and door openings with pitched and gable roofs.

Whilst the total loss of the locally listed building is not supported, and would be necessary to accommodate the foodstore in its current position shown on submitted plans, and notwithstanding the concerns raised by the Council's Conservation Officer, it is considered that whilst the overall footprint of the foodstore would be larger than surrounding buildings, the lower roof height and single storey scale of the foodstore is unlikely to be perceived to be significantly different from the existing situation where two-storey built form already occupies the front portion of the site hard up to Walsall Road with further two storey residential properties along Bush Grove in the background. Furthermore, the design has been amended to provide additional glazed areas to reduce the perceived bulk of the proposed building along with use of external facing brickwork in place of the initially proposed external grey cladding which is considered better reflects the materials palette used in the locality.

The siting of the foodstore building along the southern boundary to Bush Grove is considered would also confine the built form to the south which would be seen against the backdrop of existing built form. Whilst the overall proposals would reduce the openness of the conservation area, given the existing intermittent views through the site as explained further above combined with the presence of existing built form, it is considered that a refusal reason would not be warranted on this basis.

The building would also be set at an angle to the boundary, with some opportunity for additional landscaping to further mitigate for the visual impact of the building on this frontage.

This report also sets out that three trees shown for removal, along with likely future pressure for removal of a further fourth tree, all make a significant contribution to the Pelsall Common Conservation Area.

Total loss of the Locally Listed building would result in less than substantial harm to the significance of Pelsall Common Conservation Area with the scale of harm weighed as high. There are no public benefits arising from this proposal that would outweigh the harm arising. This is contrary to Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document and Paragraphs 189, 197, 199 & 202 of the National Planning Policy Framework.

Given the principle of development of a foodstore is not acceptable and the harm arising to the significance of the Conservation Area from the total loss of the locally listed building and loss of trees, it is considered that the proposal fails to preserve or enhance the Pelsall Common Conservation Area contrary to Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document and Paragraph 197 of the National Planning Policy Framework.

## **Archaeology**

While no archaeological desk-based assessment has been submitted with the application there is a low potential for archaeological remains of the Roman or medieval periods to be present, according to the consulted Archaeologist. However, there may be structures, features and deposits relating to the early phases of the public house, and due to the proximity of the Ford Brook to the east, there is a potential for unknown archaeology dating to the prehistoric period to be present within the site boundaries. Should archaeology be present it would not form a constraint on development, a condition on any planning consent requiring a programme of archaeological work to identify and excavate any remains so they can be preserved by record is recommended.

## **Cannock Chase SAC and Cannock Extension Canal SAC**

As set out in the applicant's submitted shadow Habitat Regulations Assessment (HRA) in September 2022, the proposed development is unlikely to result in a likely significant effect to Cannock Chase SAC and Cannock Extension Canal SAC, due to the type of development proposed and the distance from the protected sites. Therefore, no further assessment in relation to Habitat Regulation Assessment is required.

It should be noted that the shadow HRA does state that there will be a temporary increase in air pollution, during construction, from the use of HGV vehicles. This has been assessed and found to be below the threshold set by Natural England to be a significant effect. However, this can be further controlled by the implementation of a Construction Ecological Management Plan, which could be conditioned as part of any planning approval.

The Construction Ecological Management Plan should also cover mitigation measures during the construction phase for the existing ecological features on-site and off-site receptors such as the adjacent Potential Site of Importance, as assessed and recommended by an ecological assessment.

## **Design, Layout and Character**

The site is open to view from the west from the adjacent stretch of Walsall Road and Pelsall Common. There are intermittent trees and shrubs along the northern and southern boundaries which provide partial containment to the Site from Bush Grove to the south and Pelsall Cricket and Sports club to the north. A denser band of trees encloses the eastern boundary alongside the McClean Way which is part of the National Cycle Network and defines the eastern edge of the settlement.

The new built form would be of a different appearance to the Old Bush PH but it is considered that the food store development wouldn't impede on settlement pattern, and would sit within the existing townscape structure. The low profile of the food store would prevent it from becoming prominent in views across Pelsall Common.

Views of the Old Bush PH from Walsall Road and the common would be replaced with the proposed car park, against the backdrop of the foodstore in background views. The new building would be most prominent on approach to the village from the south, with the corner of the building at the junction with Bush Grove 6.9m above

ground level in this area, the building would be partially screened by retained vegetation in this area including TPO trees.

The proposed food store would be of different character to the locally listed Old Bush PH with a more functional, commercial appearance. The scale would be of a larger footprint but lower in height such that it would not appear inappropriate in comparison to other buildings surrounding the common. The new and retained planting along the site frontage would also help to soften the views of the development and would reflect the character of the area.

The West elevation has a large glazed shopfront presenting an active frontage to Walsall Road on approach from the north.

The layout proposes landscaping around the boundaries of the site in the north, south, east and south west. Deliveries would access through the same route as customers and staff, off Walsall Road in a similar location to the existing access for the Old Bush PH.

The provision of a modern supermarket in place of a traditional public house and open space will change the character of the area, but it is not considered this would result in harm to the character of the area that would by itself justify a refusal reason. However, it is related to the issue of whether the proposal would preserve or enhance the character of the conservation area as set out further above in this report.

### **Amenity of Surrounding Occupiers**

The site is bounded by non-residential uses to the north, east and west, but there are residential properties directly to the south along Bush Grove. The rear elevation of the proposed retail building would be located 3.5m from the boundary along the southern side of the development on the opposite side of the Bush Grove access road. This means the proposed building would be between 4.7m and 12.1m and from the back of the footway on Bush Grove. The building would therefore be approximately 19m and 26.5m from the dwellings on Bush Grove at No 14 Bush Grove and No 2 Bush Grove respectively. This would meet the requirement in the Designing Walsall SPD to provide at least 13m separation between habitable windows and blank walls exceeding 3m in height.

The proposed building would be between 6.8m to 9.6m from the ground to the top of the roof viewed externally. The building would be positioned to the north of the houses on Bush Grove meaning that the impact on daylight and sunlight entering the front gardens and front windows of these houses would be less significant than had they been in the south. Existing trees between the building and the highway at Bush Grove would be retained as part of the development that would provide some screening to the dwellings on this side. Many of these trees are protected by TPOs and therefore could not be altered or removed without the consideration of an application. Conditions should be included on any permission to ensure that this vegetation is robustly protected through the construction of the development.

The design of the building has been amended along the side elevation facing Bush Grove in order to satisfy concerns that the building appeared overly stark and monolithic when viewed from this angle. Three columns of opaque glass spandrel panels have been added to the taller side of the elevation in the east at 5.7m intervals

in addition to the horizontal brick banding in a soldier course in dark brick as a contrast to the red brick of the rest of the building.

While the addition of the building would have some impact in terms of the outlook of the occupiers along Bush Grove, it is considered that it would not be significant enough to warrant the refusal of the application. Furthermore the impact in terms of access to light and feeling of enclosure or overbearing quality would be significantly mitigated by the separation distance, vegetation screening and relative orientation of the buildings.

## **Trees and Landscaping**

Existing trees are mainly situated around the periphery of the site with the exception of two mature Hybrid Poplars labelled T11 and T12 as shown within the submitted Arboricultural Assessment. All trees are protected being within the Conservation Area or via TPO title nos. 17/1976 and AB 03/1964.

The Council's Tree Officer agrees that the proposed removal of the Hybrid Poplar (T12) is acceptable due to its low arboricultural value (Category 'C') and impaired condition.

However, three category 'B' (moderate quality) trees are shown for removal to accommodate the submitted layout; two Sycamore trees in the north west corner (T14 and T16) and one further Sycamore (G8) located to the south of the Hybrid Poplar T11. Furthermore, the proposed site plan shows that car parking would be located directly beneath the canopy spread of the retained large mature Hybrid Poplar T11 and within this tree's root protection area (RPA). Due to the likely potential for fragile branches to fail in windy weather which is characteristic of this species, it is considered likely that future applications would be made to the Council to remove this TPO tree to remove any risk to persons or property in the event that this application is granted.

Overall, this proposal would result in the loss of three prominent protected trees, and likely pressure for the removal of a further protected tree which contribute significantly to the landscape character of Pelsall Common Conservation Area. Their loss would therefore result in harm to the visual amenity of the locality and to the character of Pelsall Common Conservation Area.

## **Highways**

The public rights of way officer received a request from the land owners for the creation of a link path to connect the McClean Way across the development site to Bush Grove to promote sustainable travel. Consideration was given to this during pre-application discussions. It was considered that on balance a link path would not be suitable due to the likely impact this could have on the safety and security of the proposed development, including the potential for anti-social behaviour, motorcycle misuse and the high impact this could have on proposed residents.

The submitted Transport Assessment asserts that the site is highly accessible and within a sustainable location. The site is on Walsall Road, which is a District Distributor Road and has a bus stop at the entrance which makes it accessible from a range of transport options.

Access to proposed store would be provided via a new priority access junction from the B4154 Walsall Road, c30m south of the Pelsall Cricket and Sports Club access junction (c15m south of the existing site access junction). The proposed access arrangements are considered acceptable.

The proposal includes a provision of 126 car parking spaces. This accords with the parking standards set out in Saved Policy T13 of the UDP which would require a maximum of 129 spaces to be provided. Of these, 8 are proposed to be disabled spaces, located close to the access to the store. This volume and configuration is considered appropriate. A cycle shelter which could accommodate 16 cycles is proposed, which exceeds policy requirements of 6 spaces. In order to ensure that the parking and manoeuvring areas and cycle shelter is adequately provided, conditions should be included on any approval. If approved, the submitted framework travel plan should be developed into a full Travel Plan with monitoring and assessment controlled through a S106 legal agreement.

The Local Highway Authority (LHA) maintains its position that this development would increase traffic on the local network and increase queuing at the B4154 Walsall Road/Norton Road/Hall Lane/Vicarage Road signalised junction, which is already approaching or is already at capacity on some arms.

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 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 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 also fails to accurately demonstrate the number of likely trips to the foodstore based on empirical evidence. The LHA considers the actual resulting number of new trips would be between 40% to 70%, transferred trips would be 20% to 25%, pass by would be 15% to 25% and diverted would be 10% to 15% which is higher than the 35% being presented by the applicant. The LHA argues that this therefore needs to be backed by empirical evidence.



3. 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.
4. The TA fails to accurately assess the likely traffic impacts of the proposed development and has failed to take into account all available sources of evidence.

The LHA also advise that the proposed layout of this proposal fails to accommodate the necessary pedestrian access and visibility splays to serve the applicant's adjacent care home proposal. However, this matter is material to the determination of the separate planning application for the care home proposal and it will therefore be considered in the assessment of that application.

Whilst not a material planning consideration, and cannot be controlled by the Planning system, the LHA also advise that a large area of the village is covered by an Environmental Weight Limit (enforceable by West Midlands Police) and HGV access could only be via the classified road network only. Furthermore, an Environmental Weight Limit will also be imposed on Norton Road as a result of the new Yorks Bridge which is subject of a separate planning permission, which is likely to require all HGV access and egress to be from the A461 Lichfield Road at Rushall (to the south). This will be a matter for the applicant to consider and resolve outside of the planning process to ensure the development can be accessed appropriately by HGVs for deliveries without contravening highway weight restrictions.

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 reasons 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 highway safety, or that the residual cumulative impacts on the road network would be severe.

## **Noise**

There is potential for noise impacts from the proposed development in terms of increased traffic, impacts from deliveries and staff and customers using the site, and from plant and machinery used within the building.

The Council's Environmental Protection team raised concerns about noise from the fixed Plant/Machinery and the fencing around the external refrigeration plant.



The applicant was advised that for external machinery/equipment, Walsall Council recommend a noise limit based on noise frequency (Noise Rating Curves, this requires for the consideration of sound levels at all frequencies) and the impact 1 metre from the façade of a sensitive receptor. Based on the low existing background noise levels, a criteria for external equipment was given to the acoustic consultants that noise levels should be less than NR35.

The applicant has subsequently submitted further details to demonstrate how the development would result in noise levels lower than requested NR35 curve, 1 metre from residential façade. This could be secured by condition on any approval.

The calculation for noise impact from the refrigeration plant assumed that there would be no screening and determined that even with no screening, the noise levels, at nearby residential premises, will not be excessive. The proposed 2.4-metre close-boarded fence towards the residential premises would also help to further reduce any noise impacts from the refrigeration plant and could be secured by condition on any approval.

Environmental Protection concurs with the applicant's Acoustic Consultant that the noise from deliveries and customer access/egress would not be significant for nearby occupiers of residential dwellings.

Given the proximity of residential dwellings and the road infrastructure, there is the potential for local environmental impacts from demolition, engineering and construction activities. Furthermore, the Geo-Environmental Appraisal has identified that Piling (Ground Stabilisation) Works will be required for the store. Such works have a tendency to result in significant ground vibration, therefore a condition could be included on any approval to minimise impacts to neighbours during such works by way of a Construction Management Plan.

The proposed operating hours of Monday – Saturday: 08:00 – 22:00 and Sunday: 10:00 – 16:00 are considered acceptable and could be secured by condition on any approval.

## **Ground Conditions and Environment**

The submitted Phase 1 and Phase 2 investigations have identified that the land is not significantly contaminated under current regulations and guidance. Based on the reports Environmental Protection have no objections.

## **Flooding**

This site falls within Flood Zone 1, an area with the lowest probability of flooding. Conditions could be included on any approval to secure the necessary implementation of the submitted drainage strategy in line with the recommendation of the Lead Local Flood Authority.

## **Air Quality**

As stated in the submitted Technical Note, Environmental Protection has undertaken detailed air quality modelling; there are currently no air quality issues

in the area and based on the predicted traffic movements, it is unlikely that there will be any air quality issues once the store is operational.

A condition could be included on any approval to secure the necessary 6 x electric vehicle (EV) charging points, including capacity to increase to a total of 12 x EV charging points to meet potential future demand.

## **Ecology**

The Council's Ecology Officer, and the Wildlife Trust, advise that a number of submitted reports are now out-of-date and cannot be relied upon. A walk-over survey has been submitted which is considered acceptable to form an updated Preliminary Ecological Appraisal. However, updated Preliminary Roost Assessment and Dusk emergence and Dawn re-entry surveys are required prior to any approval being issued to identify the potential impact on local bat populations and to subsequently present any necessary forms of mitigation measures. Due to the current time of year, these surveys cannot be carried out at present. This forms a reason for refusal.

The request for an increase in native species as part of any landscaping scheme and a sensitive lighting scheme for bats could be included as a condition on any approval.

## **Planning Obligations**

### Loss of Sports Facility

A portion of the eastern area of the site is occupied by 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 an Aldi food store. A separate planning application which seeks to deliver a residential care home on land directly to the east, has also been submitted by the applicant. Together with the Care Home proposal, the proposed Aldi Foodstore 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, Sport England has advised that 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 care home 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.

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.

### **Conclusions and Reasons for Decision**

This proposal is not supported in principle, and on the basis of the information on the file at the time of writing this report there are additional concerns around harm arising to designated and non-designated heritage assets, highways safety, safeguarding of protected species, loss of important protected trees that make a significant contribution 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 development would result in the following unacceptable heritage impacts:
  - i. Total loss of the Locally Listed building contrary to Saved Policy ENV28 (The 'Local List' of Buildings of Historic or Architectural Interest) of the Unitary Development Plan and Paragraph 203 of the National Planning Policy Framework.
  - ii. Total loss of the Locally Listed building would result in less than substantial harm to the significance of Pelsall Common Conservation Area with the scale of harm weighed as high. There are no public benefits arising from this proposal that would outweigh the harm arising. Furthermore, the proposal fails to sustain and enhance the significance of the heritage asset, fails to make a positive contribution to the local character and distinctiveness and fails to place great weight on the asset's conservation. This is contrary to Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document and Paragraphs 189, 197, 199 & 202 of the National Planning Policy Framework.
  - iii. The proposal, including the loss of a number of important and prominent protected trees that make a significant contribution within Pelsall Common Conservation Area, fails to preserve and enhance the character and appearance of Pelsall Common Conservation Area contrary to Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, Policy ENV2 (Historic Character and Local Distinctiveness) of the Black Country Core Strategy, Policy EN5 (Development in Conservation Areas) of the Site Allocation Document and Paragraph 197 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 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 sufficient up-to-date information to identify the potential impacts of the development on local bat populations and to subsequently present any necessary forms of mitigation measures. This application is contrary to Saved Policies GP2 (Environmental Protection) & ENV23 (Nature Conservation and New Development) of the Unitary Development Plan, ENV1 (Nature Conservation) of the Black Country Core Strategy, EN1 (Natural Environment Protection, Management and Enhancement) of the Site Allocation Document, NE1 – NE6 of the Conserving

Walsall's Natural Environment SPD and Paragraph 180 of the National Planning Policy Framework.

4. A suitable and available sequentially preferable site is present at the former Ravenscourt site within Brownhills District Centre which would serve a wider catchment inclusive of Pelsall residents. Given the availability of this sequentially preferable site the applicant has failed to meet the necessary sequential test. This proposal is therefore contrary to Policies SLC1 (Local Centres) & SLC2 (Local Centres Development Opportunities) of the Site Allocation Document, Policies S2 (The Hierarchy of Centre), S6 (Meeting Local Needs) & S7 (Out of Centre and Edge of Centre developments) of the Saved Unitary Development Plan, Policy CEN7 (Controlling out of centre development) of the Black Country Core Strategy and Paragraphs 86, 89 and 90 of the National Planning Policy Framework.
5. This proposal would result in the loss of three prominent protected trees (Sycamores G8, T14, T16), and likely future pressure for the removal of a further protected tree (Hybrid Poplar T11) resulting in detrimental harm to the visual amenity and character of the area contrary to Policies GP2 (Environmental Protection) & ENV18 (Existing Woodlands, Trees and Hedgerows) of the Saved Unitary Development Plan, Policies ENV1 (Nature Conservation), ENV2 (Historic Character and Local Distinctiveness) & ENV3 (Design Quality) of the Black Country Core Strategy, the Conserving Walsall's Natural Environment SPD and Paragraph 174 the National Planning Policy Framework.
6. 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**