



Planning Committee

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

Plans List Item Number: 1

Reason for bringing to committee

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: LAND OFF THE GREEN, ALDRIDGE

Proposal: ERECTION OF 49 RETIREMENT LIVING APARTMENTS FOR OLDER PEOPLE (COMPRISING 34. NO 1-BED AND 15 NO. 2-BEDS) INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING AND LANDSCAPING; AND THE RECONFIGURATION OF THE COMPASS SUITES CAR PARK TO PROVIDE 50 SPACES.

Application Number: 22/0254

Case Officer: Sally Wagstaff

Applicant: Churchill Retirement Living Ltd.

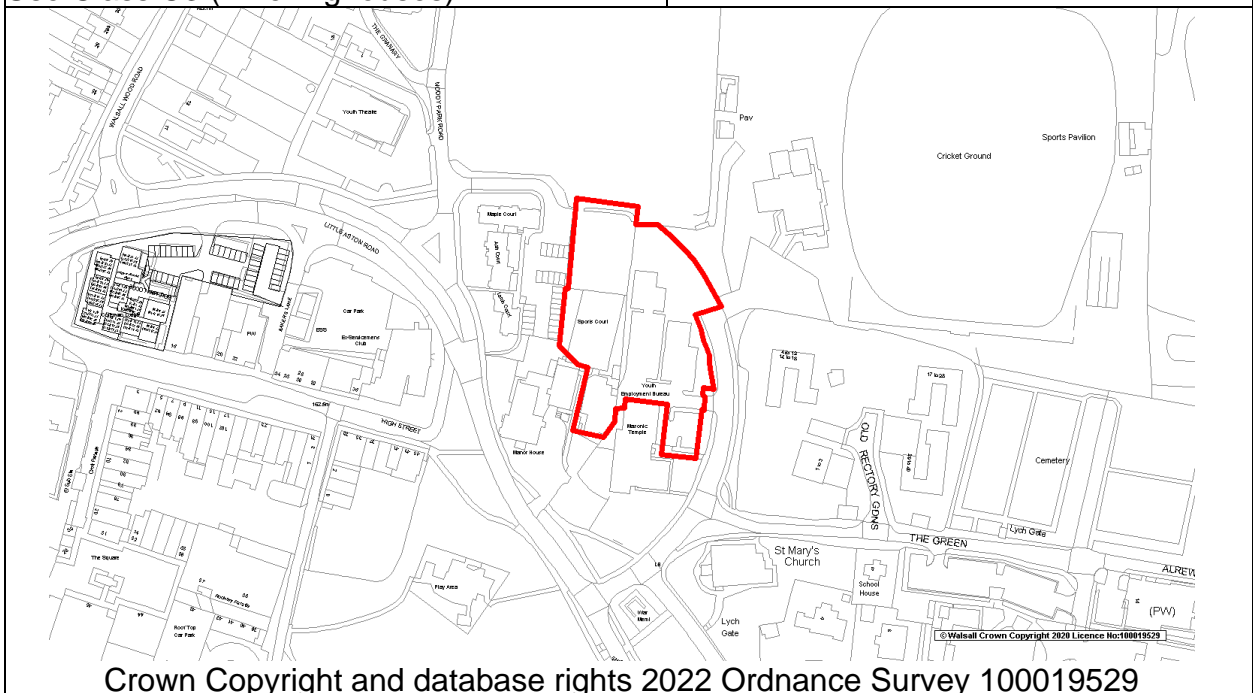
Ward: Aldridge Central And South

Agent: Ziyad Thomas

Expired Date: 24-May-2022

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

Time Extension Expiry:



Recommendation:

- Refuse

Proposal

The proposal relates to redevelopment of the site for 49 retirement living apartments (comprising 34 no. one bedroom apartments and no. 15 no. two-bedroom apartments) including communal facilities, access, car parking and landscaping.

The proposal includes 17 car parking spaces to be provided on site for the retirement apartments which would be accessed off The Green.

The application also seeks consent to reconfigure Compass Suites car park to provide 50 car parking spaces for the Compass Suites building.

The proposed extra care retirement apartments would be accommodated in a single s-shaped building positioned to the rear of the Aldridge Compass Suites and east of Aldridge Manor House. The building would be three stories in height, approximately 8.6 metres to the eaves 9.9 metres to the highest ridge. The design of the building is traditional, reflecting traditional Georgian and Victorian Villas with a pitched roof.

To the south of the proposed building would be the car park for the retirement apartments. A buggy store and substation are also proposed with the car park.

There is a communal terrace and landscape garden to the east of the site.

The building would provide the following residential accommodation.

Ground Floor:

11 units x 1 bedroom

4 units x 2 bedroom

First Floor

12 units x 1 bedroom

5 units x 2 bedrooms

Second Floor

11 units x 1 bedroom

6 units x 2 bedrooms

The applicant submitted amended plans/additional information on 16th July 2022 after receiving responses from consultees. The changes made are summarised as follows:

- Ridge height revised from 10.7 metres to 9.9 metres by reducing roof pitch.
- Revising the boundary treatment to the south of the site from timber fencing to post and railing, also increasing the landscaping on site.
- Brick window headers have been provided on all elevations and brick window, brick banding omitted on western elevation only
- Balconies over communal owners lounge and the patio on the south eastern elevation have been omitted

The appeal relating to the current application was lodged on 21st July 2022 against non-determination of the application Public Inquiry set for the 1st-8th November 2022.

A duplicate planning application was received on 27th July 2022 on the application site for: *Erection of 49 retirement living apartments for older people (comprising 34. no 1-bed and 15 no. 2-beds) including communal facilities, access, car parking and landscaping; and, the reconfiguration of the Compass Suites car park to provide 50 spaces.* The duplicate application is currently going through the consultation process with a determination date of the 26th October 2022.

Site and Surroundings

The proposals are located to the rear of Aldridge Manor House which is a Grade II Listed Building fronting Little Aston Road and to the rear of Compass Suites. The application site includes the sports land to the rear of Aldridge Manor House and the car park to Compass Suites

The site also has a boundary with The Green, St Mary's Church, The Old Rectory and Aldridge War Memorial which are all Listed Buildings and the entire site falls within Aldridge Conservation Area.

Aldridge Manor House is a three storey Grade II listed building. It has a single storey flat roof element adjacent the boundary of the site on Little Aston Road and a three storey rear wing. On the front elevation is a flat roof portico with double iconic columns.

Aldridge Manor House is accessed from a driveway located off the eastern side of Little Aston Road either side of which there are large open areas of grass verge. There is a 1.2m high wall around the site perimeter of the Aldridge Manor House fronting Little Aston Road that returns in front of the Aldridge Manor House.

The Aldridge Manor House has been extended towards the rear (north) with single storey extensions.

To the east of the Aldridge Manor House is a single storey pitched roof building, at the rear of which are sports grounds. To the rear of the fenced off sports ground is a parcel of open space which is enclosed by trees and other vegetation. Adjacent this building there is a ramped access to the sports ground.

The site of Aldridge Manor House is currently the subject of Full Planning Application and associated Listed Building Application for: *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.* These applications are being presented to this Planning Committee and are elsewhere on this agenda.

Beyond the site boundary to the north is designated Green Belt.

There are double yellow lines and zig zags along Little Aston Road and a signalised pedestrian crossing point. On the opposite side of Little Aston Road is Aldridge District Centre and the primary shopping area approximately 50 metres from the site.

The Compass Suites is a large brick built building flat roofed fronting The Green and with a hipped roof at the rear. The Compass Suites car park is accessed off The Green. To the east of Compass Suites is Rectory Gardens, a residential cul-de-sac of two blocks of two storey properties.

To the west of the site a development of three storey residential block of with flat roof and buff coloured brickwork, they are known as Larch Court, Maple Court and Ash Court. The car park of this development sits adjacent the application site and there is a boundary wall in excess of 2m high separating this development from the application site.

The site is within an accessible location with public transport links to Walsall Town Centre and other areas within the borough.

Relevant Planning History

22/1072 - Erection of 49 retirement living apartments for older people (comprising 34. no 1-bed and 15 no. 2-beds) including communal facilities, access, car parking and landscaping; and, the reconfiguration of the Compass Suites car park to provide 50 spaces. Duplicate application received on 27th July 2022, Valid 27th July 2022. Consultation period ends on 7th September 2022. Date for determination 26th October 2022.

20/0103 – Redevelopment of Land off Little Aston Road, Aldridge, comprising: demolition of ancillary buildings, erection of 478 Extra Care Retirement Apartments (use class C2), conversion of Aldridge Manor House to create 7 flats (use Class C3), Erection of 3 dwelling houses (Use Class C3) and realignment of car parking spaces at Aldridge Masonic Hall. Refused 10/02/2021. Reasons for refusal:

- 1. The proposed extra care development by ways of its design, scale and mass fails to respect the setting of the Listed Buildings and the open character of Aldridge Conservation Area. The application is contrary to NPPF paragraphs 56, 57, 58, 64, BCCS Policies ENV2 and ENV3 and UDP Policies ENV27 and ENV32.*
- 2. The design, scale and location of the terraced properties fails to respect the setting of the Listed Building and to enhance the overall development. The application is contrary to NPPF paragraphs 127, 130, 192, 193, 194, 196 & 200, BCCS Policies ENV2 and ENV3 and UDP Policies ENV27 and ENV32.*
- 3. The application fails to provide a satisfactory level of amenity to occupiers of the development, in particular: - Inadequate outdoor amenity space has been provided within the site; - The extra care development, due to its height and proximity to the proposed terraced properties has the potential to result in the overlooking of the rear gardens and, together with the nearest terraced property having a reduced level of amenity, loss of privacy. The application is contrary to the Core Planning Principles of the NPPF, UDP Policy GP2 and Appendix D of the Designing Walsall SPD.*
- 4. The applicant has failed to provide the necessary financial contribution towards Open Space, contrary to the NPPF paragraph 203, BCCS Policy DEL1, UDP Policies GP3 and LC1 and the Open Space SPD.*
- 5. The applicant has failed to provide the necessary affordable housing and financial contribution. The application is contrary to the NPPF paragraph 62 and 64, Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD.*
- 6. The applicant has failed to demonstrate satisfactory means of drainage, therefore concerns are raised with regards to the potential risk of creating or exacerbating a flooding problem in the local area. The application is contrary to NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.*
- 7. The applicant has failed to demonstrate satisfactory protection of high quality trees within the Conservation Area. The application is contrary to saved Policy ENV18 of the UDP, Conserving Walsall's Natural Environment SPD and Walsall Site Allocation Document policy EN5.*
- 8. The applicant has failed to adequately demonstrate that the local bat population is protected. The application is contrary to NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 and policies NE1 to NE6 of the Natural Environment SPD.*

09/1294/OL- Outline: Erection of 6 x 2 bed apartments in two blocks, three storeys high (access and layout to be determined) – Refused 20/11/2009.Reasons for refusal:

1. *The proposed layout of the development would appear cramped with the position of the building in close proximity to the existing trees around the perimeter of the site.*

This would result in loss of trees of amenity value and pressure from occupiers to remove remaining trees detrimental to the character and appearance of the

Aldridge Conservation Area. Furthermore, the proposed layout would be detrimental to amenities of future occupiers due to the proximity of the building and shared amenity space to the retained trees that would create overshadowing and the poor outlook onto the car parking areas at the south of the building. The proposal

therefore fails to create a high quality living environment, well integrated with surrounding land uses and local character and is contrary to policies GP2, ENV18,

ENV29, ENV32, H3 and H10 of Walsall Unitary Development Plan and to

Supplementary Planning Documents: Designing Walsall and Conserving Walsall's Natural Environment.

2. *The proposals fail to demonstrate how adequate visibility at the entrance to the access in a southerly direction can be achieved within the site boundary or how the access can be graded to address the difference in levels in order to achieve inclusive mobility. There are also no details of covered, secure and illuminated cycle parking facilities or disabled parking bays within the layout. The proposals therefore fail to provide adequate access and parking facilities contrary to policies GP2, H10,*

1, T7 and T13 of the Walsall Unitary Development Plan and to Supplementary Planning Document: Designing Walsall.

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 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **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

- 3.2 to 3.5 The Countryside and Green Belt
- 3.6 to 3.8 Environmental Improvement
- 3.11 Forestry and Trees
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology

- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S1: Definition of Town Centre Uses
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S7: Out-of-Centre and Edge-of-Centre Developments
- S8: Housing in Town Centres
- H4: Affordable Housing parts g, h, i and j NOTE for case officer: *(saved)*
- H6: Nursing Homes and Rest Homes for the Elderly
- 7.4 Strategic Policy Statement
- T7 - Car Parking
- 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
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC1: Urban Open Spaces
- Areas
- LC6: Sports Pitches
- LC8: Local Community Facilities
- AL1: Primary Shopping Areas
- AL7: Pedestrian and Cycle Routes
- AL9: Car Parking

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- HOU5: Education and Health Care Facilities
- CEN2: Hierarchy of Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

- ENV6: Open Space, Sport and Recreation
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
 HC3: Affordable Housing and Housing for People with Special Needs
 OS1: Open Space, Sport and Recreation
 GB1: Green Belt Boundary and Control of Development in the Green Belt
 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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

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

Archaeological Officer

No objection - The site is within an area of high archaeological potential, and as such there may be archaeology present that would be affected by the development. A condition should be placed on planning consent requiring a programme of archaeological work, comprising trial trench evaluation in the first instance (to assess the presence/absence, date, nature and significance of remains), and excavation and/or watching brief should it be required, to appropriately mitigate any loss of heritage assets by preserving them by record.

The Black Country & West Birmingham Clinical Commissioning Group

No objection subject to confirmation of the level of contribution requested at £44,792.87.

Conservation Officer

No objection subject to conditions in relation to material details, landscaping and lighting.

Community Safety

No objection – security is an imperative consideration in the development process. Appropriate boundary treatments recommended to protect the occupiers particularly due to their demographic. *(Conditions could be imposed for security measures, subject to the rest of the development being acceptable)*

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. Satisfied with the Ecological Assessment in relation to protected species and its findings.

Fire Officer

No objection, proposal to comply with Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Highways England

No objection

Historic England

Initial comment - We remain concerned that as a large single building the proposal would contrast with those in the immediate vicinity and we are not therefore convinced that the proposal would be entirely without harm. However, as we are not expert in assessing the public benefits it offers, we are content to defer to your decision in balancing whether these benefits outweigh the harm caused.

Final comment - No comments, advice to consult with the Council's Specialist Conservation Officer.

Local Highways Authority

No objection - conditions recommended in relation to parking and vehicle manoeuvring areas, cycle parking provision, a Construction Method Statement and the installation of a tactile pedestrian crossing to the existing Compass Suites bell mouth access.

Local Lead Flood Authority

No objection - pre-commencement conditions recommended to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

Natural England

No objection - based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites *(this excludes any reference to Cannock Chase SAC currently)*.

Network Rail

No comments to make

Police Architectural Liaison Officer

No objections – secured by design principles recommended in relation to security measures for the building. (*Security measures can be secured via a safeguarding condition that meets the Governments tests for conditions*)

Pollution Control

No objection – conditions required in relation to further site investigations and compliance with Air Quality SPD in relating to installing electric vehicle charging points.

Public Health

No objection to the application

Public Lighting

No Objection - if any exterior lighting was to be provided its footprint should be confined to the site boundaries. No other street lighting implications

Severn Trent Water

No objection subject to a condition for a foul disposal and surface water drainage scheme

Sport England

No comments to make

Strategic Planning Policy

No objections on Planning Policy Grounds

Tree Preservation Officer

No arboricultural objections subject to compliance conditions in relation to tree protection measures as detailed in Arboricultural assessment & method statement by Barrell Tree Consultancy dated 17/02/2022 including the Tree protection plan ref. 21202-3 by Barrell Tree Consultancy and implementation of the The Strategic tree planting plan ref. 21202-4 Barrell Tree Consultancy.

Representations

5 objections have been received from local residents. Concerns raised are summarised as follows.

Officer comments in italics

- Height of the development
- Insufficient parking proposed for the development
- Roads around the site are already congested due to a school, cricket club, Church and Masonic Hall within close proximity which would be exacerbated by the development due to increased traffic and lack of parking
- Impact Plan/Travel Plan/Travel Assessment should be provided in relation to the impact of the development on the highway network and parking provision (*Transport Assessment has been provided by the applicant*)

- Concerns that as residents of Alrewic Gardens they were not consulted on the application (*Alrewic Gardens is approximately 250 metres from the application site the Council carried out its statutory duty to consult including posting a site notice and press notice*).
- North elevation against existing development not been provided
- Loss of view (*not a material planning consideration*)
- Negative impact upon value of property not (*not a material planning consideration*)
- Healthcare/local services are already stretched within the location
- Existing provision of retirement accommodation within Aldridge

Determining Issues

- Principle of Development
- Green Belt Assessment
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Cannock Chase SAC and HRA
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The site is not allocated within Walsall's SAD. The site is previously developed land, The proposed development complies with Policy HOU1: Delivering Sustainable Housing Growth which supports housing on non-allocated sites on previously developed land.

The proposal can be supported in principle on Strategic Planning Policy Grounds.

Impact upon the Green Belt

Towards the north east corner of the application site beyond the sports grounds and open space within the site, the land is designated within the West Midlands Green Belt. The land includes sports grounds and a number of trees along the site perimeter and along highways such as Noddy Park Road and Hobs Hole Lane.

The proposal would comprise redevelopment of the site within the current development boundary and outside Green Belt as shown on the Policies Map attached to the adopted Site Allocation Document (2019).

The proposed scheme consisting of a new three storey high care home building would be adjacent to recreational sport grounds that are designated as Green Belt land in the vicinity of the site. The site is entirely contained by trees and hedges with some parts of the existing development settlement visible and set against the backdrop of Aldridge District Centre. It is therefore reasonable to accept that there will be indirect visual impact to the Green Belt and openness from the construction of a large single block building. Whilst the openness of the Green Belt would be impacted, the Council is weighing the public benefit of delivering additional residential units, catering for the older population of the area in this instance to outweigh the harm. The character of this part of the Green Belt would change, it would not be unduly harmed given the immediate surroundings.

Heritage Assessment

The application site is within Aldridge Conservation area. The proposed development sits to the rear of Aldridge Manor House, which is Grade II Listed. There are other Listed buildings including, Aldridge War Memorial, Grade II, Church of St. Mary The Virgin, Grade II*, Old Rectory, Grade II, The Moot House, Grade II, within 200m of the proposed scheme and due to the open, parkland-like character of this part of the Conservation Area there would be some inter-visibility between these heritage assets and the proposed schemes, both during construction and when the scheme is finished.

Paragraph 192 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Para 206 of the NPPF states Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The development management process seeks to implement these requirements through promotion of good design and managed change.

The heritage statement submitted with the application acknowledges that the proposed development site lies in the Aldridge Conservation Area and forms part of the setting of the Grade II* Listed St Mary's Church and the Grade II Listed Buildings of the Manor House and The Old Rectory.

Section 16 of the NPPF outlines clearly that great weight should be given to the conservation of designated heritage assets and that new development should make a positive contribution to local character and distinctiveness (para. 197) and should take the opportunity to enhance and better reveal significance (para. 206). As this proposal includes a substantial amount of new development, the guidance on the importance of good design as set out in section 12 of the

NPPF is relevant in the assessment of this application.

Through design and proportions, any new development should seek to enhance the Aldridge Conservation Area. Existing modern housing around the Old Rectory has achieved an appropriate sense of scale making use of existing boundaries and planting and these residential buildings do not exceed the height of three storeys. While the character of Aldridge has changed in the latter half of the 20th century, any new development in the area should follow this example and be of an appropriate scale and style, sensitive in architectural form, materials, detailing and landscaping including the use of trees to soften the modern outlines of buildings and to structure public spaces.

Planning application 20/0103 was refused on a number of grounds including design, scale and mass failing to respect the setting of the Listed Buildings and the open character of Aldridge Conservation Area.

The layout of the proposed development has been amended from the previous scheme in that the number of car parking spaces have been reduced. The car parking area has been repositioned to the south of the site, adjacent the boundary with the Manor House. The plan form of the built development includes additional built form to the west of the site and the north east section of built form having been relocated to the south eastern corner of the site.

The proposed elevations have been amended to include hipped and pitched roofs, chimney sand windows, and door openings that follow a more rhythmic approach. The main elevations would be constructed from brick and the recessed elevations would be rendered. Whilst, in design terms this scheme is an improvement from the previously refused scheme and welcomed, there are concerns over the overall height, scale and mass of the proposed development.

The previous application (20/0103) proposed a flat roof of 8.6m high on the three-storey part and 12.2m high on the four-storey part. The four-storey part would only have been at the northern part of the site away from the Manor House. The current proposal is to have a pitched roof 7.8m high to the eaves and 9.9m high to the ridge with rendered sections being lower in height than brick sections. The height of the proposed development has been reduced, and this is now acceptable.

The 'S' shaped design of the building, moving the building away from the trees and further away from Aldridge Manor is supported, as it seeks to retain trees within the site and conservation area and sets the proposed development further away from the listed building.

Changes have been made to the elevations to include brick window headers to all the elevations to enhance the appearance of the building and break up the bulk and mass of the elevations.

Historic England in their original comments stated they concerned that '*as a single large building the proposal would contrast with those in the immediate vicinity and we are not therefore convinced that the proposal would be entirely without harm*'. Historic England were re-consulted on the amendments to the proposal and advised to liaise with the Council's Conservation officer, no further comments made on the revisions. Working with the Conservation Officer, it is considered on balance, the proposed development would have a less than substantial harm to the significance of the Aldridge Conservation Area, that scale of harm being low to medium.

The proposed development seeks the removal of unsightly single storey buildings in close proximity of the listed building; the demolition of these structures would enhance the setting of the listed building. The proposed development has been reduced in height and is reflective of traditional architecture with the aim of enhancing the Aldridge conservation area. Planting within the site would enhance the character and appearance of the Aldridge Conservation Area.

Design Layout and Character

The proposed building is 'S'– shaped and comprises of three floors. The building has been designed with an 'S' configuration taking on board the previous reason for refusal in relation to the buildings proximity to Grade II listed Manor House and protected trees.

Large areas of existing tree screening and additional proposed trees and landscaping are incorporated into the design of the site which is considered to reduce views from the wider Conservation Area.

The amenity space is in the northern part of the site with heavy tree screening provides a private place for residents to enjoy which is considered safe and secure from the public realm.

The proposal development has a main entrance facing onto The Green with separate pedestrian and vehicle access which is considered to provide clear

It is considered the proposed layout of the site would be functional for the uses of the development and internally the accommodation is considered appropriate in size and layout for the occupiers

Amenity of Neighbours and Amenity of Future Occupiers

The nearest residential properties are the existing three storey flats at Ash Court. The Council's residential standards requires a minimum of 24m separation distance between habitable rooms and a minimum of 13m separation between habitable rooms and blank walls exceeding 3m high. In this case, the proposed development meets these residential standards.

The proposal would not result in any habitable room window to window conflict. It is considered due to the tree screening on the western boundary the proposal would have a limited impact upon the privacy enjoyed by neighbouring residents. Due to the sufficient distance between the proposed development and habitable room windows the proposal would have a limit impact upon the outlook of neighbouring residents.

The proposal incorporates 1639sqm of amenity space, this is above the 980sqm required as per Designing Walsall SPD guidance which states 20sqm should be provided per unit. It is considered occupiers would have sufficient amenity space to enjoy, plus the additional amenity space would assist in offering a setting to the building, given its location.

The community safety officer has advised that security measures by way of appropriate boundary treatments should be incorporated into the site to protect the occupiers especially given their demographic. The Police Architectural Liaison Officer has not objected to the proposed development, subject to Secured by Design Principles. A safeguarding condition can be imposed to deliver secure by design security measures for the development. On balance, the proposal is considered to not have the potential to result in an undue harm to the amenities of future occupiers from crime and antisocial behaviour, subject to security based conditions.

Local residents concerns the proposal leading to an increase of users at already overstretched healthcare/public services. Black Country & West Birmingham Clinical Commissioning Group have echoed this concern and have requested a financial contribution of £44,792.87. They consider, based on an average household size of 1.5 to reflect the nature of the proposed units, the likely impact of the development on healthcare services within the locality is an additional 74 patients. They consider the

contribution would support the development of primary care services in the area as a direct consequence of the increase in demand from this new housing development.

Highways

The application looks to construct a new 49 retirement living apartments for older people. The site is located off The Green which is a cul-de-sac which currently forms a parking area for the adjacent Compass Suites. Replacement parking for Compass Suites is to be provided. The site is located on the edge of Aldridge district centre and is a relatively sustainable location with a wide range of public and commercial/retail facilities close by. There is a controlled crossing point on Little Aston Road connecting the site to the main district centre.

VEHICLE ACCESS:

The existing access to the Compass Suites car park is retained to serve the enlarged car park.

A new bell-mouth access to the retirement apartments is to be provided. Whilst it is relatively close to the retained Compass Suites access, the number of vehicles using the both accesses at the same time is likely to be low and infrequent. Also, The Green is a cul-de-sac so there is little passing traffic that could cause confusion to drivers.

INTERNAL LAYOUT:

Autotracking demonstrates that a refuse wagon can reverse into the site to reach the refuse bin storage area on collection days.

Additionally, a turning area is provided internally within the site for larger vehicles if required.

VEHICLE PARKING:

The development looks to replace the existing Compass Suite parking areas lost by the construction of the retirement apartments with new parking areas consisting of 50 spaces.

The retirement apartment's element looks to provide 17 parking spaces for the 49 units which is a level of provision of 35%.

The applicant has submitted car park survey data from other similar retirement apartment developments which demonstrates that the level of parking provision is adequate to serve the development needs.

Additionally, the site is close to the district centre and is a relatively sustainable location so car ownership levels of residents of the development will be lower.

TRAFFIC IMPACT:

The predicted trip generation of the development will not have a significant impact on the local highway network.

OFF SITE IMPROVEMENTS:

Improvements to the existing Compass Suites bell-mouth access to include a tactile pedestrian crossing.

RECOMMENDATION

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

Therefore in light of the comments above, the Highway Authority Supports the proposal, subject to recommended conditions in relation to parking and vehicle manoeuvring areas to be provided prior to occupation, cycle parking provision, a Construction Method Statement and the installation of a tactile pedestrian crossing to the existing Compass Suites bell-mouth access.

Local residents concerns in relation to the proposed parking provision and existing/potential congestion to the road network are acknowledged. In this instance the Highway Authority are satisfied the proposed number of car parking spaces are adequate for the development and the proposal would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network.

Ecology

An Ecological Assessment report undertaken by Tyler Grange LLP, dated 18th February 2022, in support of this application. The Ecology Officer is satisfied that report and its findings provided sufficient information in line with best practice guidelines.

The report concluded that on site trees has negligible potential to support roosting bats. Adjacent to boundary of the site two mature trees were considered to be of low and moderate potential to support roosting bats.

The ecology officer is satisfied no further surveys are necessary. Protection and enhancement recommendations that were put forward within the report to provide a biodiversity net gain from the development and avoid impacts during construction were recommended as planning conditions including bird and bat boxes and an insect house.

Flood Risk / Drainage

Paragraph 154 of the National Planning Policy Framework requires that new development should be planned for in ways that avoid increased vulnerability from flood risk to the range of impacts arising from climate change, and care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy which concludes the site is located within Flood Zone 1 and is not known to be susceptible to flooding from pluvial, groundwater, infrastructure or artificial sources.

The report considered that the existing ground conditions would not allow for soakaways to be used, instead storm water runoff would be attenuated on site and will discharge at the site equivalent green field rates.

The Local Lead Flood Authority have considered the submitted information and are satisfied with the information provided, subject to pre-commencement conditions being attached to any planning permission, to ensure the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

Severn Trent have been consulted and have confirmed no objection to the proposal subject to securing a condition for drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Trees / Protected Trees

The proposal will necessitate the removal of 10 moderate quality trees and several low quality trees and hedges. However, the trees proposed for removal are mainly located to the centre of the site and the boundary trees are to be retained so their removal would have little impact outside of the immediate vicinity. In addition, in mitigation for their loss the landscaping proposals submitted with the application includes 18 new semi-mature trees, which would limit the immediate impact the loss of these trees would have and once the new trees become established they will contribute significantly to the wider landscape character of the area. Concerns with the previous application 20/0103 and its impact on the retained trees have largely been addressed in this new application and there is an arboricultural assessment and comprehensive arboricultural method statement (AMS) which accompanies the application which includes site specific details showing how the retained trees on site will be protected and managed throughout the construction phase. If the guidance and recommendations in the AMS are adhered to then the application proposals will have little detrimental impact short term and long term for the retained trees on site.

Conditions are recommended in relation to tree protection measures as detailed in Arboricultural assessment & method statement by Barrell Tree Consultancy dated 17/02/2022 including the Tree protection plan ref. 21202-3 by Barrell Tree Consultancy and implementation of the Strategic tree planting plan ref. 21202-4 Barrell Tree Consultancy.

Ground Conditions and Environment

The site is located within the Coal Development Low Risk Area and as such no further coal mining reports are required. Environmental Protection have no objection to the proposal subject to planning conditions to address further site investigations in relation to contaminated land accordance with Policies ENV10 and ENV14 of the UDP.

The Applicant is required to comply with the Air Quality SPD and therefore install electric vehicle charging points.

There are no Scheduled Monuments or known archaeological sites within the boundaries of the site. However, due to its location, its proximity to the 14th century church, the association with the post-medieval manor house (with the potential for an earlier building here), and lack of previous development there is a high potential for archaeological remains of local and regional significance to be present. As such, should planning permission be granted a programme of archaeological work would be required to be secured by planning condition in accordance with Policy ENV25 of the UDP.

Planning Obligations

Policy OS1 of the urban open space SPD requires all types of residential development to provide a contribution towards public open space for all development with 10 or more units being proposed. In this case, the total for the proposal would require a commuted sum £73,792.00 to be made. The audit of green spaces around the Borough has identified a shortfall in provision for children and young people and the quality of some parks and other spaces. The aim of the contributions is to maintain and improve all parks and gardens and coping with increased pressure on existing provision and creating new open spaces to cope with additional pressure. The proposed development would result in an unacceptable demand on open space provision in the locality in the absence of a S106 Agreement to secure appropriately any measures to address this.

The applicant has failed to provide the necessary financial contribution towards Open Space, contrary to policy UDP Policies GP3 and LC1, BCCS Policy DEL1, and the Open Space SPD.

The Affordable Housing SPD and Saved Policy H4 of the UDP requires all residential developments of 15 units or more to provide a negotiated 25% affordable element. The SPD also identifies a shortfall in affordable housing. In this case, the applicant for the proposal would be expected to pay a sum of £499,187.50 towards off-site affordable homes.

Policy H4 states that sites will be considered suitable for an element of affordable housing provision unless developers can demonstrate to the Council's satisfaction that this provision would be inappropriate. Factors to be taken into account include the level of need for, and provision, of affordable housing in the local area, any abnormal development costs associated with the site which in combination with the inclusion of an element of affordable housing would prejudice the viability of the development and the need to provide for a mix of housing types and sizes, which offer a choice of housing and lifestyle and help to create mixed and balanced communities. The applicant has submitted an Affordable Housing and Viability report. The applicant considers the viability of the proposal has been considered and a financial contribution of £116,780 represents the maximum commuted payment towards off site affordable housing provision.

The applicant has not yet provided the money for the Council to have the report independently assessed and the Local Planning Authority are not now able to now undertake the independent assessment due to the lodged appeal.

The applicant has failed to provide the necessary affordable housing financial contribution. The application is contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD.

Country & West Birmingham Clinical Commissioning Group have requested a financial contribution of £44,792.87 as they consider, based on an average household size of 1.5 to reflect the nature of the proposed units, the likely impact of the development on healthcare services within the locality is an additional 74 patients. They consider the contribution would support the development of primary care services in the area as a direct consequence of the increase in demand from the new housing development.

The applicant has failed to provide the necessary contribution towards healthcare services contrary to policy UDP Policy GP3.

The lack of Section 106 legal agreement form reasons for refusal, which allows the Council to be able to secure contributions as an appeal has been lodged.

Cannock Chase SAC and HRA

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 officers 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.

As such it is the determination of the screening assessment that the application is likely to result in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, would carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it would be the responsibility of the applicant to provide and secure suitable mitigation on which to base the appropriate assessment. In this instance as the applicant has chosen to appeal non- determination the competent authority cannot progress to Stage 2.

Where the conclusion of an Appropriate Assessment finds that insufficient mitigation measures have been provided, and / or where Natural England object as statutory consultee, the Local Planning Authority will have no option but to refuse this application in line with the Habitats Regulations. As above, given the applicant has appealed and the competent authority cannot progress Stage 2 the LPA must recommend refuse.

In the absence of any information submitted by the applicant toward the Appropriate Assessment, the Local Planning Authority do not have the mechanism to secure mitigation contributions of $49 \times 290.58p = \text{£}14,238.42$.

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 49 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 development is acceptable. The proposal has been screened to consider the likely effects on the conservation objections of the SAC. As the development is for 49 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.

The applicant has failed to agree to a Section 106 agreement in relation to Affordable Housing, Urban Open space and Healthcare provisions contributions.

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 to highlight the concerns shortly before an appeal for non- determination was submitted. Amended plans have been assessed and on balance acceptable however the proposal cannot be supported.

Recommendation

Reasons for Refusal

1. This application falls within the 15km zone of influence relating to the Cannock Chase Special Area of Conservation (SAC) and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 49 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism to secure any 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.
2. The proposed development would trigger the need for affordable housing contributions the applicant has failed to provide any information in relation to affordable housing contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy H4 of the UDP, BCCS policy HOU3 and the Affordable Housing SPD and the National Planning Policy Framework 2021.

3. The proposed development would trigger the need for open space contributions the applicant has failed to provide any information in relation to open space contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policies OS1 Qualifying Development and OS2 Planning Obligations Supplementary Planning Document Urban Open Space to the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021.
4. The proposed development would trigger the need for healthcare provision contributions the applicant has failed to provide any information in relation to healthcare provision contributions and has not agreed to a Planning Obligation under Section 106 to secure the funds required by the development. Contrary to Policy G3 of the Walsall Unitary Development Plan April 2006 and the National Planning Policy Framework 2021.

END OF OFFICERS REPORT