

Planning Statement

Residential development of up to 59 dwellings

Former Allens Centre and Adjacent Open Space,

January 2023

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1. Introduction

- 1.1 This Planning Statement has been prepared by Lambert Smith Hampton (LSH) on behalf of Walsall Council. Its purpose is to set out the planning case in support of the residential development of the former Allens Centre and the adjoining open space for up to 59 dwellings.

Background

- 1.2 The Site extends to 3.27 acres (1.32 hectares) and is comprised of a mixture of brownfield and greenfield land. The Site comprises of the footprint of the former Allens Centre and adjacent open space, which was previously used as former local community building, school and adjacent playing fields. To the north of the Site is a public right of way which leads from Sherringham Drive; this previously provided a well-used pedestrian link to Hilton Road prior to the closure of the Site to the public.
- 1.3 The former local community and school building has been demolished following the grant of prior approval in 2015 (ref: 15/1404). The demolition of the former building under prior approval 15/1404 was necessary due to concerns with the vulnerability of the Site to vandalism. The application form stated that: *“The building had been disused for some time and had recently been broken into and set fire to. The building is now in a very dangerous position of not only disused but a health and safety risk also. Senior Walsall Councillors are very concerned that the building will attract further vandalism and even though there is a security presence it is still vulnerable.”*

Land Ownership

- 1.4 The application site comprises a single parcel of land, all of which is entirely within the ownership of the applicant (Walsall Council). Accordingly, Certificate A has been completed.

Form and Content of the Application

- 1.5 This planning application is submitted in outline form (with all matters reserved) and, in addition to this Planning Statement, comprises the following:
- Duly completed application form and ownership certificate;
 - Application plans, including:
 - Site Plan
 - Location Plan
 - Parameter Plan
 - Illustrative Masterplan
 - Design and Access Statement
 - Transport Statement
 - Flood Risk Assessment and Surface Water Drainage Assessment

- Preliminary Ecological Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment
- Geo-Environmental Desk Study Report
- Geo-Environmental Investigation Report
- Cannock Chase SAC Habitat Regulations Assessment Form

Consultation

- 1.6 The proposed residential development of the Site has been the subject of pre-application discussions with the Council; further details are provided in Section 4.

Report Structure

- 1.7 Following this introduction, the remainder of the Planning Statement is structured as follows:

- **Section 2** describes the application site and its surroundings;
- **Section 3** considers housing land supply in the Borough and the allocations which apply to the Site;
- **Section 4** provides a summary of the pre-application engagement that has been undertaken;
- **Section 5** provides a description of the proposed development;
- **Section 6** summarises the relevant planning policy framework;
- **Section 7** considers the planning issues raised by the proposals and the benefits that would be delivered by the proposals; and
- **Section 8** highlights the reasons why planning permission should be granted.

2. The Application Site and Surroundings

Location

- 2.1 The Site is located in the northern area of Willenhall, one of the five District Centres within Walsall Borough. Within a predominantly residential area, the Site is surrounded by houses and residential gardens. The access road is located to the east of the Site at Hilton Road. Pedestrian access was previously from Hilton Road to the east via a steel gate, although the Site is currently inaccessible to the public.

The Application Site

- 2.2 The Site comprises a mixture of brownfield and greenfield land, extending to approximately 3.27 acres (1.32 hectares) and is generally flat ground within the former footprint of the Allens Centre. The Allens Centre was formerly a local community building and school which was located to the east of the Site; as noted above, the building was demolished following the grant of prior approval in 2015 (ref: 15/1404).
- 2.3 The landscape of the Site is divided into two distinct areas. The western half is comprised of rough grassland which appears to be unmanaged, whilst the eastern half is associated with the now demolished Allens Centre building. The landscape in the eastern half of the Site is comprised of unmanaged shrubs and grassland which previously formed by the landscape context around the Allens Centre building. Along its boundaries and within the Site, there are also a number of mature trees. To the north-east of the Site is grassland containing trees and bushes, which is adjacent to the public right of way leading into the Site from Sherringham Drive.
- 2.4 The Site is an area vulnerable to anti-social behaviour, with the former building on the Site being subject to arson. The building was demolished due to subsequent health and safety issues and continued concerns relating to vandalism.

Surroundings and Connectivity

- 2.5 To the south of the Site, there is a tree covered mound, known as 'Allens Rough', which forms part of the land ownership, standing approximately 8m above the remainder of the Site. In all other directions, the Site is surrounded by residential development. Further to the north, is open land which is partially in use as Essington Cemetery. The M6 motorway is located to the east of the Site, approximately 430 metres from its eastern boundary, with Sneyd Local Nature Reserve beyond this. To the south-east of the Site, also within the residential area, is Beacon Primary School, within an approximate five minute walk of the Site. Residential development is located to the west of the Site, with Coppice Farm Park and Field within walking distance of the Site, also to the west.
- 2.6 In the context of accessibility to services from the Site, Coppice Farm Local Centre, which contains a health centre, a pharmacy and ALDI supermarket, is located an approximate seven-minute walk to the west of the Site. To the south of the Site, also a short walk away, is the Lichfield Road Local Centre which contains a local shopping parade currently providing a Co-Operative Food Store, Post Office, hot food takeaways and other services including a Dental Surgery, hairdresser and barbers. These Local Centres, both within walking distance of the Site, provide for day-to-day convenience and service needs.

- 2.7 Willenhall District Centre, located approximately 3km from the Site, provides for further shopping and service needs, including several drink and food outlets, including takeaways, supermarkets, and industrial estates. Walsall Town Centre is also accessible via Wolverhampton Road and is located approximately 5.0km south-east of the Site.
- 2.8 Several schools are also situated nearby, including Beacon Primary School, 300m south of the Site, Bloxwich Academy, 1.75km to the southeast and Coppice Performing Arts School located 1km southwest of the Site. In addition, there are several recreational services accessible, including New Invention Community Green and Coppice Farm Park and Field, within a 10 minute walk of the Site, and Short Heath Park which is within a 20 minute walk.
- 2.9 The closest set of bus stops are all located within 300m of the proposed development on Essington Road, Dorchester Road, and Hilton Road. The bus stop on Hilton Road is served by the half-hourly no. 41 bus service. This service operates everyday to and from Willenhall and Walsall, with schedule hours from 6:08 until 22:57.
- 2.10 In addition to these transport modes, Bloxwich North railway station enhances accessibility to Birmingham where connecting trains can reach more widespread destinations. The opening of Willenhall Station, anticipated in 2024, will improve the Site's connectivity to the rail network and shorten journey times to the key urban centres of Walsall, Wolverhampton and Birmingham. The Transport Statement sets out further details on the Site's accessibility to pedestrian and cycling routes and public transport.

3. Consideration of Housing Land Supply and Housing Allocations

3.1 Full consideration of the Planning Policy position is given in the subsequent section, but the availability and supply of housing land within Walsall, together with the allocation of the Site for housing, is also required to be considered.

3.2 As the proposed development is for residential use, it is appropriate to consider the current need for and supply of housing in the Borough, whilst also considering the availability of housing land.

Housing Supply

3.3 The Council's most recent Strategic Housing Land Availability Assessment (SHLAA) (2022) confirms that Local Housing Need (LHN) is currently calculated at 909 dwellings per annum. The SHLAA calculates the five year requirement as at April 2022 as 4,545, which when including a 20% buffer, is 5,453 dwellings. Against this requirement, Walsall Council identifies a capacity of 3,379 dwellings, taking into account sites with planning permission, lapsed permissions, allocated housing sites and other potential sites which are assessed as deliverable in the SHLAA. Consequently, for the five year period, there is currently an under provision of housing within the District to the sum of 2,074 dwellings.

3.4 Included within the list of sites comprising the identified supply of housing in the SHLAA is the entirety of the application site in combination with the land known as Allens Rough to the south. An indicative dwelling capacity of 54 dwellings is assigned to the combined site (see Table 1 below).

Site Reference	Black Country Plan (Regulation 18) Reference	Brownfield Register	Site Name or Address	SAD or AAP Reference	Total Housing Capacity	REMAINING CAPACITY AVAILABLE	Within 5 years	Over 5 years
HO0124	WAH245a and WAH132	y	Allen's Centre, Hilton Road, New Invention	HO124	54	54	54	0

Table 1 - Extract from the Strategic Housing Land Assessment and Statement of Housing Land Supply 2022, estimating a capacity of 54 dwellings for the application site.

3.5 Further to the significant shortfall in Walsall's five year supply, the 2021 Housing Delivery Test results, published in January 2021, show that Walsall has failed the Test in this accounting period with a measurement of 70%. This indicates that delivery is substantially below requirement, thereby triggering paragraph 11(d) of the NPPF in respect of rendering relevant development plan policies out of date.

Housing Site Allocations

3.6 The Site is covered by the following allocation and designations, as identified within the Walsall Site Allocations Document (WSAD) and accompanying Policies Map:

- Policy HC1 allocates the eastern portion of the Site, based on the footprint of the former Allens Centre, for residential development under reference HO124. An indicative capacity of 22 dwellings is noted.
- Policy OS1 designates the remainder of the Site as 'amenity green space' through an open space allocation, referenced as OS9012 (named 'Hilton Road OS', measuring 0.72ha). In addition, the tree-covered mound to the south ('Allens Rough', measuring 0.85ha) is covered by the same policy under reference OS9047. The typology of Allens Rough is also stated as amenity green space.

3.7 The current division between the residential allocation and amenity green space designations is as per Figure 1 below from the WSAD Policies Map.

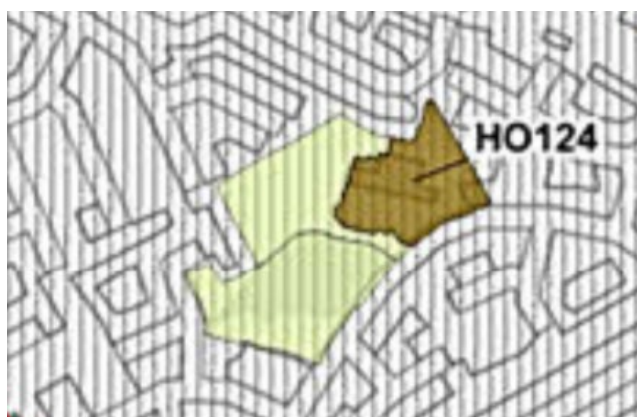


Figure 1 - Residential allocation of the Allens Centre (HO124) with the adjacent Hilton Road open space allocation (OS9012) to the west and the Allens Rough open space allocation to the south (OS9047).

- 3.8 On 19th October 2022, it was announced that preparation of the Black Country Plan 2039 will no longer progress and instead, individual Local Plans will provide the framework for the long-term planning of the Black Country.
- 3.9 Notwithstanding this, it is noted that the existing WSAD housing allocation for the eastern portion of the site, was proposed to be 'carried forward' in the draft Black Country Plan (BCP) along with the remainder of the Site (OS9012) and the adjacent Allens Rough (OS9047). The open space designation was therefore proposed to be undesignated as open space and allocated for residential development. The proposed allocation was referenced as Site WAH245, estimated to have a developable area of 0.71ha and assigned an indicative capacity of 23 dwellings, with a note that the area is comprised of 'redundant open space'.
- 3.10 Table 2 and Figure 2 below show the relevant extracts from the former draft Black Country Plan.

Site Ref	Policy in Previous Local Plan	Site Name and Address	Growth Area	Indicative Housing Capacity	Gross Site area (ha)	Indicative net developable area (ha)	Net Density (dph)	Anticipated Delivery Timescale	Further Information

WAH245	OS1	Former Allens Centre and Hilton Road amenity greenspace	Towns and Neighbourhood Area.	23	2.10	0.71	45	By 2025	Redundant open space. Only 0.71 ha of the submitted area to the west is allocated.
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Table 2 - Extract of Table 31 from the former Draft Black Country Plan (Regulation 18) (July 2021) relating to the current housing allocation (Allens Centre - H0124) and the adjacent open space allocations (Hilton Road OS - OS9012 and Allens Rough - OS9047), all of which were proposed as housing allocation WAH245 in the Regulation 18 Draft Plan.

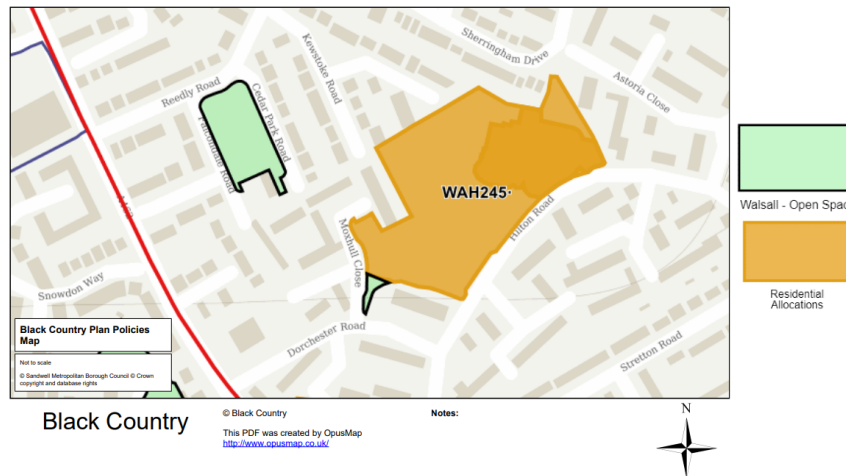


Figure 2 - Policies Map for the Draft Black Country Plan (Regulation 18) which shows Site WAH245.

- 3.11 The response received from Walsall Planning Policy to the pre-application enquiry recognised that whilst the councils are no longer proceeding with the BCP, the July 2021 draft was the subject of public consultation and no representations were received about the proposed allocation site. Walsall Planning Policy highlighted that as a result, the development proposal has some weight.
- 3.12 The status of the former draft BCP allocations going forward is uncertain; however, it is anticipated that the Council will continue to use the evidence base work carried out in support of the former draft BCP. The Site Assessment for Site WAH245 assesses the site as suitable for residential uses, noting that whilst significant remediation considerations exist, mitigation is possible.
- 3.13 For the pre-application enquiry, the site boundary submitted included the adjacent Allens Rough (OS9047) but did not propose this area for development. The site boundary has since been amended following feedback received and now excludes Allens Rough, the reasons for which are set out in Section 4 below.

Conclusion

- 3.14 It is starkly evident that there is an undersupply of housing within the District, with a shortfall of 2,074 dwellings over a five-year period. The development would provide much needed housing for the Borough in the context of this significant shortfall, as well as a failure in the Housing Delivery Test measurement, and a lack of up to date strategic

policies, each of which subject the Borough to a 'presumption in favour of sustainable development'.

- 3.15 The proposed development would enable the release of housing allocation HO124 and draft allocation WAH245, maximising the potential for housing delivery on the Site, broadly in line with the Council's estimated housing capacity of 54 dwellings. Notably, inclusion of the Site in the Council's five year housing land supply calculation demonstrates the assessment of the Site as deliverable, suitable and available for development, and thus a realistic prospect for housing delivery within five years.
- 3.16 As discussed in Section 4, feedback received from the pre-application confirmed that the proposal to allocate the Site for housing in the draft BCP carries some weight, given that the draft BCP was the subject of public consultation with no representations received in response to the proposed allocation.
- 3.17 In conclusion, it is recognised that whilst preparation of the BCP has now ceased, due consideration should be given to the status of the Site as a former emerging residential allocation, as well as the corresponding evidence base and five-year supply calculation which assess the Site as suitable for residential use, with a capacity of 54 dwellings.

4. Pre-application Engagement

- 4.1 A pre-application enquiry was submitted in October 2022. The submitted red line boundary included the Site and the adjacent Allens Rough and an Illustrative Masterplan was submitted also proposing 59 dwellings. Within the submitted Illustrative Masterplan, parking was arranged in front of residential plots, on-street and within parking courts. A pedestrian link from Sherringham Drive through to the Hilton Road was proposed as an extension to the existing public footpath (NDA151).
- 4.2 Following an online meeting, a written response was received to the enquiry in January 2023. The response confirmed that the general principle of redeveloping the Site for housing is likely to be considered acceptable. There were additional comments made on various key aspects of the proposal, which are summarised in turn below, along with how these have been responded to and addressed.

Principle of Development

- 4.3 The Council recognised that the draft BCP proposed to allocate the former playing fields, which are currently designated as open space, as an extension to the existing housing allocation (referred to as Site WAH245). Comments received from Planning Policy confirmed that: *“Whilst the councils are no longer proceeding with the BCP, the July 2021 draft was the subject of public consultation. No representations have been received about this particular proposed allocation. As such, this proposal has some weight”*. Following this, it is considered that the principle of residential development on the Site is accepted.

Public Open Space

- 4.4 As part of the pre-application enquiry, advice was sought on the need for and if required, the form of, compensatory provision to account for the loss in quantity of designated public open space on the Site.
- 4.5 The response from Planning Policy confirmed that as the proposal is in line with the emerging Local Plan, compensatory provision would not be required unless referred to explicitly in the development plan that allocates the site for housing. In the draft BCP, no reference is made to a requirement for compensatory provision in the context of the proposed draft allocation site (Site WAH245). As such, the pre-application response established that the requirement for development to compensate for the loss in quantity of designated public open space on the Site does not apply.
- 4.6 Notwithstanding this, the pre-application response highlighted that payment towards off-site open space improvement would be required to serve future residents of the development. The requirement for a commuted sum towards off-site open space improvement is recognised and will be calculated at the detailed planning stage.

Red Line Boundary

- 4.7 This planning application takes note of the request from Public Rights of Way to extend the red line site boundary to include the public footpath (NDA151), up to its junction with

Sherringham Drive. The amended red line site boundary now includes this land and proposes a pedestrian link from Sherringham Drive to Hilton Road.

- 4.8 In addition to the request from Public Rights of Way, the Council's Public Health department (Parks/Open Space) suggested that Allens Rough should be retained as public open space. Taking this into account, the red line boundary has been amended to remove Allens Rough.

Allens Rough

- 4.9 As noted above, the Council's Public Health (Parks/Open Space) department consider that Allens Rough should be retained as public open space and in addition, noted potential for further tree planting on this area as well as the potential lowland heathland restoration and acidic grassland improvements (if the spoil mounds are found to be acidic). Allens Rough will be considered as a key area in the scheme's delivery of biodiversity net gain. The Biodiversity Net Gain Assessment which will be submitted in due course will provide further detail on the potential enhancements to Allens Rough which could be secured at the detailed planning stage.
- 4.10 The written advice received from the pre-application's Case Officer noted that options for incorporating this area into the development as open space should be considered, if topography allows, to reduce antisocial behaviour and create a better development overall. An additional site visit has been undertaken since this feedback was received and it is clear that topography presents a major constraint to the built development of Allens Rough. Nevertheless, Allens Rough has been incorporated into the scheme through the proposal to secure biodiversity net gain through enhancements to this land. It is considered that improvements to Allens Rough through the delivery of biodiversity net gain and the natural surveillance afforded by the residential development proposed on the Site will help to reduce the risk of antisocial behaviour.

Ecology

- 4.11 The requirement for biodiversity net gain, either on part of the Site or elsewhere, was referenced by the Council. As noted above, a Biodiversity Net Gain Assessment will be submitted in due course.
- 4.12 In addition, the pre-application response highlighted the location of the Site within the 15km radius of Cannock Chase Special Conservation Area. As the development will deliver a net increase in residential dwellings, Walsall Council is required to undertake a Habitat Regulations Assessment (HRA). A HRA form has been submitted as part of this application and it is accepted that a mitigation payment of £290.58 for each net new home will be required and that a S106 agreement/Unilateral Undertaking will be necessary to secure this.
- 4.13 The Ecology Officer also commented that should vegetation be lost as part of the development, replacement planting should be provided utilising native shrub and tree species. The findings of the Arboricultural Impact Assessment are detailed in Section 7 but it is noted that the AIA recommends that the future landscape scheme incorporates replacement tree planting to provide for mitigation for tree losses.

- 4.14 The Illustrative Masterplan submitted with this application is indicative only and the final layout and landscaping scheme, which will determine the amount and location of vegetation and/or trees to be lost, are reserved matters to be considered at the detailed planning application stage. Nevertheless, it is agreed that replacement planting should be provided wherever possible and the recommendations of the AIA should be followed during the detailed design and construction phases.

Highways and Transport

- 4.15 No objections were raised on a Highways basis, however this planning application takes note of the request from the Highway Authority to modify the formerly proposed access arrangement to 'square up' to Hilton Road, in order to facilitate ease of access to all vehicles.
- 4.16 The proposed access arrangement submitted with this application takes this into account and offers an improvement to the existing access, with the proposed access road now perpendicular to Hilton Road. Further information on the proposed access is included in Section 7.
- 4.17 The Highways Authority also highlighted that a defined turning area capable of accommodating a full turning manoeuvre for a 10.7m long refuse vehicle would be required; accordingly, Swept Path Analysis has been undertaken and a tracked layout is included in the Transport Statement, demonstrating that the road layout in the Illustrative Masterplan would be accessible by a refuse vehicle of this size. The Illustrative Masterplan also accounts for the requirement for all footways to be two metres wide and the carriageway 5.5 metres wide, as requested.
- 4.18 A further comment from the Highways Authority highlighted that the proposed access road shall be designed for a 20mph speed limit with appropriate traffic vertical and horizontal calming features built in, commensurate with achieving the desired speed limit. This application is submitted in outline form and detailed matters such as this are reserved. However, it is confirmed in the Transport Statement that it will be possible to utilise the internal road geometry along with vertical and other horizontal features, where appropriate, to achieve a maximum vehicle speed of 20mph within the development.

Parking

- 4.19 Feedback was received from the Council requesting that some tandem parking spaces alongside the dwellings or well-designed on-street parking should be considered. The rationale for the suggested change in the types of parking spaces is to avoid a predominance of 'side by side' on-plot parking, resulting in long stretches of dropped kerb crossings, which is contrary to safe pedestrian movement.
- 4.20 The Illustrative Masterplan submitted with this outline application now includes two tandem parking spaces within the central southern area of the Site. The remainder of the parking spaces are provided on-plot or as parking courts which would be subject to a degree of natural surveillance afforded by the residential dwellings. The proposed parking arrangement is based on the Council's car parking standards for both the number of spaces required per unit and the dimensions required for each parking space (4.8m by 2.5m) and has been proposed as such in order to achieve these standards whilst taking

into account other constraints on the Site, in particular the existence of sewer pipelines on the Site.

- 4.21 In addition, as a result of feedback received from the Council, a parking court area previously proposed to the north of the Site has been removed from the Illustrative Masterplan.

Public Right of Way

- 4.22 The introduction of a green pedestrian link across the Site from Sherringham Drive to Hilton Road was supported by the Council and it was noted that the new pedestrian link should be designed and constructed to an adoptable standard and included within any adoption agreement for the Site.
- 4.23 The Illustrative Masterplan submitted with this outline application retains the link but proposes a different route for the footpath from Sherringham Drive to Hilton Road. This is due to the discovery of a foul sewer and surface water sewer routed below the Site, the route of which passes under public footpath (NDA151). The foul sewer and surface water pipelines require a 6m easement (3m each side) and 10m easement (5m each side) respectively, which has subsequently impacted the layout in the Illustrative Masterplan.
- 4.24 Nevertheless, a key concept of the Illustrative Masterplan is to re-introduce the pedestrian link through the Site between Hilton Road and Sherringham Drive and so this link has been retained and seeks to improve the connectivity and permeability of the Site, albeit in a different form to that submitted previously.
- 4.25 Boundary treatments and landscaping of the footpath will be determined at the detailed planning application stage but nevertheless, it is acknowledged that incorporating principles of safety, inclusivity and amenity will be important in its detailed design. It is anticipated that the pedestrian link could be adopted as a public right of way and retained as such through an adoption agreement for the Site.

Heritage

- 4.26 The Conservation Officer responded to confirm that there were no conservation comments or objection to the residential development of the Site, as the Site is surrounded by modern built development and there are no designated or non-designated heritage assets within or adjacent the Site. As such, the proposal is considered to be acceptable in the context of its impacts on the historic environment.

Density and Mix of Housing

- 4.27 No objections were raised by the Council to the proposed density or mix of housing, which is considered appropriate within the existing context of the Site.

Affordable Housing

- 4.28 The requirement for 25% of proposed dwellings on-site to be provided as affordable housing has been highlighted by the Council. The Housing Strategy Officer stated that 25% provision on a Site delivering a maximum total of 59 units would equate to a requirement of 15 affordable units, which should be 11 x 3 bed social rented houses, and 4 x 2 (or 3) bed shared ownership houses.

- 4.29 The amount and tenure of housing is a reserved matter which will be considered at the detailed planning application stage, at which point the financial viability of the scheme in combination with requirements to secure other planning obligations and address constraints on the Site, will be considered.

Environmental Protection

- 4.30 The Council commented that ground investigation will be required to identify ground conditions, the presence of any unacceptable contamination and the need for remediation or mitigation measures. A desktop site investigation of the Site was undertaken in 2016 and is submitted with this application; further details are set out in Section 7.
- 4.31 Environmental Protection also highlighted the requirement for a Construction Environmental Management Plan which should consider noise, dust, vibration etc. during the construction phase.
- 4.32 An Air Quality Assessment (AQA) is submitted with this planning application, which takes into account the Council's guidance on AQAs, and concludes that with appropriate mitigation, particularly measures to control dust and pollution during construction, there are no air quality constraints. It is acknowledged that a Construction Environmental Management Plan will need to include measures to control the production of dust, noise, vibration etc. during the construction phase and this requirement will be the subject of a planning condition following the reserved matters stage.
- 4.33 In addition, a Coal Mining Risk Assessment can be undertaken to accompany the detailed planning application.

Detailed Matters

- 4.34 Other detailed matters were referenced in the Council's pre-application response. This included the recommendation that design should ensure a sensitive outdoor lighting scheme (to manage potential impacts to bats) and the application of crime reduction principles, including in respect of lighting, boundary treatments and landscaping.
- 4.35 The above matters will be considered in detail at the reserved matters stage. A lighting scheme can be prepared in accordance with the relevant guidance in order to avoid detrimental effects to bats and Secured by Design principles can be applied. It is understood that Police and Community Safety would be consulted at this stage and opportunities to prevent crime and anti-social behaviour on the Site can be considered through design. As requested by Public Rights of Way, a street lighting survey can also be undertaken in respect of the proposed pedestrian route from Sherringham Drive to Hilton Road.

5. The Proposed Development

- 5.1 This application seeks outline planning permission for the following description of development:

“Residential development of up to 59 dwellings, together with associated parking, landscaping and infrastructure (all matters reserved)”

Layout

- 5.2 The Illustrative Masterplan proposes development on most of the Site’s area, with an area in the north-eastern corner proposed as open amenity space. The layout meets the Council’s design requirements in regard to parking, back-to-back distances and garden sizes.
- 5.3 As referenced previously, the layout has been influenced by the location of utilities infrastructure. Information from Severn Trent Water highlighted that surface water and foul sewers extend across the Site and subsequently, the pattern and layout of buildings has been designed to work with sewer easement requirements.
- 5.4 The layout in the Illustrative Masterplan is laid out to create a principal street with an active frontage; the principal street is generally linear with some meandering, which was required in order to allow for emergency access to the sewer pipeline through a road or parking court. The access road, the footpath and site boundaries define the general structure for the developable residential element of the scheme.
- 5.5 The layout also re-introduces a pedestrian link through the Site linking Hilton Road and Sherringham Drive. The amenity open space can be utilised by the new and existing community, accessed via the proposed pedestrian link through the Site.

Scale, Density and Housing Mix

- 5.6 The Illustrative Masterplan proposes 59 dwellings in total, with 35 terraced houses (17 x two-bed, 18 x three-bed) and 24 apartments (15 x one-bed, 9 x two-bed). This creates a mix of 15 one-bed units, 26 two-bed units and 18 three-bed units. The tenure mix is yet to be determined and will be considered at the detailed planning stage, although the Council’s requirement for on-site affordable housing provision is recognised.
- 5.7 The built form, as set out in the Illustrative Masterplan and Design and Access Statement, respects the surrounding buildings and context in terms of scale, height, form and massing. Consistent with the prevalent heights within the surrounding areas, the proposed apartment blocks are three storeys whilst the terraced housing will be two storeys (plus roof). The third stories of the apartment buildings are proposed to be flat to conform with the existing apartment blocks adjacent to the Site.
- 5.8 Overall, the proposed building heights respond and create a relationship with the public realm and open amenity space whilst providing natural surveillance over the street and open space and maximising the potential for housing delivery on the Site, broadly in line with the Council’s estimated housing capacity of 54 dwellings.

Access and Parking

- 5.9 For vehicles, the Site will be accessed from Hilton Road. The access arrangement has been re-configured following comments received from the Highways Authority during the pre-application; further details are set out in Section 7 and in the Transport Statement.
- 5.10 The access road and carriageways measure at 5.5m in width, with the adjoining footway measuring 2m in width. The footway leading through from the Site's northern pedestrian entrance measures 2.5m and footways leading to dwellings measure 1m in width. The access road itself and the associated footway will form part of the adopted highway, with details to be determined at the detailed planning stage.
- 5.11 Pedestrians and cyclists can gain access and egress from the existing access on Hilton Road as well as the enhanced pedestrian link to and from Sherringham Drive.
- 5.12 113 parking spaces are proposed in the Illustrative Masterplan (1 space per one-bed, 2 spaces per two-beds and three-beds and 7 visitor spaces). This meets the Council's design requirements in regard to parking, providing an additional seven spaces above the requirement in order to cater for visitors.

Landscaping

- 5.13 Landscape plans will be prepared at the detailed planning stage. Notwithstanding this, the Illustrative Masterplan does indicate potential tree-planting and open space on the Site. Opportunities for tree planting, landscaping and green infrastructure exist on the streets and new planting within the proposed green spaces is possible, which would help to integrate the landscape framework of the Site into its surroundings.
- 5.14 Allens Rough, which forms part of the land ownership, is not proposed for development, but has scope to be enhanced through the delivery of biodiversity net gain, of which further detail will be set out in the Biodiversity Net Gain Assessment.

Other Detailed Matters

- 5.15 The application is submitted in outline form, with all matters reserved, and therefore the Illustrative Masterplan is indicative only. Other detailed matters such as design, appearance and landscaping will be considered in a reserved matters planning application.

6. Relevant Planning Policy

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.
- 6.2 In this case, the statutory Development Plan for Walsall comprises the Black Country Core Strategy (BCCS), the Walsall Site Allocation Document (SAD), the Town Centre Area Action Plan (AAP), and the remaining 'saved' policies of the Walsall Unitary Development Plan (UDP). Several Supplementary Planning Documents (SPDs) also support the Development Plan.

Black Country Core Strategy (BCCS)

- 6.3 As referenced above, it is noted that the four Black Country Councils have recently confirmed the intention to cease preparation of the Black Country Plan 2039 given that they were unable to reach agreement on the approach to planning for future development needs within the framework of the Black Country Plan. Instead, Local Plans for each of the authorities will now provide the long-term planning framework in the Black Country and each authority is now focused on reviewing their individual Local Plans.
- 6.4 Nevertheless, the BCCS (2011) still forms part of Walsall Council's Development Plan until such a time that a new Local Plan is adopted. A detailed review of the BCCS finds the following policies pertinent to the residential development of the Site.
- **CSP2 (Development Outside the Growth Network)** – This policy sets out that by 2026, areas outside the Black Country's Strategic Centres and Regeneration Corridors will provide a mix of good quality residential areas where people choose to live. The broad approach to development in these areas will be to focus on previously developed land, locations with best access to services (where appropriate) and areas of lowest flood risk.
 - **CSP3 (Environmental Infrastructure)** – The policy states that proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded. The environmental infrastructure network covers a range of assets including public open spaces, wildlife habitats, geodiversity, canals and watercourses, pedestrian and cycle routes and historic landscapes and buildings. Policies ENV1-8 provide detailed policy for protecting, enhancing and expanding the environmental infrastructure network and for resisting development that would compromise the overall integrity of the network.
 - **CSP4 (Place Making)** – The policy sets out the requirement for all development proposals to make a positive contribution to place-making and environmental improvement.
 - **DEL1 (Infrastructure Provision)** – This policy states that all new developments should address its impact on the environment and infrastructure through on-site and off-site provision or enhancements, secured through planning obligations or other relevant means.

- **HOU1 (Delivering Sustainable Housing Growth)** – This policy sets out that land will be provided to deliver at least 63,000 net homes up to 2026; housing will be delivered through Regeneration Corridors, Strategic Centres, Free-Standing Employment Sites and housing renewal areas whilst additional capacity will also be sought elsewhere in the Black Country through allocations and planning permissions on suitable sites.
- **HOU2 (Housing Density, Type and Accessibility)** – This policy sets out the aim to provide an overall mix of house types and the requirement for developments of 15 dwellings or more to provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents. The target minimum density of 35 dwellings per hectare is stated, with exceptions where this would prejudice historic character and local distinctiveness. Residential development is expected to meet the accessibility standards set out in this policy.
- **HOU3 (Delivering Affordable Housing)** – This policy states that 25% of affordable housing on sites of 15 or more dwellings will be sought, subject to financial viability.
- **TRAN1 (Priorities for the Development of the Transport Network)** – This policy requires that all new developments address the transport network and provide adequate access for all modes, including walking, cycling and public transport
- **TRAN2 (Managing Transport Impacts of New Development)** – This policy states that permission will not be granted for developments that are likely to have significant transport implications unless accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport including access by walking, cycling, public transport and car sharing.
- **ENV1 (Nature Conservation)** – This policy sets out that development will safeguard nature conservation and that adequate information to ensure that the likely impacts of the proposal can be fully assessed must be submitted with planning applications which may affect nature conservation. Planning applications should detail how improvements, appropriate to the location and scale of the development, will contribute to the natural environment.
- **ENV5 (Flood Risk, Sustainable Drainage Systems and Urban Heat Island)** – This policy states that development will be steered to areas with a low probability of flooding first and that development proposals must demonstrate that the level of flood risk associated with the site is acceptable.
- **ENV6 (Open Space, Sport and Recreation)** – This policy states that development that would reduce the overall value of the open space, sport and recreation network will be resisted whilst development that would increase the overall value of the open space, sport and recreation network will be encouraged.
- **ENV8 (Air Quality)** – This policy states that new residential development should be located where air quality meets national air quality objectives.

Walsall Site Allocation Document (SAD)

6.5 A review of the SAD finds the following policies relevant to the development proposal:

- **HC1 (HC1: Land Allocated for New Housing Development)** – This policy sets out that on sites allocated for housing, proposals for the development of alternative uses will need to be justified against local and national policies, and in terms of the requirements for land for housing and these other uses assessed against current evidence. The policy requires that sites achieve a density of at least 35 dwellings per hectare, except where part of the site is needed to provide open space or other facilities in accordance with other Local Plan policies.
- **HC3 (Affordable Housing and Housing for People with Special Needs)** – This policy requires affordable housing on sites of 15 dwellings or more where this is financially viable.
- **OS1 (Open Space, Sport and Recreation)** – This policy sets out that proposals which would result in the loss of, or adversely effect, the open space, sport and recreation network will be assessed in accordance with the relevant policies in the NPPF, BCCS and UDP. Proposals which would reduce the overall value of the network, or prejudice any of the functions listed within UDP Saved Policy LC1 and BCCS ENV6, will be resisted. Development proposals that would increase the overall value of the network will be encouraged.
- **EN1 (Natural Environment Protection, Management and Enhancement)** – This policy sets out that nature conservation sites, habitats and assets the Council will be protected, managed and enhanced and goes on to state that where development will result in harm to biodiversity, and there is no alternative option to reduce or eliminate impacts, the Council will determine the level of improvement works necessary to mitigate or compensate for the harm to biodiversity on a site by site basis.
- **EN3 (Flood Risk)** – This policy sets out the approach to managing flood risk and the requirement for major developments to incorporate sustainable urban drainage systems.

Walsall Unitary Development Plan (UDP)

6.6 The UDP was originally adopted in 2005 and following adoption of the BCCS in 2011, many of the UDP policies were 'saved'. The following 'saved' policies are of relevance to the application:

- **GP3 (Planning Obligations)** – This policy sets out that planning obligations will be used to secure the provision of any on or off-site infrastructure, facilities, services or mitigating measures made necessary by a development, including but not limited to open space and recreational provision, measures for wildlife protection and affordable housing provision.
- **ENV14 (Development of Derelict and Previously Developed Sites)** – This policy sets out that the Council will encourage the reclamation and development of derelict and previously developed land wherever this is technically feasible and in accordance with other policies of the Plan. Site investigations should be undertaken where the site or adjoining land is found to have been occupied or underlain by uses/activities which may have contaminated the site or affected the stability of the site.

- **ENV18 (Existing Woodlands, Trees and Hedgerows)** – This policy states that Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows. Where developments which involve the loss of trees or hedgerows, developers will be required to minimise the loss and to provide appropriate planting of commensurate value, which should involve native species planting where possible.
- **ENV23 (Nature conservation and New Development)** – This policy requires that the layout of new development must take account of the potential for the enhancement of the natural environment and nature conservation opportunities provided by buildings. Where loss or damage of existing features is unavoidable, the Council will require mitigation measures to which adequately compensate for the features lost.
- **T11 (Access for Pedestrians, Cyclists and Wheelchair users)** – This policy sets out that residential development should be within easy walking / cycling distance of a range of facilities which meet local needs and provide convenient, safe pedestrian access points.
- **T13 (Parking Provision for Cars, Cycles and Taxis)** – This policy sets out parking standards for cars and cycles and states that it must be demonstrated that developments will provide adequate on-site car parking to meet its own needs, and that there will be no adverse effect on highway safety.
- **LC1 (Urban Open Spaces)** – This policy sets out that the Council will seek to retain and enhance existing urban open spaces and redress any deficiencies in the provision or accessibility of these. Where proposals would result in the loss, or adversely affect, urban open spaces, it must be demonstrated that the functions of urban open spaces, as defined in the policy, would not be prejudiced. The Council take into account any compensatory provision that is proposed where proposals would result in the loss of, or otherwise adversely affect, urban open spaces. The policy also states that residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing, urban open spaces.

Supplementary Planning Documents

- 6.7 There are several Supplementary Planning Documents (SPD) of relevance to this application which have informed the development proposals. These are as set out below.

Black Country Air Quality SPD

This SPD presents the method for identifying development proposals where an air quality assessment will be required, and the processes involved, and also proposes options for site specific mitigation to protect future occupiers from poor air. The SPD confirms where a damage calculation is required and payment to the local authority is required, in cases where mitigation is not appropriate.

Revised Affordable Housing SPD

Adopted in 2008, the SPD offers guidance on the requirements for affordable housing in Walsall, to ensure that there is no differentiation between affordable and private

houses in terms of design and materials, and to ensure that the appropriate mix of type and size is delivered. Policy guidance is also offered on cases where abnormal development costs exist, the location of affordable housing within development sites, and off-site provision.

Urban Open Space SPD

This SPD explains the local standards and contributions required towards the provision and improvement of open spaces. The SPD acts as a guide to the scale and kind of contribution that developers are required to make towards the provision of new, and the improvement of existing, open spaces, including through the use of planning obligations. The local standards set out in the SPD also provide a guide as to how much on-site provision is required for larger residential developments.

Revised Natural Environment SPD

The SPD provides guidance on complying with the BCCS and UDP policies for the protection of the natural environment to ensure it is properly considered and applies to development which may either adversely affect trees, important species, habitats and geological features or which offers the opportunity to enhance the natural environment.

Designing Walsall SPD

This SPD builds upon policies in the BCCS and UDP aimed at promoting a high quality environment and high standards of urban and landscape design. The SPD offers guidance on how to design buildings and places that will relate well to Walsall and which build on local distinctiveness and sense of place. The SPD acts as the initial point of reference for design advice for all scale and type of development in urban, suburban and rural environments.

National Planning Policy Framework

- 6.8 Relevant central Government policy is contained within the National Planning Policy Framework (NPPF) which was revised in July 2021.
- 6.9 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. In achieving sustainable development, three objectives (economic, social and environmental) are identified which are interdependent and need to be pursued in mutually supportive ways.
- 6.10 So that sustainable development is pursued in a positive way, paragraph 11 advises that Local Planning Authorities (LPAs) should apply a presumption in favour of sustainable development. In decision taking this means:
- Approving development proposals that accord with an up-to-date Development Plan without delay, or
 - Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out of date, granting permission unless there are, in effect, strong reasons for not doing so.

- 6.11 At paragraph 39, it is confirmed that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Further, paragraph 40 confirms that local authorities have a key role to play in encouraging parties to take maximum advantage at the pre-application stage. Accordingly, the more issues that can be resolved at pre-application stage, the greater the benefits.
- 6.12 Paragraph 47 confirms that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It also confirms that decisions should be made as quickly as possible.
- 6.13 The importance of ensuring that a sufficient amount and variety of land can come forward where it is needed is stressed in the NPPF. Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120 confirms that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and should also support the development of under-utilised land and buildings, especially where this would help to meet identified housing needs where land supply is constrained.
- 6.14 In relation to open spaces, Paragraph 99 states that existing open spaces should not be built on unless one of the following conditions apply:
- an assessment clearly shows the open space to be surplus to requirements; or
 - the loss will be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for the provision of alternative open space, sports and recreational provision, the benefits of which clearly outweigh the loss.

7. Key Planning Issues

- 7.1 From the foregoing commentary, the following planning considerations are considered to be particularly relevant to the proposed development.

Principle of Development

- 7.2 Given the status of the Site as a former emerging residential allocation, the corresponding evidence base and five-year supply calculation which assess the Site as suitable for residential use, as well as feedback received from the pre-application enquiry, it is considered that the principle of residential development on the Site is accepted.
- 7.3 As discussed above, part of the Site is an existing housing allocation in the WSAD, with the entirety of the Site is a former emerging residential allocation in the BCP. The former proposed allocation of the Site for housing was the subject of public consultation, with no representations received in response to the proposed allocation. In addition, the Council's corresponding evidence base and five-year supply calculation assesses the Site as suitable for residential use.
- 7.4 It is noted that part of the Site is designated as public open space; Policies ENV6, OS1 and LC1 usually require compensatory provision in the case of losses to public open space. However, as explained in Section 4 above, the pre-application response established that the requirement for development to compensate for the loss in quantity of designated public open space on the Site does not apply. Furthermore, it is noted that the Site is currently inaccessible to the public and is now in a derelict state, thus not fulfilling the purpose of the 'public open space' designation.
- 7.5 On this basis, it is considered that the principle of the proposed development in general planning terms is acceptable.

Housing Need

- 7.6 With regard to housing delivery, the development will provide much needed housing for the Borough in the context of a significant shortfall of 2,074 dwellings in the most recent five year supply calculation, as well as a failure in the Housing Delivery Test measurement, and a lack of up to date strategic policies, each of which subject the Borough to a 'presumption in favour of sustainable development'.
- 7.7 The presumption notwithstanding, the Site represents an opportunity to deliver new housing in a sustainable and accessible location. The proposed development would enable the release of existing housing allocation HO124 and maximise the potential for housing delivery on the Site, broadly in line with the Council's estimated housing capacity of 54 dwellings.
- 7.8 As part of this housing delivery, there will also be a net gain in affordable housing on the Site. The Black Country Strategic Housing Market Assessment (2021) identifies that in order to meet affordable housing need in full to 2039, 32.7% of new housing in the Black Country would have to be affordable. The highlights the importance of delivering suitable and deliverable sites in order to contribute to the wider delivery of affordable housing provision. The Council's policy requirement of 25% of proposed dwellings on-site to be provided as affordable housing is recognised and will be sought as far as viably possible

As noted, the level of provision is to be tested at the detailed planning stage, taking into account site constraints.

Positive Use of a Redundant Site

- 7.9 The Willenhall Framework Plan (2022)¹ sets out a 10-year vision for Willenhall which provides an ambition for housing growth and healthy, prosperous communities. Whilst the Framework Plan relates to the Town Centre, which the Site is not located within, the Framework Plan indicates the priorities for Willenhall that were highlighted by existing communities in the area. One of these priorities was bringing derelict or redundant sites back into use (81% of respondents). The proposal would help to achieve this aspiration, by bringing the redundant area on the Site back into use for an active residential purpose, whilst also helping to address issues of anti-social behaviour and vandalism.

Access and Parking

- 7.1 A Transport Statement forms part of the application and sets out information on predicted trip generation, accessibility of the Site to public transport, walking and cycling, adequacy of the proposed access arrangement and nearby junctions, accident data and proposed parking levels.
- 7.2 The Transport Statement has identified that the proposed development would not result in an adverse transport impact, with the trip generation of the Site during the peak period likely to have little impact on the capacity or safety of the local highway network.
- 7.10 A safe vehicular access strategy has been devised, taking into account comments received from the Highways Authority during the pre-application. The submitted access drawing illustrates the proposed access junction which relocates the existing Allens Centre junction several metres west, pulling it away from the adjacent Council property. This enables a 2 metre wide footway to be provided on both sides of the junction into the Site and the junction orientation also offers an improvement to the existing access, with the access road now perpendicular to Hilton Road. It is also confirmed that the carriageway will be 5.5 metres in width.
- 7.11 The Transport Statement confirms that the proposed site access will comfortably achieve visibility splays of 2.4 x 43m in both directions. A vehicle speed of 20mph within the development would also be achievable through the utilisation of the internal road geometry along with vertical and other horizontal features.
- 7.12 The access road has also been subject to Swept Path analysis which shows that the development road layout is accessible by a Council Waste Services 10.7m long refuse collection vehicle.
- 7.13 As noted, the level of parking proposed meets the Council's parking requirements and provides an additional seven spaces above the requirement to cater for visitors.
- 7.14 The route of the proposed pedestrian link between Hilton Road and Sherringham Drive has been diverted to the east, as noted in Section 4. This is due to the discovery of foul sewer and surface water pipelines below the Site and subsequent changes to the

¹ [Willenhall Framework Plan \(2022\)](#)

illustrative layout. Nevertheless, the retention of a pedestrian link between Hilton Road and Sherringham Drive has been achieved in the Illustrative Masterplan submitted with this application; the provision of an enhanced pedestrian link provides a key opportunity for the Site and the Illustrative Masterplan seeks to re-introduce the link back through the Site to maximise connectivity and provide legibility.

Ecology

Biodiversity

- 7.15 A Preliminary Ecological Appraisal (PEA) has been undertaken which identifies the main ecological features on the Site as the woodland, scattered trees and scrub, which have potential to support roosting bats and nesting birds, as well as providing foraging and commuting opportunities for badgers, reptiles and invertebrates. Additionally, poor semi-improved grassland and scrub on the Site are identified to have potential in supporting sheltering and foraging bats, birds, badgers, reptiles and invertebrates.
- 7.16 The PEA found that the proposed development is not anticipated to impact any of the statutory or non-statutory designated sites of nature conservation importance within 5 km of the development.
- 7.17 In respect of potential impacts to roosting bats, further surveys are recommended for any semi-mature trees proposed for removal in order to establish their potential to support roosting bats.
- 7.18 As presence is unlikely, the PEA states that further surveys are not required for reptiles, but precautionary working methods for vegetation clearance are recommended to minimise disturbance and prevent unintentional killing and injury.
- 7.19 Recommendations for badgers involve covering all excavations at the end of each workday and an updated check to be undertaken if works do not commence within 12 months of PEA survey. All works around scattered trees and woodlands should implement root protection zones (RPZs) and, if not possible, then the British Standard guidelines should be adhered to.
- 7.20 Table 3 below summarises the PEA's recommendations on further surveys, mitigation measures and enhancement measures to address potential impacts on the species referenced above:

	Mitigation/Enhancement Measure	Phase
1	Biodiversity Impact Calculations	Design
2	Avoid root protection zones (RPZ) of woodland and scattered broadleaved trees where possible.	Construction
3	Follow British Standard guidelines when working within proximity to root zones.	Construction
4	Planting new trees to replace any lost and increase native wildflower planting where possible to increase available invertebrate habitat	Design & post-construction
5	Nesting bird checks	Pre-works
6	Install species specific bird boxes on retained trees	Design & post-

	and incorporate into building design	construction
7	Install bat boxes on retained trees and incorporate into building design	Design & post-construction
8	Reptile presence checks and precautionary working method statement	Pre-works & construction
9	Installing hibernacula for reptiles, amphibians and invertebrates	Post-construction
10	Badger check	Pre-construction

Table 3 – Summary of further surveys and actions recommended in the PEA.

7.21 As highlighted by measures 1, 6, 7 and 9, the PEA recommends that the development enhances the Site for wildlife post-development and achieves a biodiversity net gain. The Biodiversity Net Gain Assessment, which will be submitted in due course, will consider this further.

Cannock Chase SAC

7.22 As referenced above, the Site is located within the 15km radius of Cannock Chase Special Conservation Area and as the development will deliver a net increase in residential dwellings, Walsall Council is required to undertake a Habitat Regulations Assessment (HRA). A HRA form has been submitted as part of this application and it is accepted that a mitigation payment of £290.58 for each net new home will be required and that a S106 agreement will be necessary to secure this.

Trees

7.23 An Arboricultural Impact Assessment (AIA) is submitted with this application which recorded the presence of 59 arboricultural features, comprising 47 individual trees, 11 groups of trees and one woodland, within influencing distance of the proposed development.

7.24 Of the 59 features surveyed, three were of a high quality (Category A), 27 were of a moderate quality (Category B) and 28 were of a low quality (Category C). One tree was assessed as being unsuitable for retention (Category U).

7.25 The results of the AIA are based on the Illustrative Masterplan and therefore represent a possible scenario regarding the potential extent of tree removal and arboricultural impact that would occur, should development at reserved matters proceed along the lines of the Illustrative Masterplan submitted with this outline application.

7.26 Based upon the Illustrative Masterplan, the proposed development would likely require the removal of 24 individual trees and eight groups of trees. The trees identified as requiring removal for implementation of the indicative masterplan include one Category A tree, nine Category B trees, 13 category C trees and 8 Category C groups, and one Category U tree.

7.27 During detailed design of the proposed development, it is recommended that consideration is given to design amendments that permit the retention of the Category A and B trees where possible. In addition, it is recommended that a detailed landscape

scheme incorporating replacement tree planting is prepared as part of any reserved matters planning application to provide for mitigation for tree losses.

- 7.28 The AIA finds that in addition to the tree removal likely to be required, construction works would be required within the Root Protection Area (RPAs) of 11 trees and one tree group, and that new plot boundary features would require works within the RPAs of nine trees, two tree groups and one woodland.
- 7.29 During detailed design, should the eventual development follow the principles of the indicative masterplan, these elements would need to be designed in such a way that significant harm to the root systems of the trees can be minimised during construction works. The AIA considered that subject to precautions in detailed design and the adoption of precautionary working practices during construction, the development would have minimal potential to cause significant harm to the root systems of retained trees and that the potential harm to the trees identified as at risk from construction operations can be adequately controlled.
- 7.30 Overall, the AIA concluded that providing its recommendations are followed in the future stages of the scheme, the proposed development can be successfully achieved without significantly impacting the overall tree stock of the Site and causing undue long-term harm to those trees identified for retention.

Flood Risk and Drainage

Flood Risk

- 7.31 A Flood Risk Assessment (FRA) has established the flood risk associated with the proposed development and proposed suitable mitigation.
- 7.32 The Site is located in Flood Zone 1 and is therefore considered to be at very low risk of fluvial flooding. The Site satisfies the flood risk elements of the sequential test and therefore, the exception test is not required.
- 7.33 The FRA identified that risk from surface water flooding will require mitigation through a surface water drainage strategy. The risk posed from surface water flooding ranges from very low to medium risk and this is predominantly restricted to the existing hardstanding areas on-site. Figure 3 shows the extent of pluvial flood risk on the Site.



Figure 3 - Map showing the extent of surface water flood risk on the Site, which ranges from very low to medium risk.

7.34 The FRA also identified a disused drainage system on the Site, which is thought to have served the former Allens Centre building, with some of the manholes now uncovered and silted. It is thought this private system will be removed during the construction of the new development and a new drainage system constructed following the development.

Drainage

7.35 The FRA considers the type of potential drainage features that could be incorporated into the development to mitigate surface water flood risk. Whilst infiltration should be considered as the first choice to discharge surface water, this is not considered to be a viable option due to the local geological conditions; the Site is located in the Pennine Middle Coal Measures, which is unsuitable for the use of soakaways due to its low permeability.

7.1 Discharging surface water to the surface water sewer network is considered the most feasible option for the Site. Within the surface water drainage strategy, it is anticipated that surface water will be attenuated on-site and discharged directly to the on-site surface water sewer using new connections, on the condition of the submission of a Section 106 application to Severn Trent Water.

7.2 The FRA considers that given the large size of the main surface water sewer, capacity will be available, however, this will need to be confirmed with Severn Trent Water at the detailed design stage, along with proposed points of connection. A pre-development enquiry and further correspondence with Severn Trent Water has confirmed the connection to the on-site public surface water sewer at manhole SJ97023155 for surface water disposal. The agreed discharge rate for the site will be the greenfield QBar rate of 5l/s/ha.

Air Quality

7.3 An AQA is submitted with the application which assesses air quality impacts associated with the proposed development, identifying potential air quality impacts during the construction phase and operational phases.

- 7.4 The AQA finds that construction works have potential to lead to the release of dust and particulate matter. However, the dust emitting activities can be effectively controlled by dust control measures and with implementation of recommended mitigation measures, the assessment considers residual impacts to be negligible.
- 7.5 The Construction Environmental Management Plan (CEMP), which has been highlighted as a requirement by the Council, should include a dust management plan, the scope of which can be agreed with the LPA following the detailed planning application.
- 7.6 During the operational phase, the AQA identified the principal air quality impact to be associated with traffic emissions as a result of the development. However, the assessment predicts that the operational phase is not expected to have a significant effect on local air quality. Moreover, based on monitoring data and predicted background concentrations, future users of the proposed development are not expected to be exposed to poor air quality. Nevertheless, measures implementation of the construction phase mitigation measures recommended in the AQA to reduce effects on air quality where feasible (e.g. electric vehicle charging points, secure cycle storage). Such matters will be considered at the detailed detail stage.
- 7.7 The AQA concludes that with appropriate mitigation, there are no air quality constraints to the development.

Ground Contamination

- 7.8 The submitted Geo-Environmental Investigation Report was completed in 2016 for the Site. The Report recommends further sampling and testing of Made Ground materials for asbestos and lead from beneath the former car parking area, which is located to the south-west of the demolished Allens Centre building (the area is referenced as WS6 in the Report). Materials in this car parking area were recorded to have asbestos and elevated lead concentrations in a hardcore material, which was imported to the Site during construction of the Allens Centre. The Report considers the hardcore materials to represent a risk to the health of future site users and construction workers.
- 7.9 In view of the proposed residential end use, the presence of asbestos fibres within the materials will necessitate the removal of these materials from site, or the encapsulation of the materials in a communal/public open space area. The Report also identified that if private gardens are proposed on the existing car park area, remedial action will be required. In this area, the Illustrative Masterplan proposes an apartment building, however, it is noted that this is indicative and therefore remedial action may be necessary should the development's layout change at the reserved matters stage.
- 7.10 Whilst the Report recommends that further site investigations and the removal or encapsulation of hardcore materials will be necessary, it is not considered that ground contamination represents a barrier to housing development on the Site. The necessary precautions and measures can be implemented during construction and remediation carried out if necessary.

Further Considerations

- 7.11 As noted, this application is submitted in outline form, with all matters reserved. It is recognised that additional surveys and technical work will need to accompany any

reserved matters application and indeed that the Illustrative Masterplan may change as a result of further information and detailed work.

Planning Benefits

- 7.12 In addition to the policy specific planning considerations reviewed above, the proposal will bring forward the following benefits in the context of the three objectives of sustainable development set out in the NPPF:

Economic Benefits

- 7.13 The Site will create indirect benefits, including during construction and afterwards to suppliers and local businesses. As such, the proposal will bring economic benefits to its immediate surroundings, and the local area more widely.

Social Benefits

Housing & Affordable Housing Delivery

- 7.14 As previously mentioned, Walsall Borough has a significant housing shortfall, as well as a failure in the Housing Delivery Test measurement, and a lack of up to date strategic policies. This is set within the wider context of housing need across the Black Country and Birmingham. The draft BCP estimated a need of 47,837 net new homes to 2039 within the Black Country whilst Birmingham City Council estimate a shortfall of 78,415 dwellings to 2042.
- 7.15 Whilst the delivery of 59 dwellings through the proposed development is modest within this scale of need, it is essential to support the delivery of suitable small and medium sized sites which are deliverable in the short-term. In addition, and as set out above, the Site has been assessed as suitable and deliverable in the draft BCP and the corresponding evidence base, representing a realistic prospect for housing within five years. The proposed development would enable the release of housing allocation HO124 and draft housing allocation WAH245, broadly in line with the Council's estimated housing capacity of the Site. Given the lack of available sites and shortfall in housing supply in the Borough, it is essential that the delivery of suitable, achievable and available sites such as this one is supported.
- 7.16 In addition, the development would result in a net gain in affordable housing on the Site, of which a significant need has also been identified in the Black Country.

Positive Use of a Redundant Site

- 7.17 Aside from the benefits of housing and affordable housing delivery, the proposed development would result in the positive use of a redundant and publicly inaccessible site. The land on the Site has become redundant and has been subject to anti-social behaviour and vandalism, with arson forming the reason for the former building's demolition. The development would firstly bring the redundant area on the Site back into use for an active residential purpose, thereby addressing concerns of anti-social behaviour and vandalism.
- 7.18 In addition, it is anticipated that enhancements to the adjacent Allens Rough will be provided through the scheme's delivery of biodiversity net gain; this will have secondary

benefits by enhancing use of Allens Rough as a public open space, improving the visual amenity of the space and helping to address anti-social behaviour on this area.

- 7.19 Whilst it is recognised that the designation of the western part of the Site as public open space would essentially be lost through the Site's residential development, it is considered that the wider benefits as set out in this section outweigh the loss of this designation.

Improvement in Visual Amenity

- 7.20 As set out in the Design and Access Statement, it is intended that development will enhance the visual amenity of the locality by improving the street scene – particularly along Hilton Road – and in providing an enhanced landscaping scheme. The Illustrative Masterplan has sought to create active frontages along Hilton Road, providing a visual connection to the Site and a relationship with the existing built form. In addition, an active frontage is proposed along the principal street and can be created in other areas of the Site to enhance the relationship with the proposed open amenity space and surrounding edges of the Site.
- 7.21 In addition, the open amenity space located in the north-eastern corner of the site creates an opportunity to form a relationship with the adjacent flat block. This space can be enhanced into a meaningful space, which can be utilised by the new and existing community, accessed via the proposed pedestrian link through the Site.
- 7.22 Whilst detailed matters are to be considered at the reserved matters stage, it is considered that through design and landscaping, the proposed development will provide an improvement to the street scene and landscape character, for the benefit of future residents and the local community. Good practice urban design principles will be employed to create a legible and permeable public realm, active street frontages that promote passive surveillance, and a public realm which encourages sustainable lifestyles, health and well-being.

Improvement in Local Connectivity

- 7.23 As mentioned, the pedestrian link which previously provided a connection between Sherringham Drive and Hilton Road will be enhanced, providing the opportunity to re-introduce connectivity through the Site for new and existing residents.

Environmental Benefits

- 7.24 It is anticipated that the development will deliver biodiversity net gain, with enhancements intended to be targeted towards the adjacent Allens Rough. The Biodiversity Net Gain Assessment which will be submitted in due course will set out further details on further potential enhancements.
- 7.25 To reiterate, the proposal will regenerate a now redundant site by providing an active residential use and will bring considerable environmental benefits in its own terms, and to the surrounding area, both in terms of visual and residential amenity. Further to this, the Site's sustainable and accessible location will maximise environmental benefit.

8. Conclusion

- 8.1 This Planning Statement has been prepared on behalf of Walsall Council in respect of the residential development of the former Allens Centre and Adjacent Open Space for up to 59 dwellings, together with associated parking, landscaping and infrastructure (all matters reserved).
- 8.2 From a review of the principal planning considerations arising from the proposal, it is clear that there are no issues which would prevent outline planning permission from being granted. Rather, and in the context of the presumption in favour of sustainable development which applies in this instance, it demonstrates that planning permission should be granted at the earliest opportunity.
- 8.3 It has been established through the pre-application enquiry that the loss in quantity of designated public open space on the Site does not require compensation given the emerging proposed allocation of the Site for housing in the draft BCP. Furthermore, the benefits arising from the proposed development, as set out above, are considered substantial in comparison to the loss of the public open space designation on the Site.
- 8.4 In the planning balance, the proposal will evidently deliver substantial benefits with reference to the NPPF objectives, and as such the proposals are clearly sustainable development. This further tells in favour of outline planning permission being granted without delay.