

Delegated Officer Report

APPLICATION NO.	DC/23/68822	OFFICER:	WDS
DATE RECEIVED:	3rd November 2023	REPORT DATE:	17/01/2024

As amended on:

Description of Proposal	Situation of Proposal
Proposed 150 dwellings, a countryside park and associated works (Outline application for access only).	Land Adjacent To Q3 Academy Wilderness Lane Great Barr Birmingham B43 7SD

1. Recommendation

Refusal:

- a) Contrary to the adopted NPPF in that the applicant proposes to build on the green belt
- b) The site is a designated SINC and the proposal would have a negative impact on the existing wildlife of the area

2. Observations

The application site relates to a very large parcel of land off Wilderness Lane, Great Barr. The site abuts the rear gardens of residential properties on Peak House Road, Farm House Way. The site is allocated as Green Belt Land and is also a Site of Importance for Nature Conservation (SINC).

The applicant proposes to construct 150 homes on the site, as well as a countryside park.

The application has been publicised by neighbour notification letters, site notices and press notice. In total, 136 objections have been received and one in support.

Whilst this is not a comprehensive list, the main concerns are: building on a green belt allocation, the impact on the wildlife of the area and highways concerns.

The reason for the one support can be summarised as the supporter would like to see bungalows on the site, and access give to the rear of properties on Peak House road. The resident also thinks opening up the green space to residents would benefit the community, whilst being sensitive to the existing nature on the site.

Various consultation responses have been received and are summarised below:

Planning Policy: Objection

Planning policy **strongly objects** to the outline planning application proposals on the grounds that:

- it constitutes inappropriate development in the Green Belt and very special circumstances that outweigh harm to the Green Belt have not been demonstrated;
- the site is an inappropriate location for residential development as it would conflict with the spatial strategy within the development plan; and
- the proposals would harm the integrity of the Peak House Farm SINC.

Conflict has been identified with the following development plan policies:

- BCCS CSP2 – development outside the growth network
- BCCS CSP3 – environmental infrastructure
- BCCS HOU1 – delivering sustainable housing growth
- BCCS ENV1 – nature conservation
- SAD H2 – housing windfalls
- SAD EOS2 – Green Belt

Conflict has been identified with the following paragraphs of the NPPF which are a material consideration:

- Paragraph 135(c) of the NPPF – local character and landscape setting
- Paragraph 152 of the NPPF – inappropriate development in the Green Belt.
- Paragraph 180 of the NPPF – protection and enhancement of sites of biodiversity value

Paragraph 11(d) of the NPPF is clear that when the presumption in favour of sustainable development is engaged planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt land, provide a clear reason for refusing the development proposed. Planning policy considers that the proposals are for inappropriate development in the Green Belt and that the applicant has been unable to demonstrate very special circumstances for the reasons set out in the response above. Harm resulting from the proposals would not be outweighed by other considerations. Therefore paragraph 152 of the NPPF is clear that the planning application should be refused.

Walsall Council Planning Policy: Objects

NPPF (September 2023) paragraph 11 d), with footnotes 7 and 8, makes it clear however that a lack of housing supply does not make development plan policies out of date for the purpose of decision-making where a housing proposal would be contrary to NPPF policies. The current proposal therefore represents inappropriate development in the Green Belt and no very special circumstances have been demonstrated in relation to inappropriate development in the Green Belt.

Highways: Neutral

In principle Highways have no objections to the survey undertaken to derive trip rates and vehicle distribution. The TA should be updated should an application come forward for reserved matters, assessment years should be base line, year of opening/completion and 5 years after opening/completion. Highways would expect 100% parking provision to be provided per plot as per appendix three of the developers guide.

Walsall Council Highways Department: Further information required

Details of which have been sent to the agent without response. These are however summarised as:

- How will the emergency access on to Birmingham Road be controlled?
- How will the three pedestrian cycle access points along Birmingham Road tie into the infrastructure along Birmingham Road, any proposals for a shared cycle / pedestrian footpath to link in with the internal cycle route proposed?
- Any drainage connections to the existing network will need to be given careful consideration as we do have a notorious flooding point along Birmingham Road.
- How will the proposed development link with SPRINT?

Public health (Air Quality): Objects

Given the existing high background levels of PM2.5 already in this area Public Health would therefore, recommend that without suitable measures to mitigate the impact of poor local air quality on future residents, this application should be refused.

Public Health (Contaminated Land): No objections

The standard ground investigation conditions are recommended on any approval.

Transportation Officer: Neutral

Further information and discussion with the developer is required to link cycle/pedestrian routes and the LEAP area so there is natural surveillance and to deter ASB.

Urban Design: Neutral

As the proposal is for outline for access, they will comment on any Reserved Matters application.

Lead Local Flood Authority: No objection

Standard drainage and SUDs conditions recommended on any approval.

Walsall Council Conservation Officer: No objections

The proposed scheme includes a landscaped frontage along the Birmingham Road. The existing A34, central tree lined reservation along the A34, and residential dwellings along Merrions Close provides a buffer between the Great Barr Conservation Area and the Great Barr Registered Park and Garden.

Employment Skills Plan: Positive

The proposal makes opportunities for apprentices and onsite training in construction.

West Midlands Police: Neutral

They have provided comments on how to design out crime.

Other factors:

SINC – Peak House Farm comprises 27 hectares of traditional farmland habitat, currently used for hay and horse grazing, with an extensive network of native hedgerows. The field pattern of small and irregular fields is thought to date back to at least 1750. The grassland habitat provides moderate levels of structural and species diversity and offers a good example of rural farming in a predominantly built up area. The site is known to support local bird and invertebrate populations and is likely to act as a key foraging and commuting area for other species, such as bats, within the local area. The site lies within a core ecological area, according to the Birmingham and Black Country Nature Improvement Area ecological network mapping, and holds a critical position in connecting Sandwell Valley and inner areas of the conurbation to the wider countryside.

Affordable Housing: The offer of 40% AH has been tabled however (in my opinion) this does not outweigh the harm caused by building on the Green Belt.

Recommendations:

Paragraph 11(d) of the NPPF is clear that when the presumption in favour of sustainable development is engaged planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt land, provide a clear reason for refusing the development proposed. Planning policy considers that the proposals are for inappropriate development in the Green Belt and that the applicant has been unable to demonstrate very special circumstances for the reasons set out in the response

above. The harm resulting from the proposals would not be outweighed by other considerations. Therefore paragraph 152 of the NPPF is clear that the planning application should be refused.

The proposed development would be contrary to the interests of nature conservation as it would adversely affect the habitat of fauna and/or flora on the site which is designated as a SINIC.

I therefore recommend this application for refusal.

3. Relevant History

DC/23/68944 - Request for a screening opinion in respect of whether an Environmental Impact Assessment (EIA) is required – 21/12/2023

4. Central Government Guidance

NPPF – Promotes sustainable development

5. Development Plan Policy

Black Country Core Strategy (BCCS) (2011)

BCCS CSP1 – the growth network

BCCS CSP2 – development outside the growth network

BCCS CSP3 – environmental infrastructure

BCCS CSP4 – place making

BCCS DEL1 – infrastructure provision

BCCS HOU1 – delivering sustainable housing growth

BCCS HOU2 – housing density, type and accessibility

BCCS HOU3 – delivering affordable housing

BCCS TRAN2 – managing transport impacts of new development

BCCS TRAN4 – creating coherent networks for cycling and walking

BCCS TRAN5 – influencing the demand for travel and travel choices

BCCS ENV1 – nature conservation

BCCS ENV2 – historic character and local distinctiveness

BCCS ENV3 – design quality

BCCS ENV5 – flood risk, SUDS and urban heat island

BCCS ENV6 – open space, sport and recreations

BCCS ENV7 – renewable energy

BCCS ENV8 – air quality

Sandwell Site Allocations and Delivery DPD (SAD) (2012)

- SAD H2 – housing windfalls
- SAD H3 – affordable housing
- SAD TRAN3 – car parking
- SAD HE1 – listed buildings
- SAD HE5 – archaeology & development proposals
- SAD EOS1 – the green space hierarchy
- SAD EOS2 – green belt
- SAD EOS4 – community open space
- SAD EOS5 – environmental infrastructure
- SAD EOS9 – urban design principles
- SAD DC4 – pollution control
- SAD DM1 – access for disabled people
- SAD DM5 – the borough’s gateways

National Planning Policy Framework (NPPF) (2023)

In particular:

- Paragraph 11 – the presumption in favour of sustainable development
- Chapter 5 – delivering a sufficient supply of homes
- Chapter 12 – achieving well-designed places
- Chapter 13 – protecting green belt land
- Chapter 15 – conserving and enhancing the natural environment

Supplementary Guidance

- Residential Design Guide SPD (2014)
- Black Country Air Quality SPD (2016)
- Planning Obligations SPD (2015)
- Building for Life SPD (2011)