



Planning Committee

Report of Head of Planning and Building Control on 21 June 2021

Plans List Item Number: 8

Reason for bringing to committee

Called in by a Councillor

Application Details

Location: 13, BUCHANAN ROAD, WALSALL, WS4 2EW

Proposal: DEMOLITION OF NO. 13 BUCHANAN ROAD AND ERECTION OF 2 DETACHED DWELLINGS FRONTING BUCHANAN ROAD

Application Number: 20/1608

Case Officer: Sally Wagstaff

Applicant: Mr J Patel

Ward: St Matthews

Agent: Fox Architects Ltd

Expired Date: 12-Mar-2021

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

Time Extension Expiry:

Recommendation

Refuse Permission



Proposal

The proposal relates to the demolition of no. 13 Buchanan Road and erection of two detached dwellings fronting Buchanan Road. The properties are of three stories with four bedrooms in each dwelling.

The dwellings measure:

- 10 metres in width
- 15 metres in depth
- 5.8 metres to the eaves
- 9 metres to the ridge

The new dwellings would provide the following accommodation:

- Ground floor – living room, snug, office, wc, utility and kitchen diner
- First floor – three bedrooms, bathroom, one bedroom with en-suite
- Second floor – Attic

The external facing materials include brick to the ground floor, render to the first floor and attic window and a clay tile roof.

The original proposal included two dwellings facing Buchanan Road and one facing Cameron Road. The property facing Cameron Road has been omitted from this application as a result of discussions with the agent regarding concerns on this aspect of the scheme.

The amended design also includes:

- Roof height reduction
- A dormer window within the roof space
- Half hip and gable roof design
- Gable to the front elevation
- Canopy above ground floor
- Obscurely glazed side elevation windows

Local residents and interested parties have been re -consulted on amendments to the application including the change to the description of development. Amended site notices were also put up on Buchanan Road and Cameron Road to alert local residents to the change in the description of development.

The application is accompanied by the following:

- Arboricultural Impact Assessment produced by Eden Arboriculture Ltd December 2020
- Phase 1 Bat Survey produced by Ridgeway Ecology - 16th July 2020
- Updated Bat Survey produced by Ridgeway Ecology – 21st Feb 2021
- Planning Statement produced by Landmark Planning – December 2020
- Ecology response produced by Ridgeway Ecology – 13th April 2021

The agent has also submitted the following points in response to some of the concerns raised by local residents:

- A street scene has been provided showing the roof level in-between number 11A & 13A,

- It has been stated that the new dwelling would take light away from those on the opposite side of Buchanan Road but these are to the south-west of number 13 so there will be no loss of light.
- No 18-20 are already 3 storey dwellings and are obscured by a large tree with TPO in place and the properties are at an oblique angle so there will be no direct views.
- For number 22 – there is an existing low-level tree planted on the front garden that shields the ground floor windows and this will be reinforced by the planting of a semi-mature tree in number 13B garden. This tree will then obscure any view from 13A of number 22.
- From plot 13B the window positions would not differ from that of the existing dormer bungalow and if this was still felt to be an issue a further tree could be planted to provide more obscuring.
- There is only one first floor window on number 22, all the light and views would be from the 12 existing roof lights and side facing dormer. A point to note is the on the front of both 13A & B, the central first-floor windows are obscure glass to the en-suite rooms.
- Concerning number 24 there are more windows to the front but the existing mature coniferous trees retained on the boundary of number 15 obscure out all views from 13b to number 24 as noted by the separation distance maker on the attached plan. The separation distance between 13a and number 24 is 40 metres and is at such an oblique angle there is no direct view of the properties.
- The 2 new dwellings have 3 spaces demarked which allow a car to enter and leave the driveway in a forward motion. If a car can reverse out on the road which is commonplace to virtually every house along Buchanan Road there is space for a further 2 cars in each driveway. Which would allow for visitor parking.
- As noted in the planning statement the parking ratios are per Walsall Councils' highways policy. The site is in a very sustainable location and there will be no impact on the existing highway infrastructure.

Site and Surroundings

The site currently hosts a dilapidated detached dormer bungalow set within a large plot. The bungalow is set back from the highway with an 'in' and 'out' driveway and a small grassed area to the front elevation. The plot is approx. 23 metres in width with a rear garden approx. 25 metres in length. The land level increases towards the rear boundary. The boundary joins the public highway of Cameron Road. The site has a disused garage and existing dropped kerb for access into the site from Cameron Road.

The site, along with neighbouring property no. 15 has an area TPO. There are a number of protected trees and vegetation within the rear garden area.

The site lies adjacent to Arboretum Conservation Area. Properties opposite the site are included within the Conservation Area, their rear gardens adjoin the boundary with the Arboretum Park.

The area has a residential character which consists of a mix of large detached houses, semi-detached properties and bungalows of individual design, styles, sizes and ages.

The neighbouring houses include:

11a Buchanan Road

No. 11a Buchanan Road sits to the east of the site and is two storey detached property on the corner of Buchanan Road and Cameron Road. The property has recently undergone extensions to the front and rear with a detached garage. The planning approval included render to the front elevation and the use of timber cladding to the rear. The property has 4 ground floor side elevation windows facing into the site which serve a playroom and living area. The first floor side elevation window serves a bedroom. There is a separation distance of approximately 5 metres between the proposal and the side elevation of this property.

15 Buchanan Road

No.15 Buchanan Road sits to the west of the site and is a two detached property, traditional in design with two gable features to the front elevation. The property has a garage with dormer window which abuts the application site. The property has a number of extensions. There is a separation distance of approximately 1 metre between the proposal and the side elevation of this property.

This property is also within the ownership of the applicant.

22 Buchanan Road

No. 22 Buchanan Road lies opposite the site within Arboretum Conservation Area. The property is a rendered detached bungalow. There is a separation distance of over 30 metres between the application property and this dwelling.

20 Buchanan Road

No. 20 Buchanan Road lies opposite the site within Arboretum Conservation Area. The property is two storey end of terrace dwelling of arts and crafts design with a small gable which extends into the roof space. This property forms the first in a row of 6 terraced properties which are all similar in design. There is a separation distance of over 30 metres between the application property and this dwelling.

Relevant Planning History

20/1572 - T1 Rowan Tree - Fell to ground level. G1 Ash Trees - Fell to ground level. G2 Elder and Prunus Tree - Fell to ground level. G3 x4 Ash trees and 1 Prunus tree - fell to ground level. Grant Consent to Conditions 01/04/21.

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 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) 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. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act ’) sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public

bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- EN1: Natural Environment Protection, Management and Enhancement
- T5: Highway Improvements

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
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Local Highways Authority

Support application

Pollution Control

No objection. Conditions are required to install ultra-low NOx boilers and electric vehicle charging points, and to control impacts during construction activities.

Severn Trent Water

No objections and no drainage condition required. An Informative has been provided for the applicant.

Strategic Planning Policy

No objections- The proposal will add to the supply of housing and can potentially be supported by the NPPF paragraph 59, subject to the impact on trees, bats and residential amenity.

Tree Preservation Officer

Objection – Proposal has an unacceptable impact on the protected trees through the removal of G19, the likelihood of premature decline/death or instability of H25 and the pressure to significantly prune T23 to allow any future occupiers reasonable enjoyment of their properties.

West Midlands Fire Service

Support application subject to compliance with Building Regulations

Representations

51 objections have been received by 22 addresses over the course of the application. On submission of amended plans which includes omitting the proposed property facing Cameron Road and changes to the design of the two properties on Buchanan Road, local residents and interested parties have been re-consulted. The previously proposed property on Cameron Road does not therefore form part of the assessment of this current application. Comments received relating solely to this aspect of the superseded scheme are no longer material considerations in the determination of the application.

The grounds for objection relating to the amended scheme for the two properties on Buchanan Road are as follows:

Officer comments in italics

- Congestion on Buchanan Road due to visitors of the Arboretum, an additional household will increase this.
- The properties will not be able to accommodate 3 car parking spaces each off road resulting in parking on street
- Loss of privacy to properties on Buchanan Road due to elevated plot and three storey properties overlooking habitable rooms
- Loss of privacy due to proposed window positions in relation to immediate neighbour's property.
- Overdevelopment of the site due to scale, mass and number of properties proposed - site suitable for a single dwelling
- Development is not appropriate immediately adjacent Walsall Arboretum Conservation Area
- Design of the two properties is not in keeping with character and appearance of the area in relation to footprint, height, gaps between properties.
- Reduction in garden sizes is not representative of gardens on Buchanan Road
- No. 15 Buchanan Road has had a number of extensions which increases footprint over and above those of neighbouring properties (*The previous extensions and overall size of no.15 Buchanan Road do not form part of the assessment of this application*)
- The applicant is misleading local people by removing the bungalow on Cameron Road to submit a new application at a later date. (*This application does not preclude the applicant submitting further applications on the site*).
- Proposal would set a precedent for future development of this nature(*Each application is assessed on it's individual merits*)
- Proposal would result in the removal of a large amount of top soil and sub soil to reduce the height of properties which would impact the environment and neighbouring properties
- Excavation for the new property could result in subsidence to neighbouring property (*The proposal is required to meet the relevant building regulations for*

excavations of foundations, nevertheless the neighbouring resident may wish to seek party wall advice. This is a civil matter and is not a material planning consideration).

- Proposal results in a loss of trees and ecological habitats including habitats for bats, hedgehogs, foxes, squirrels and possibly newts.
- Bat survey carried out in the winter - An emergence and re- entry should be carried out in the summer months as recommended by Bat Conservation Trust *(The initial survey was carried out in July 2020 with a further survey on the trees carried out February 2021. No further surveys are considered necessary)*
- Gardens of no. 13 and no. 15 are being neglected and becoming overgrown – gardens need to be maintained under a restrictive covenant under the Buchanan Trustees of this area. *(These are not relevant material planning considerations in the determination of this planning application).*
- Inaccuracies in the drawings, solar panels shown on some not all drawings *(the solar panels have been omitted from the front elevation roof planes of both properties).*
- Inaccuracies between line drawings and the 3D images of the properties in terms of the entrance to the properties *(the officer is not certain as to which line drawing the objector is referring to. It is considered that sufficient overall information has been submitted to enable an assessment to be made).*

3 comments of support have been received, one of which from the applicant. This has not been taken into consideration due to their interest in the application. Comments of support relate to:

- Site is currently overgrown and needs attention
- Removal of derelict bungalow will be a significant improvement to the residents of Buchanan Road.
- The detached properties are in keeping with the size of both no. 11 and no. 15
- Design is in keeping with the number of storeys of properties opposite the site

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Trees / Protected Trees
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The proposal will replace one dwelling with two dwellings. The application site is within a suitable location, close to Walsall Town Centre and within walking distance to public transport links across the borough.

The proposal will add to the supply of housing and the principle is therefore

considered acceptable in line with NPPF paragraph 59, subject to all other material considerations to follow in this report.

Heritage Assessment

The application site lies adjacent to Arboretum Conservation Area. The site includes the Arboretum Park but also the roads and buildings which adjoin its boundaries. This includes property no's. 8-48 of Buchanan Road and 33-41 Buchanan Avenue.

The buildings within the Conservation Area are not limited to one architectural style, the character of the area is leafy with long rear gardens.

It is acknowledged that the demolition of the property and replacement with two properties would result in visual change in the streetscene, nevertheless it is considered the proposed development would not detract from the way in which the Conservation Area would be experienced as a whole as such the development would not cause harm to the character or appearance of the Conservation Area.

Design, Layout and Character

The proposal relates to the demolition of a traditional bungalow and replacement with two detached properties of three stories. The proposed properties are larger than the bungalow resulting in addition mass within the street scene. The width and depth of the properties are considered reflective of the immediate neighbour's no. 11 and no. 15 with evidence within the streetscene of three storey properties (no's. 42-48 Buchanan Road).

In response to concerns raised regarding the height of two dwellings in comparison to neighbouring properties, the overall height has been reduced. The eaves height of 13A is reflective of no. 11A and the eaves height of 13B is reflective of no. 15. This results in 13A and 13B having marginally different eaves and ridge heights. It is considered that the proposed properties would not be detrimental to the character of the area.

In relation to comments made by local residents regarding the height of the properties, it is considered that whilst the site is elevated in relation to properties opposite, the overall height would not be overly dominant as to be incongruous within the streetscene.

The existing plot has been halved in width to accommodate two properties rather than one. Whilst the two neighbouring properties sit within wide plots, this is not reflective of the wider streetscene. There are a number of semi-detached properties which have comparable plot widths.

The current rear garden has been reduced in width and depth due to the applicant removing a section of the garden from the application site. The retained rear garden would be approximately 19 metres in length which accords with guidance within

Designing Walsall SPD in relation to acceptable amenity levels. Whilst the garden size is smaller in length than those on Buchanan Avenue, the corner plot of no. 11A, Buchanan Road, properties no's. 2-6 Cameron Road and no. 2 Argyle Close have smaller triangular rear amenity areas. It is considered that the proposed reduction in garden size would undermine the character of the area.

Buchanan Road is characterised by irregular gaps between properties. A 5 metre gap is proposed between no. 11A and 13A, a 1.3 metre gap between 13A and 13B and a 1 metre gap between 13B and no. 15. The roof height of no. 15 next to 13B. It is considered that the gaps between the properties would not result in a terracing effect within the streetscene. The properties are set back from the highway and would be no further forward than the neighbouring properties which reflects the building line of the streetscene.

It is acknowledged that the overall roof shape is unique to the proposal, nevertheless roof shapes within the streetscene include; hipped, gable, catslide, pyramid and flat roofs. The design of the property includes architectural features found within the streetscene with the introduction of the dormer within the roof space taking cues from properties adjacent to the site. The property has modern design elements such as the style of the boundary treatment and glazing around the entrance but the fenestration details reflect those adjacent to the site. The palette of materials includes render and brickwork which is considered acceptable, the street scene has both brick and rendered properties. A condition would be sought for approval of all external materials to ensure satisfactory appearance of the development.

On balance, it is considered the proposal would not result in a development which would be unduly dominant within the streetscene as to be detrimental to the character of the area.

Amenity of Neighbours and Amenity of Future Occupiers

The proposal complies with the 45 degree code measured from the nearest rear ground and first floor habitable room windows within both neighbouring properties. This code is used to assess the impact on light and outlook. It is considered the proposal would not result in a loss of light nor outlook from rear habitable room windows within 11A and 15 Buchanan Road.

The outlook from side elevation habitable windows of 11A would alter due to the height of the proposed dwelling nevertheless, a gap of 5 metres will be introduced between the two properties. The windows within ground and first floor of the side elevation of 11A are secondary windows with the main outlook gained from the front and rear windows/patio doors. It is considered the proposal would not result in an undue loss of outlook from habitable room windows within the side elevation of this property as to limit the amenity of the occupiers and future occupiers of the dwelling.

Windows within the side elevations of the proposed property serve non habitable rooms, including a w.c and utility. The agent has advised the windows and the door

will be obscurely glazed as to limit the potential for overlooking neighbouring habitable room windows. A suitably worded condition is recommended to this effect. It is considered that the proposal would not result in an undue loss of privacy enjoyed by the two immediate neighbouring properties.

The proposed properties are positioned at a distance of over 30 metres from properties opposite the site, no's. 20-24 Buchanan Road. It is acknowledged that through the introduction of first and second floor windows the proposal would result in an element of overlooking neighbouring amenity, nevertheless the proposal complies with Walsall Council Designing Walsall SPD in relation to separation distances between habitable room windows. To add, the relationship between the proposed houses is replicated throughout Buchanan. It is considered the proposal would not result in undue overlooking neighbouring habitable rooms as to warrant refusal of the application for this reason.

The proposed development would provide an adequate standard of living in relation to room sizes and garden amenity for future occupiers.

The application site is located within a residential area and Pollution Control Officers recommend conditions for a Construction Management Plan to control noise, dust and debris affecting local residents. The Construction Management Plan should also contain a restriction of construction and demolition working hours which can also be conditioned.

Pollution Control is of the opinion that the Application falls under the Type 1 category set out in the Air Quality SPD, therefore a condition is recommended for the installation of an electric vehicle charging points within the residential unit and for low NOx boilers.

Highways

The two dwellings have 3 parking spaces each which accords with T13 parking policy.

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.

Ecology

The application has been accompanied by a Phase 1 Bat Survey produced by Ridgeway Ecology on 16th July 2020. The existing bungalow was surveyed on the 13th July 2020 for potential roost sites and signs of bats.

The survey concluded the bungalow to be of low bat roosting potential; no evidence of bats was recovered during the internal and external building inspection.

Further to the initial submission, an updated Phase 1 Bat Survey produced by Ridgeway Ecology was submitted on 21st February 2021. This was carried out on 20th February and relates to the survey of several trees on the site documented in the

arboricultural report “*Tree Survey and Constraints Assessment BS5837:2012 by Eden Arboriculture, dated 3rd November 2020, ref: EA-2020-100 (TCA)*” to identify any of bat roosting potential. It concluded none of the trees listed in the above survey contained any potential features for bats.

The Ecologist is satisfied the proposal is unlikely to have an impact upon bats and no further survey work is necessary. In line with the recommendations set out, conditions will be attached in relation to an ecologist being present on site during removal of roof tiles.

The site provides an opportunity to improve the roosting opportunities for bats within the area. Informative are recommended to encourage bats to roost within the site.

Local residents have advised Great Crested Newts could be present on the site. In response to this, Ridgeway Ecology have subsequently submitted a letter on 13th April 2021 to advise, “*Given the water quality, the small size of the pond, the lack of ponds within the area, the shading of the upper pond, the habitat surrounding the pond comprising mainly mown lawn and the lack of aquatic vegetation suitable for egg-laying it is unlikely to be used by great crested newts. Nevertheless, if great crested newts were to be present, the result of Natural England’s Rapid Risk Assessment for Great Crested Newts predicts that the risk of offence being committed would be “highly unlikely” given the distance of the pond from the development site and the area being affected*”.

As a precaution, informative notes would be included on any approval to protect and conserve Great Crested Newts should they be present on site.

Policy ENV1 of the Black Country Core Strategy states “that adequate information must be submitted with planning applications for proposals which may affect any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. It is considered that the applicant has provided sufficient information as to assess the effect on wildlife habitats on site.

Trees/Protected Trees and Vegetation

Properties 13 and 15 Buchanan Road are subject to a Tree Preservation Order - 13/2020 which was made permanent on 19th April 2021. The Order prohibits anyone from cutting down, topping, or lopping any of the trees within no. 13 and no. 15 Buchanan Road without the Council’s consent. Before the TPO was made permanent, the applicant received consent to fell to ground a number of trees within the rear of no. 13 Buchanan Road (as described in recent planning history above). It was considered the proposed works are acceptable as the trees subject to the application did not provide a significant contribution to the amenity of the area, and they would not be considered worthy of inclusion in a more specific TPO. However, Members of Planning Committee on 1st April 2021 requested that Officers take account of new tree planting for any potential future development of this site.

As specified with Arboricultural Impact Assessment produced by Eden Arboriculture,

the following trees are proposed to be removed due to conflicting with the foot print of the building:

T2 Birch
T7 Apple
T8 Ash
T9 Hawthorn
T10 Plum
T11 Rowan
G19 Lawsons Cypress x2
T20 Rowan
T24 Ash

The trees specified above have been categorised within the report as C and U as they considered to be of low quality. The author considers and their removal would not have a “significant negative impact on the visual amenity on the visual amenity of the site in my opinion”.

The report concludes the proposed buildings would be at a sufficient distance from retained trees to make direct damage unlikely subject to proper engineering. It adds, shading onto buildings and patio areas is considered minimal. Also that majority of vegetative screening around the boundary will be retained.

Further to the submission of this report the Tree Officer raised objections in relation to the findings of the survey. It was advised further information was to be supplied to conclude the assessment.

The applicant has provided a response to the Tree officer concerns nevertheless it is considered the amended information does not overcome concerns raised in order to remove the objection. The Tree officer concludes with the following points:

1. T23 Oak –T23 remains a significant constraint on the private amenity space for both proposed plots. I remain unconvinced that the rear garden areas complies with the guidance in Site Layout Planning for Daylight, which states at section 3.3.17 - If ... an existing garden ... does not meet the above (half the garden should receive at least 2 hours of sunlight on March 21) ... then the loss of sunlight is likely to be noticeable. This is corroborated in British Standard 5837:2012 at section 5.3.4a)2) where it states “**Shading of open spaces**. Open spaces such as gardens and sitting areas should be designed to meet the normal requirement for direct sunlight for at least a part of the day.”
2. The amended drawings (20005-P00-(02-04) Rev 04 and 20005-P00-005-Rev 03) now show some of the trees that were previously omitted. Specifically G19 on the rear flank boundary with 11 Buchanan Road (and immediately adjacent to T18 Holly). Object to the removal of these trees as they provide a useful amount of amenity value to the locality, as well as a good amount of screening to the neighbouring property.
3. T24 Ash, a multi-stemmed Ash - proximity of this tree to the nearby buildings will cause problems in the future and its removal is considered acceptable on

these grounds only.

4. Re-aligned driveway would still have a detrimental impact on the long-term health and condition of H25 through significant root severance. Object.

Saved policy ENV18 of the Walsall Unitary Development Plan states that “development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order”. It is considered that the proposal would result in unacceptable impacts on the protected trees through the removal of G19, the likelihood of premature decline/death or instability of H25 and the pressure to significantly prune T23 to allow any future occupiers reasonable enjoyment of their properties. Furthermore, it is considered that there is unlikely to be sufficient space within the site to allow any necessary mitigation / compensatory planting to be provided without potential detriment to existing protected trees or without compounding the issues set out in this refusal reason.

To conclude, it is therefore considered that the proposal is likely to cause significant harm to protected trees and therefore the proposal is contrary to saved policies GP2, ENV18 and ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and the National Planning Policy Framework.

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 a net gain of 1 new home.

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 proposal would have an adverse impact on protected trees within the site and third party land. The proposal is contrary to saved policies GP2, ENV18, ENV23 of the Walsall Unitary Development Plan. Policy ENV1 of the Black Country Core Strategy and Walsall Council’s SPD ‘Conserving Walsall’s Natural Environment’ NE10. It is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing and negotiation those with the applicant during the course of this application. However, significant concerns remain on protected trees as set out in this report and the application cannot be supported for this reason.

Recommendation

Refuse Permission

Conditions and Reasons

1. The proposal would have an adverse and unacceptable impact on protected trees through the removal of tree 'G19', the likelihood of premature decline/death or instability of 'H25' and the pressure to significantly prune 'T23' to allow any future occupiers reasonable enjoyment of their properties. Furthermore, it is considered that there is unlikely to be sufficient space within the site to allow any necessary mitigation / compensatory planting to be provided without potential detriment to existing protected trees or without compounding the issues set out in this refusal reason. The proposal is therefore contrary to saved policies GP2, ENV18, ENV23 of the Walsall Unitary Development Plan. Policy ENV1 of the Black Country Core Strategy and Walsall Council's SPD 'Conserving Walsall's Natural Environment' NE10.

END OF OFFICERS REPORT