

Planning Committee

Report of Head of Planning and Building Control on 01 April 2021

Plans List Item Number: 3

Reason for bringing to committee

Significant community interest

Application Details

Location: 25, SEEDS LANE, BROWNHILLS, WALSALL, WS8 6HU

Proposal: DEMOLITION OF 25 SEEDS LANE AND ERECTION OF 5NO. 3 BED BUNGALOWS

Application Number: 20/0312

Case Officer: Gemma Meaton

Applicant: J Hadley

Ward: Brownhills

Agent: J Mason Associates Ltd

Expired Date: 04-Jun-2020

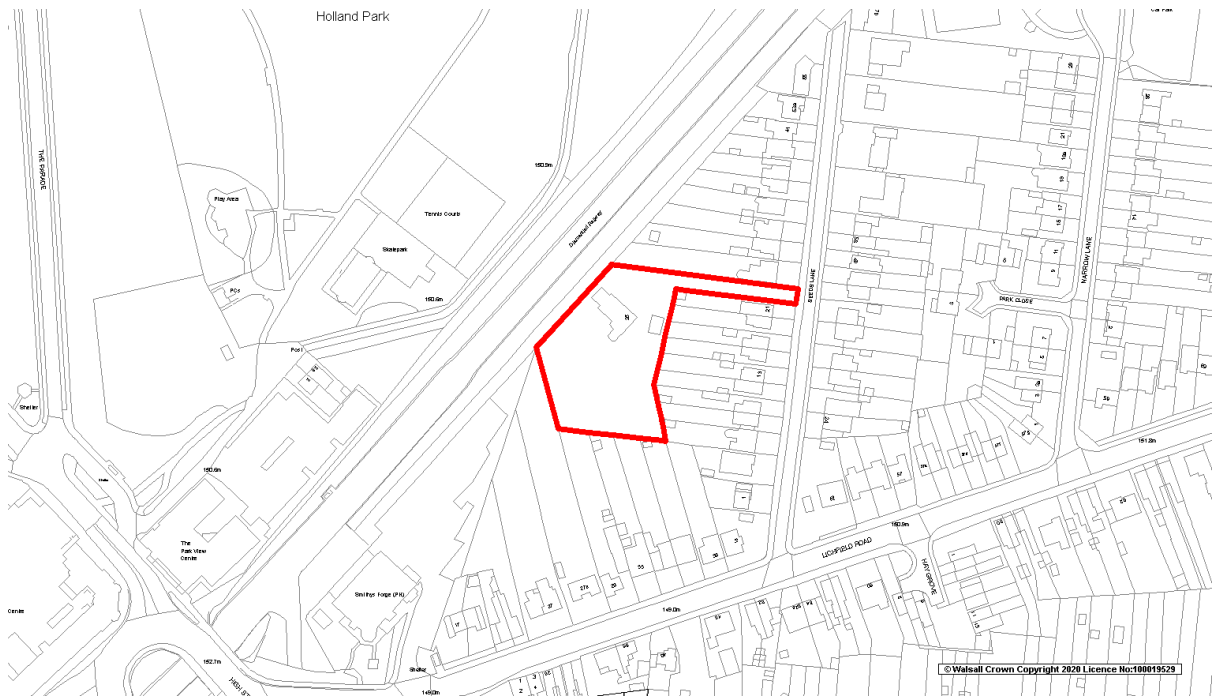
Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)

Time Extension Expiry: 27-Aug-2020

Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions subject to:

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed



Proposal

The application proposes the demolition of the existing dwelling and the construction of 5no three-bedroom detached bungalows (Use Class C3) making use of the existing main access while providing driveways, parking and landscaping. The existing access is 5.2m wide and would be provided with a pedestrian footway of 1.2m in width and would have a widened area to accommodate a rubbish bin collection point not further than 25m from the highway.

The houses would be set away from the rear garden boundaries of existing properties on Seeds Lane by at least 3.5m. The proposed houses would be set around a new cul-de-sac, and each provided with driveway parking and garages to accommodate at least three vehicles. The bungalows would have a maximum height of 5.5m and would range in footprint from 129m² to 158m² including integrated garage space. Each dwelling would be set within its own amenity area ranging between 144 and 295m² per property. A design and access statement and planning statement accompany the application.

Site and Surroundings

The site is an existing residential property and garden area set behind residential dwellings on Seeds Lane, measuring 0.36hectares. The existing access road to the proposal is 5.2m wide with a footpath on the south side and is located between No 23 and No 27 Seeds Lane.

Seeds Lane is a residential cul-de-sac located within walking distance (250m) of the facilities and services on Brownhills High Street, which is recognised as a district centre. The site is within the regeneration corridor provided by the Black Country Core Strategy (BCCS Policy RC1).

Dwellings in the area are a mix of one and two storey and are mostly semi-detached with some detached dwellings in a mix of modern styles. The urban form provides for generous amenity spaces with long gardens in excess of 25m where they back onto the application site. The site is surrounded by residential development to the north south and east off Seeds Lane and Lichfield Road (B4155, and is bounded by McClean Way a former railway line, and Holland Park beyond.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 11 – Making effective use of land**
- **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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows

- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- 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

Arboricultural Officer

No objection subject to the tree protection measures and a full landscape plan being submitted.

Strategic Policy – No objection. The proposal will make more effective use of land to increase the supply of housing, so is supported in principle by the NPPF, in particular paragraphs 59 and 117.

Clean and Green (Waste Management)

No objection - from a waste collection perspective this is acceptable. Staff will fetch the bins from the presentation point and subsequently return them following collection.

Fire Officer

No objection but makes comments on water supplies for firefighting and vehicle access for a pump appliance within 45m of all points of each dwelling.

Housing Standards

No comments to make

Local Highway Authority

No objection to amended plans, conditions to be provided

Pollution Control

No objection subject to the applicant agreeing measures to be implemented to comply with the Black Country Air Quality SPD and construction management plan.

Severn Trent

No objection subject to a drainage condition being applied to any decision notice

West Midlands Police

No objection but makes general comments on security in accordance with Secure by Design, including fencing adjacent to McClean Way, external LED sensor lighting, placing gates to the rear of properties on the front building line, door standards and CCTV.

Representations

18 neighbouring properties objected to the proposal, issues highlighted can be summarised below. Officer comments are provided in *italics* where appropriate

Highways

- Narrow width of the access road insufficient for two cars to pass, turn on the site
- Increase in volume of traffic creating noise and disturbance
- Impact on safety due to increased traffic
- Access for emergency vehicles also refuse collections, recycling its impact on more bins etc. on the pavements.
- Increase in parking along Seeds Lane
- Need for tracking plans to be provided *vehicle tracking was provided with amended plans and was part of a re-consultation*
- Upkeep of the access road after the completion of the development

Utilities

- Impact on the surrounding sewer system
- Lack of detail as to proposed drainage arrangements *Severn Trent has requested the inclusion of a drainage condition which is included*

Urban form

- Overdevelopment of the site / dominate and subsume the area
- Minimal separation of access road to surrounding properties
- The proposal fails to respect the surrounding linear pattern of development.
- Development would result in a cramped form of back land development that is not in keeping with the surrounding linear pattern of development.
- Single-storey development is at odds with the surrounding dwellings
- The development would harden a Greenfield site

Noise / Light / Air pollution

- The intensification in use through increased vehicle movements including cars and delivery vehicles serving five dwellings will lead to an increase in noise and disturbance that will have a detrimental impact surrounding properties
- The current surfacing of gravel would also compound this matter
- Displeasing streetlights which will be situated in the new development and these impacting the current residential amenity
- Lights from vehicles coming out of the access would shine into the opposite property
- Air pollution with the potential of 15 additional vehicles

- The proposal will impact on light levels to surrounding gardens

Visual amenity

- Impact on view from gardens and bedrooms
- Unsightly development
- Close proximity of the buildings to gardens.

Privacy / overlooking

- The proposal would result in the introduction of windows at ground floor level from properties that would directly overlook the private amenity space and habitable room windows surrounding properties.
- The development would harm the enjoyment of the dwellinghouse and private garden area, as they would have the feeling of being constantly overlooked.
- Residents would be able to see directly into rear of existing properties
- Request a high fence is erected along rear gardens to protect privacy.
- We are concerned regarding the close proximity of the buildings to our boundary fence.

Character of the Area

- Impact on the ambience of the lane
- This part of Seeds Lane is primarily characterised by a linear form of development with two-storey dwellings conforming to an established building line set back off the highway. Intensive back land development is not characteristic of this area.
- Out of place in its surroundings and unacceptably harmful to the street scene and the character and appearance of the area. It would appear as an incongruous development, poorly related to the surrounding development, as well as a cramped form of development.
- Seeds Lane is known for being a quiet lane, with limited traffic on it. If the number of dwellings is increased to accommodate another 15 cars moving back and forth, the lane will stop having the charm and character it currently has and it will become a noisier, less pleasant place to live.

Ecology / Trees

- The demolition of dwelling order to redevelop the site is inappropriate and environmentally irresponsible.
- Potential impact on trees surrounding the property as a result of development
- Impact on wildlife in the area
- There were trees on the site that were removed by the current occupants
- No comprehensive landscaping plan detailing soft and hard landscaping measures, or a maintenance and management plan for the landscaping at the site has been provided.
- Limited space available for soft landscaping.
- No Tree Survey has been provided in support of the application. No ecological assessment of the site and building to be demolished has been provided. *The submitted information has been considered sufficient to determine the application*

Boundary Treatment

- Who will be responsible for replacing the fence panels at the bottom of our garden which so frequently blow out due to bad weather? *This issue would be a civil matter upon operation of the development*
- The 'existing close board fence' that is to 'be retained' between our property and the proposed new property does not currently exist.

- How will they arrange to replace the existing fence which we have colour matched to our panels and the effect on my climbing plants already in situ.

Security

- The access surrounding properties will increase from the new roadside. This is a concern for potential increased burglary risks.

Refuse Bins

- As there would be an additional four properties joining this road where will the refuse bin be placed?
- Residents should not be required to carry waste more than 30m to the storage point.

Principle / Legal

- The site is not 'underutilised' as suggested in the application – there is a dwelling on the property.
- Impact on value of residential properties *not a material planning consideration*
- There is a large volume of national policy and legal precedent which states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, the proposal is not in accordance with the plan.
- Certificate A was submitted within the Application Form, the visibility splay at the access would be outside the owner's property therefore Certificate B should have been provided and notice served accordingly. *The development boundary has been deemed acceptable, the application form and attendant certificate are appropriate and the application is valid.*
- The proposal is contrary to both local and national planning policies and does not comprise sustainable development. Allowing this development could set a dangerous precedent.

Existing Business Use

- The premises has been running a garage door business from the residential premises. This has caused widespread disruption and would not be compatible with the proposal. *The LPA has an ongoing enforcement case with regard to the alleged business operations on the property. This application does not include a business element in the proposal therefore regardless of the outcome of the application a business use would continue to be investigated.*

Issues during construction

- The operation of a construction site will cause extra traffic, some of which will be parked in the lane itself.
- The additional problems of vehicle pollution, dust & dirt, noise pollution & invasion of our privacy by the construction workers.
- Asbestos removal needed for demolition
- Request assurance that any damage to rear fence is rectified by developers

Determining Issues

- Principle of development
- Design and character of the area
- Impact upon neighbouring occupiers
- Amenity of future occupiers
- Air Quality
- Trees and Landscaping

- Access and parking
- Local finance considerations

Assessment of the Proposal

Principle of development

The site is a developed area that is currently used as garden land, although this is excluded from the definition of 'previously developed land' included within the National Planning Policy Framework, the NPPF paragraph 118 d) states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The application site accommodates a single dwelling on 3,600m², which is a clear under-use of the property where surrounding properties are between 350 and 1000m².

The proposal is also supported by paragraph 59 and 117 of the NPPF which relate to land to allow the sufficient supply of homes, highlighting that : "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed" and that "decisions should promote an effective use of land".

SAD Policy HC2 also states that the provision of housing on other previously developed sites not listed in Table HC1 will be encouraged provided a satisfactory residential environment can be achieved and provided the proposed use would not constrain the use or development of any adjacent land. These considerations will be considered as part of the discussion below.

The site is considered a sustainable location. The Brownhills district centre is accessible 250m from the site, where there are shops, leisure, employment, and transport opportunities available.

Planning policy supports the development subject to it being acceptable in other respects. It is therefore considered that the principle of development can be supported.

Design and character of the area

The houses along Seeds Lane vary in design and style. Although most houses on the northern side of the road are two storey, those to the south are smaller bungalows and there are a mix of detached and semi-detached dwelling types. The proposal for bungalows is therefore considered consistent with the character of the area.

The area is also characterised by a suburban grain, Seeds Lane is a residential cul-de-sac with dwellings arranged traditionally with rectangular rear gardens around the access road. Surrounding streets are similarly orientated which creates a linear north south pattern of development with streets off Lichfield Road, terminating in cul-de-sacs where they meet the former railway line (now McClean Way), notably Narrow Lane and Barnetts Lane . This pattern is punctuated by short east-west orientated cul-de-sacs branching from these, from the western side of these streets – Sandy Grove, Everside Close and Park Close. The proposed development is therefore strongly representative of this design character, and while back land development can sometimes be at odds

with the local street pattern the proposed scheme in this instance is particularly indicative of it.

The proposed development would create a new cul-de-sac to the rear of the existing development on Seeds Lane. As such, although it is important that the development respects the surrounding character the introduction of a localised design scheme in terms of colours, form and materials would not impact on the surrounding street scene or character of the area. That said, the proposed development would mirror the surrounding area by making use of locally prevalent materials in red-brick and grey roofing tiles with a clean modern design. Design elements include large windows, hipped roofs that minimise their bulk and small brick gables over canopied porches, which are repeated throughout the development and give a sense of identity to the scheme while integrating well into the surrounding character. It is considered that the proposed dwellings would create a high quality public realm.

Some objectors have raised concerns with regard to security. The boundary treatment surrounding the site would be constructed from a 1.8 metre close-boarded fence and it is recommended that an additional 0.3m trellis on top would minimise any potential increased access and an increase in crime. The proposed properties are single storey and as such create improved passive surveillance on the site through ground floor windows. West Midlands Police have provided inputs regarding improved security. A suitably worded planning condition can ensure that details are provided to ensure a safe and suitable scheme is created.

The design of the proposed houses would be reflective of the character of the area and as such can be supported in this respect.

Impact upon neighbouring occupiers

The side elevation of proposed dwellings 2 and 3 would be set at least 3.7m from the rear boundary fences of the surrounding properties on Seeds Lane. Gardens on this part of Seeds Lane are particularly long meaning that the proposed bungalows would be at least 35m from the rear elevation of the closest properties at 7, 9 and 17 Seeds Lane. The rear elevation of proposed dwellings 3, 4, and 5 would be at least 9m from the boundary to Lichfield Road, and 50m from their rear elevation.

Since the proposed development would comprise single storey bungalows there is no specific separation distance required by policy, however the proposal would continue to be well in excess of the 24m guideline requirements that would apply to two storey development with first floor windows capable of overlooking. No overlooking would be created as a result of the proposal since there would be no windows above the ground floor and boundary treatments would be maintained or provided surrounding the properties. Some objectors have expressed concern with regard to the construction of boundary fences, their replacement and potential damage to existing landscaping on surrounding properties, it is therefore recommended that details be submitted showing how the boundary treatment is to be installed and the proposed design of any new boundary treatments. It is considered that 1.8m minimum heights are required with additional trellis toppers to rear gardens in order to prevent overlooking and maintain

security to the existing and proposed dwellings. Concerns with regard to privacy have also prompted the amendment to proposed landscaping details providing an additional hedgerow planting screen along the boundary with the rear gardens along Seeds Lane, with a density of 4 plants per linear metre provided. The proposed landscaping would contribute by providing an additional sound buffer and also by creating an additional stand off for activity within the rear amenity spaces within the proposed properties.

The maximum height of the proposed buildings is 5.5m to the apex of the roof. Hipped roof designs are proposed that would decrease the perceived bulk and minimise visibility from surrounding gardens. The height to the eaves would be 2.5m. The separation distances and heights are such there would be no impact from overshadowing on surrounding properties. The orientation of the development is such that the proposed dwellings would be to the west of those on Seeds Lane and to the north of those on Lichfield Road. The area to the south and west of any land is generally considered the critical orientation in terms of potential overshadowing as the majority of insolation occurs from this direction. There could be some minimal new shadowing to the ends of gardens on Seeds Lane at number 19, 17, 9 and 7 but this would be confined to the end of these gardens and would not be present for the entire day. Existing trees in the ends of these gardens are likely to have a far more significant impact on shadowing to these gardens, while it is accepted that many are deciduous and that the owners may choose to remove them at their discretion since there are no tree protection orders in place.

It is recommended that permitted development rights be removed from the proposed dwellings to prevent the possibility of the addition of additional storeys or loft conversions that could create additional overshadowing or overlooking into the surrounding properties.

The introduction of new development to the rear of existing dwellings is often finely balanced. Backland development can cause the introduction of residential use with its accompanying noise, disturbance and the general goings on of a residential property close to rear amenity areas that are protected for the peaceful, private environment they generally afford to residents. The proposed scheme is on a site which is already occupied by a residential property, meaning that residential use has been established in the area, together with the kind of activities that are associated with a dwelling house. These activities include arriving and leaving the property, the entry and exit of vehicles from the property, the use of external amenity spaces and other normal activities that could reasonably be expected within the home. The proposal would increase the intensity of this existing use, by adding 4 additional dwellings to the property.

Number 21 and 27 Seeds Lane are currently separated by the existing driveway access to No. 25. This driveway is currently in use and would likewise be subject to intensification as a result of additional comings and goings to the proposed additional properties. The driveway and turning area is currently surfaced in small gravel stones which are characterised by additional noise and potential for drag-out onto the highway. In line with the recommendations from Highways it is recommended that a condition be

attached to any decision to require that the driveway and new accesses be hard surfaced in order to prevent drag out and mitigate against some of the increased noise that would be created as a result of the added use of the property.

While the intensification would have some negative impact on the surrounding properties it is considered that it would ultimately be minimal and would not be significant enough to justify the refusal of the application in this case.

Amenity of future occupiers

The proposed bungalows would provide three bedroom accommodation and 90 and 110m² gross internal floor area. This is in excess of the requirements of the nationally described space standard that recommends 74-95m² for single storey three bedroomed dwellings dependant on their intended level of occupancy. Rooms are reasonably laid out with good access to light and a practical arrangement that minimises circulation space and maximises usable areas and storage.

The gardens to the houses adhere to the policy requirements (either 12m in length or 68m²) to ensure sufficient private space for future residents, providing well in excess of this at between 144 and 295m² per property. The design of the development minimises overlooking and overshadowing with hipped roofs and single storey development and established regular building line contributing to the low impact between the dwellings.

Given the above, it is considered that the proposed scheme would have a positive impact on the amenity of future residents and is supported from this perspective.

Air Quality

The Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD), which means that for this type of application an Air Quality Low Emission Scheme should be prepared and implemented. Objectors have raised concerns regarding the impact on air quality as a result of demolition, construction and additional vehicles in the area that could be caused during operation of the development.

Pollution Control have requested that mitigations measures be put in place to prevent unacceptable impacts on air quality. Mitigation measures include the requirement for electric vehicle charging points, and the use of low-emissions boilers, a scheme for which could be required by condition.

In addition to this, Pollution Control have requested a Construction Environmental Management Plan is secured through a suitably worded planning condition to ensure any construction impacts are sufficiently mitigated.

In light of the above, and with the proposed mitigation/conditions in place, the proposed is considered acceptable in this regard.

Trees and Landscaping

There are few trees on the application site but there are significant numbers of trees on surrounding properties. Historic aerial photography shows that there were more trees on the site in the in the south western area and in the centre of the property previously but these have been removed between 2016 and 2020, this has been highlighted by objectors. There are no Tree Protection Orders on any of these trees. Although the past loss of unprotected trees is in general considered unfortunate, it is not a material consideration in the assessment of the current planning application. Conversely, the treatment of existing trees is material to planning and neighbouring occupiers have also expressed concern as to the protection of trees on and around the site.

The tree officer has assessed the application documentation and visited the site, noting that due to the distance of the proposed houses from the boundaries, the size and proximity of the trees both on and off site the proposed layout is unlikely to have any long term detrimental impact on their health and stability provided some precautions are taken in the form of tree protection fencing. It is therefore recommended that a suitably worded condition be applied to ensure that tree protection measures are undertaken.

Additional planting in the form of hedge screening and new trees as shown on the site plan is welcomed and would be beneficial to the scheme in providing additional privacy, amenity value and in raising ecological value of the scheme. No specification is provided for the proposed planting. It is recommended that a detailed landscaping plan be submitted to provide clarity on the tree and shrub planting including location, quantity, size and species intended for the site. A suitably worded landscaping condition is therefore recommended.

In order to provide a net ecological gain it is recommended that bird and bat boxes, the use of native planting and small mammal permeable boundary treatments are incorporated into the scheme and a condition requiring their inclusion is attached to secure this as part of the development. It is also recommended that a lighting scheme be required to ensure that the impacts on the surrounding areas including any Wildlife in McClean Way are not adversely impacted, this could also be secured by condition.

With the application of conditions to protect existing trees and a landscaping condition to provide further detail on new planting it is considered that the application is acceptable from this perspective.

Access and parking

Under the terms of UDP policy T13, 2 off road car parking spaces are required per dwelling and the proposal seeks to provide driveways and garaging that would exceed this requirement.

Surrounding occupiers have objected based on the potential increased use of the access road and impact on parking in the area. The level of increased traffic is considered not to have a significant impact on the use of the lane. There are currently 37 properties that have access off Seeds Lane, an increase of 4 properties constitutes relatively small increase in the usage of the road. Objectors have commented that the access road is not wide enough to accommodate the development. The road is an existing access and is currently in use, although the proposal would intensify this use and create a situation where multiple road users may need to enter and leave the site at one time. The access road is straight and has a length of approximately 70m and a width of 5.3m. It is proposed that a footway of 1.2m is provided. The remaining width of 4.1m would be sufficient for two vehicles of 2m width each to pass each other. The Manual for Streets provides several scenarios for street width without providing a minimum, other than to highlight that the minimum width for Fire access is a kerb to kerb width of 3.7m, and that decreased width is a useful tool for traffic calming.

Vehicle tracking has been provided that shows that a fire service vehicle and refuse truck could access the site. Access by emergency services and service vehicles had been raised by objectors. The amended proposal includes an area where refuse bins can be presented on collection day which would mean that a refuse truck would not need to access the site. The area would not compromise the use of the access during this time. The Waste Management has commented that they would find this arrangement acceptable. The Fire Officer has no objection to the proposal but makes comments on adequate water supplies and fire appliance access. These issues are matters to be dealt with under Building Regulations.

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 four new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The proposal is compliant with the NPPF and the Development Plan, the proposal would made good use of a site in an accessible location. The design of the proposed dwellings is considered acceptable, and in line with the character of the area. The proposal would not unduly harm the amenities of neighbouring occupiers, on Seeds Lane and on Lichfield Road. The proposal provides sufficient off road parking spaces and will not cause significant harm to highway safety.

The proposal complies with the NPPF, policies GP2, ENV10, ENV11, ENV14, ENV17, ENV18, ENV32, ENV33, ENV40, T7, T10 and T13 of the UDP, Policies DEL1, HOU1, HOU2, ENV2, ENV3, ENV5 and ENV8 of the BCCS, policies HC2 and T4 of the SAD, policies NE1 to NE10 of Conserving Walsall's Natural Environment SPD, Policies DW1 to DW10 of Designing Walsall SPD and the Air Quality SPD.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

After the submission of amended plans to decrease building heights, separation distances and refuse set-off point. Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions subject to:

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in accordance with the following approved plans:

- Location and Block Plan, 2427-01 Rev. H submitted 11-03-2021

- Type A Plans and Elevations, 2427-10 Rev. D submitted 11-06-20
- Type B Plans and Elevations, 2427-11 Rev. C submitted 11-06-20
- Type C Plans and Elevations, 2427-12 Rev. D submitted 22-06-20
- Type D Plans and Elevations, 2427-14 Rev. - submitted 02-10-20
- Design and Access Statement, by J Mason Associates, submitted 09-04-2020
- Planning Statement, submitted 11-03-2021
- Swept Path Analysis Sheet 1 of 2, submitted 29-05-2020
- Swept Path Analysis Sheet 2 of 2, submitted 29-05-2020

Reason: To ensure the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted (except in so far as other conditions require).

3. a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration mitigation measures

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

4. a Prior to the commencement of the development hereby approved, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

b The scheme shall not be implemented otherwise than in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

5a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

6a. Prior to the commencement of the built development above damp proof course level of any building, a scheme showing how bird and bat boxes, the use of native planting and small mammal permeable boundary treatments will be incorporated into the development shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development shall not be carried out otherwise than in accordance with the approved scheme and shall be retained thereafter.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

7a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, full details of the buildings facing materials, including bricks, render, roof tiles, windows, door, rainwater products and soffits, illustrating the colour, size, texture and specification to be used within the development hereby approved shall be submitted to and approved by the local planning authority.

b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

8a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, the applicant shall agree an Air Quality Low Emission Scheme in writing with the Local Planning Authority, to install electric-vehicle charging points and ultra-low NOx boilers.

b. The agreed scheme shall be fully implemented, in accordance with the approved details in part a of this condition, before the development is first brought into use.

c. Prior to occupancy, the Applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

Reason: in the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

9a. Prior to the commencement of development above damp proof level details of any external lighting to be installed around or within the development shall be submitted to and approved in writing by the Local Planning Authority.

b. The development shall be not be carried out otherwise than in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers in accordance with Policy ENV11 of the UDP.

10a. Prior to the commencement of development above damp proof course, a landscape plan showing details of replacement tree and shrub planting (including quantity, species, size and location) shall be submitted to and approved in writing by the Local Planning Authority.

b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In the visual amenities of the area, to ensure the site is secured with appropriate landscaping and to provide adequate mitigation and screening for proposed occupiers in accordance with Saved UDP Policies GP2, ENV17 and ENV33 and Conserving Walsall's Natural Environment SPD.

11a Prior to the first occupation of any dwelling on the development, all parking and vehicle manoeuvring areas serving that dwelling shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

b Prior to the first occupation of any apartment on the development, the access road and parking area shall be implemented, and the parking bays clearly demarcated on the ground.

c The areas in a and b above shall thereafter be retained and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

12a. Prior to the commencement of development:

1. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
2. The approved protective fencing and ground protection shall be installed
3. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection

b. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

c. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

d. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

- Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- Class B (additions to the roof)
- Class G (chimneys, flues)

shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant: Highways

1. The attention of the Applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. Measures must be implemented by the Applicant to ensure that, so far as is reasonably practicable, surface water from the private land flowing on to, or over, the footway of the highway is prevented.

3. The Applicant will be expected to either enter into an agreement under Section 278 of the Highways Act 1980 with the Local Highway Authority or obtain a Road Opening Permit from the Local Highway Authority for all works within the existing public highway. For further advice please contact the Highway Development Control Team on 01922 655 927.

4. The Applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

Notes for Applicant: Police

The area backs onto McClean Way a dismantled railway. The rear of properties bordering this area will be more vulnerable. Consider trellis to the top of this fencing as an additional security measure.

Any gates to the rear of properties should be as close to the front building line as possible.

The applicant to refer to crime prevention and home security advice contained within SBD New Homes. Please see :
https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

External LED lights with daylight sensors to the external walls, by entrances and parking.

This to provide security for people entering and leaving. (SBD Homes 2019 page 63 49.1).

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8). PAS 24: 2016 standard doors for houses and apartments. Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Note to Applicant Fire

Approved Document B Volume 1, 2019 edition

Access and facilities for the fire service B5. (1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life. (2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Section 13: Vehicle access Provision and design of access routes and hard standings

13.1 For dwelling houses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

13.3 Access routes and hard standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that **WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes**

Turning facilities should be provided in any dead-end access route that is more than 20m long (ADB Vol 2, Diagram 13.1, designed on the basis of Table 13.1)

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m² .
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following. a. For buildings provided with fire mains – within 90m of dry fire main inlets.

b. For buildings not provided with fire mains – hydrants should be both of the following.

i. Within 90m of an entrance to the building.

ii. A maximum of 90m apart. 14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and 'National Guidance Document on the Provision for Fire Fighting' published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

The approval of Building Control will be required to Part B of the Building Regulations 2010

and/or

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access.

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Note to Applicant Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points: The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit. Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NOx levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

Note for Applicant Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

END OF OFFICERS REPORT