



Planning Committee

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

Plans List Item Number: 5

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 33 , Skip Lane, Walsall, WS5 3LL

Proposal: REPLACEMENT 5 BED DWELLING

Application Number: 20/1175

Case Officer: Rebecca Rowley

Applicant: S Anees

Ward: Paddock

Agent: Daljit Bharya

Expired Date: 16-Dec-2020

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

Time Extension Expiry: 09-Apr-2021

Recommendation

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

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



Proposal

This application seeks permission to replace the existing 3 bed detached dwelling at 33 Skip Lane with a 5 bedroom detached dwelling with a main gable roof, 2 front gables and 3 rear gable dormers.

The ground floor of the rear elevation would project 3.2m deeper than the first floor and have a rooftop balcony in the central section serving the first floor master bedroom and a roof lantern either side of the balcony.

The proposed house will provide; at ground floor a gallery hallway, w.c and cloak room, living room, dining room, utility room, lounge and large open plan kitchen and living area plus a garage. On the first floor there will be a gallery landing, four bedrooms (one master with ensuite, two double bedrooms each with an ensuite and a double bedroom) and a family bathroom. The master bedroom would have a rooftop balcony above the central section of the first floor flat roof.

On the second floor in the roof space there will be a fifth bedroom and a study and cinema room (which could both potentially be used as bedrooms in future) and a bathroom.

3 rear dormers are proposed with rooflights in each roof slope, plus 2 rooflights above the principal elevation.

The proposed replacement house measurements are:

- 8.8m to the main roof ridge with a gable elevation on each side
- 5.7m to the eaves on the principal and rear elevation
- 8m to the roof ridge of the two front gable elevations
- 8.5m to the rear gable dormer roof ridges
- No chimneys are proposed
- 3m to the flat roof of the ground floor rear elevation
- 11.1 m wide at the front
- 11.98m wide at the rear
- 17.3m deep at the ground floor
- 14m deep at the first floor
- a gap of 1.2m on either side of the dwelling to the side elevations of no. 35 and no. 31 Skip Lane

Proposed facing materials are brickwork and clay roof tiles to match the existing building.

Site and Surroundings

The existing site/house

The application house (No.33 Skip Lane) is a 3 bedroom detached dwelling with an attached side garage. It has a main gable roof and a front gable elevation with an "Arts and Craft" design. Facing materials are brown brickwork and clay roof tiles.

This existing main dwelling comprises of three bedrooms and a bathroom at first floor, with ground floor lounge, living room, kitchen, hall, w.c and single garage. It has a single access/egress point on to Skip Lane. It is of a traditional design incorporating a ground floor bay window and cat slide roof adjacent to the front gable.

The existing house measurements are:

- 8.5m high to the roof ridge
- 5.7m high to the eaves
- 3m to the eaves of the cat slide roof above part of the ground floor
- 7.4m high to front gable ridge
- 11 metres wide at the ground floor front (including the garage)
- 11.9m wide at the widest section at the rear
- 7.7m deep behind the garage
- 9.2m deep the main part of the house at ground and first floor
- 7m wide at the first floor
- 1.7m separation distance to no. 31 (to the west)
- 0.5m separation distance to no. 35 (to the east)

It is set back from Skip Lane highway edge by 14 metres with sufficient space on the hard surfaced driveway to park 2 vehicles and a large monkey puzzle tree on a grassed lawn. The public footpath between the front boundaries of houses to the east of the application site and the vehicle carriageway ends in front of no. 35 Skip Lane adjacent to the application site so the front boundary of the site immediately borders the highway with no public footpath in this location. The entrance to the driveway is open with no boundary treatment. There is a low hedge across the remainder of the front boundary. A low picket fence borders the shared boundaries in front of the houses between no. 35 and no. 37 Skip Lane with some low foliage and trees.

The application plot measures 14.5m wide at the front tapering to 12m wide at the rear, 83.5m long (23.5m rear garden). The rear boundary borders Merrions Wood which is a SINC and a nature reserve. Merrions Wood forms part of the Great Barr Hall Registered Park and Gardens which is located within the Great Barr Conservation Area.

The adjacent dwelling to the eastern side of the application site is no. 35 Skip Lane – is a two storey detached ‘Arts and Crafts’ style design dwelling incorporating a main front gable elevation, a side catslide roof and attached garage. The front of no. 35 and the two storey rear elevation is approximately aligned with the no. 33. There is a single storey rear extension and conservatory extension which is 7.5m deeper than the rear of the existing dwelling adjacent to the boundary.

The adjacent dwelling to the western side of the application site is no. 31 Skip Lane, a dwelling of similar original design to the application house. No 31 has been extended at first floor level above the attached side garage and features some white rendering on the principal elevation in addition to the brickwork. It also has a two storey rear extension plus a ground floor and conservatory extension which is 4.5m deeper than the rear of no. 33 adjacent to the boundary.

The area/street scene

The application site is at the edge of the large suburban Park Hall Estate and borders woodland and the Green Belt at the rear of the site, known as Merrions Wood local nature reserve (LNR), part of the Great Barr Conservation Area, Great Barr Hall Park, a grade II Registered Park and Garden and further to the south east is the Great Barr golf club.

The immediate area benefits from a mixed character of individually designed detached houses and bungalows many with individual features, with gaps between the houses to create a spacious character.

Skip Lane and nearby streets are generally characterised by large, two-storey detached dwellings, many of which occupy significant proportions of their plot widths, with gaps between their two-storey building frontages.

The houses along this section of Skip Lane from no. 27 to 35 and continuing onto Woodlands Avenue to the eastern side of no. 35 are set in deep plots. They are set along a similar building line with mature front gardens that either have no front boundary treatment or a low boundary treatment consisting of foliage. These houses are fairly regularly aligned. Further onto Woodlands Avenue and on the opposite side of Skip Lane travelling to the western side of the application house, the plots become wider and the separation distances between the houses increases. A number of houses on the opposite side of Skip Lane have been extended or rebuilt as replacement dwellings as outlined in the planning history.

Relevant Planning History

At 31 Skip Lane (adjacent dwelling to western side)

05/0622/FL/E5 - First floor extension over garage and two storey rear extension – granted permission – 09/08/2005

At 35 Skip Lane (adjacent dwelling to eastern side)

BC24233P - Extensions & Alterations to Form Conservatory & Breakfast Area with new Pitched Roof Over Garage and Side Dormer Window – granted permission – 20/10/1988

At 8 Skip Lane

07/0277/FL/E11 - Erection of a replacement detached dwelling. (Revised application from 06/1019/FL/E11 showing revised siting) – granted permission – 25/04/2007

At 12 Skip Lane

18/1288 – replacement dwelling – granted permission – 12/11/2019

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 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic 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.

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
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- T1: Helping People Get Around
- T8: Pedestrians
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- EN2: Ancient Woodland
- EN5: Development in Conservation Areas
- EN7: Great Barr Hall and Estate and St Margaret's Hospital

Supplementary Planning Documents

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
- DW3 Character
- DW4 Continuity
- 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

Consultation Replies

Archaeology

Awaiting response, to be added to supplementary paper.

BBC Wildlife

Awaiting response, to be added to supplementary paper.

Conservation Officer

- The proposed dwelling would neither harm the character, appearance or setting of Great Barr Conservation Area nor unduly harm the setting or significance of the registered park and garden buffer zone.
- No undue harm the setting or significance of Walsall (or Merrion's) Lodge which is a Grade II listed building.
- No objections subject to planning conditions to secure facing materials, roofing tiles, rainwater goods etc. It would also be preferable if any windows and doors were constructed out of timber.

The Gardens Trust

- Extensive development within a site in the immediate setting of an RPG and the Gt Barr Conservation Area.
- There will be a considerable increase in light emission towards the RPG.
- No Heritage Statement (HS) or Visual Impact Assessment (VIA) submitted.
- No reference is made to the possible impact of the proposed development on the Great Barr Conservation Area.
- It is unclear whether the Grade II Listed Walsall Lodge (or Merrion's Lodge) is visible from the application site.
- There is no explanation of what public benefit, if any, this application may have.
- It is also not clear where in the garden the proposed large detached rear outbuilding will sit.

In the absence of such documentation, the Gardens Trust would like to lodge a holding objection.

11/03/2021 – In response to amended plans and further supporting information:

This enormous project is over-development of the site and we remain unconvinced that the application is appropriate immediately within the setting of Great Barr RPG and conservation area.

If this application were permitted other houses elsewhere along Skip Lane, perhaps without the mitigating woodland cover, will follow suit and will be difficult to resist. We would then anticipate subsequent similar over-development of properties in the vicinity which will gradually erode the character and setting of both the RPG and the Conservation Area.

Local Highways Authority

Support subject to conditions to ensure that any front boundary treatment would protect highway safety.

Natural England

No comments

Pollution Control

No objections subject to conditions to address the use of low NOx boilers and electric vehicle charging points, address the installation of solid fuel burners and a construction management plan.

Tree Preservation Officer

Awaiting response, to be added to supplementary paper

West Midlands Fire Service

Recommendations included in advisory notes.

Clean and Green – no comments received

Strategic Planning Policy – no comments received

Park Hall Residents' Association – no comments received

Representations

5 representations were received from neighbours at 5 separate addresses raising the following concerns in relation to the original proposal (*Officer comments in italics*):

- Excessively large for the size of the plot

- Increase in depth at the rear
- Excessive height compared to other houses in the street
- The large glass feature entrance is completely out of character with the designs of surrounding buildings in the area.
- The plans appear to show the 3 storey side wall is to be built on the border of the 2 plots and not the statutory one metre away.
- Multiple rear windows, some at higher levels than existing windows causing overlooking and severe impact on privacy on homes and rear gardens
- The extensions would cause overshadowing and loss of light.
- It will block natural daylight into my property – especially my conservatory
- Insufficient parking space for the number of bedrooms
- It has a small frontage with no footpath directly onto a narrow part of Skip Lane and is situated by a busy junction.
- It will cause chaos with car parking at the junction with Woodlands Av and Skip Lane.
- Future rear outbuilding proposed at rear of the property 11m x 6.5m (36' x 21') with water, sewerage and electricity, could be used as a second dwelling this would not be acceptable as we back onto a nature reserve which is a site of importance to nature conservation and would not be in keeping with the surroundings. *(The outbuilding has been removed from this proposal. An outbuilding could however be constructed in the rear garden using permitted development rights.)*
- The property neighbours a Registered Park and Garden and Conservation Area. *(Noted)*
- I noticed the Merrions Wood Trustees or Friends of Merrions wood have not been asked to comment. They might like to comment as the property directly borders the ancient woodland and field cared for by the Trustees and Friends Group. *(The Gardens Trust, Ecology Officer and Conservation Officer have been consulted and will provide the relevant guidance in relation to any impact on Merrions Wood. Comments can also be made by others via the publication of the planning application on the Council's website).*

Determining Issues

- Principle of Development
- Conservation Area and Heritage Assets
- Green Belt
- Design, Character and appearance of the Area and Street scene
- Impact on Neighbouring Amenity
- Protected species / ecology
- Impact on Trees
- Parking

Principle of Development

The site is situated within an established residential area within easy walking distance of shops and regular bus services along Birmingham Road. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and Saved Policies of the UDP.

The principle of a replacement dwelling is considered appropriate in this location, subject to the other material planning considerations set out in this report.

Conservation Area and Heritage Assets

The rear of the application site borders the Great Barr Hall Park (the Registered Parks and Gardens - RPG) is an 18th century landscape park which is associated with the listed Great Barr Hall. The Great Barr Conservation Area includes the RPG, and both draw their character and significance principally from the open parkland landscape, which is distinct from the residential estates and other developed areas surrounding it.

The Gardens Trust have expressed that the proposal is over-development of the site and that they remain unconvinced that the application is appropriate immediately within the setting of Great Barr RPG and conservation area. However, they have not expressly objected to the latest revised plans. The Council's Conservation Officer has advised that the proposed dwelling would neither harm the character, appearance or setting of Great Barr Conservation Area nor unduly harm the setting or significance of the registered park and garden buffer zone. The Conservation Officer has no objections subject to planning conditions to secure facing materials, roofing tiles, rainwater goods which would be added to any approval.

A nearby planning appeal at no. 14 Skip Lane on the opposite side of the road, facing the RPG, the Planning Inspectorate made the following observations:

"...the appeal site and other houses on Skip Lane are visible from nearby public footpaths within the RPG and the LNR. However, the stretch of Skip Lane which includes the appeal site forms a very small part of the extensive boundary of the RPG and CA, and the proposed development would only be seen from a limited range of vantage points within those wider landscapes.

Even from the parts of the CA, RPG, Green Belt and LNR closest to Skip Lane, the site is separated from nearby public vantage points to some degree.... public views towards Skip Lane from those points are screened to some degree by trees and hedges within the RPG, even when many of those trees are not in leaf... From those nearby public vantage points, the site is viewed within the context of other suburban houses on Skip Lane, which is one of a number of areas of housing which surround the boundaries of this large, open parkland landscape."

Whilst the Planning Inspector found that the proposed replacement house at no 14 would harm its immediate surroundings and generally the Skip Lane street scene, the Inspector also concluded that it would not encroach into the adjacent open land, or beyond the existing residential frontage of which it would have formed part of.

In this instance the currently proposed dwelling is considered to be of less visibility from the RPG than no. 14 Skip Lane as only the rear elevation would be visible and seen against the existing context of the linear pattern of development along Skip Lane. There is also limited access to the RPG at the rear of the house and there would be mature trees partially interrupting any views towards the rear of the proposed new dwelling.

Based on the council's assessment, responses from statutory consultees and the material planning comments of the planning inspectorate, views of the proposed building from the wider RPG and Conservation Area would be limited, the proposed development would not detract from the way in which the RPG parkland landscape or the CA would be experienced as a whole.

As such, and on balance, it is concluded that the proposed development would not cause harm to the character or appearance of the adjacent CA, or the setting of the RPG. Nor, for the same reasons, would it harm the character and appearance of the LNR.

Green Belt

The site is not within the Green Belt and would not result in harm to the openness of the Green Belt or harm the character of the adjacent open land. This is a replacement house that would utilise the existing footprint of the house with further extensions. The replacement dwelling would be seen within the overall context of a linear development pattern of development towards Skip Lane itself. Weighing the material planning considerations of the Green Belt it is considered the proposal can be supported for the reasons set out above.

Design, Character and Appearance of the Area and Street Scene

Concerns have been raised regarding the depth of the extension at the rear and the large size of this proposal for the plot. A common characteristic of the houses on Skip Lane is that they are traditionally styled with feature gables and other architectural elements. The proposed design of the replacement house includes 2 front gables, would be constructed using matching facing materials and reflects the traditional styled houses on this part of Skip Lane whilst internally providing an accommodation to support modern living.

The original proposal for this replacement dwelling included a significant increase in height above the roof ridge of the neighbouring dwellings, the use of 3 front gables and excessive glazing on the principal elevation as well as having an unbalanced design within the gable elevations. A number of amendments have resulted in the current proposed design and it is considered, the current proposal would better complement and reflect the Arts and Crafts character and design of other nearby houses along Skip Lane. The applicant's interpretation of the "arts and craft" design is considered reflects the character of the existing street scene and provides an opportunity to reinforce the overall quality of the street scene.

Although the principal elevation of the building would have a different appearance to the existing dwelling, the location of the front building line would be retained. The overall height to the roof ridge, whilst being 0.3m higher than the ridge of the existing dwelling, will be consistent with the prevailing roof line along this side of Skip Lane and would not rise above the adjacent roof ridge heights of neighbouring properties.

A concern was raised regarding the construction of this dwelling on the border of the plot. The existing separation distance to each adjacent neighbouring dwelling will be retained or increased for the ground floors of the buildings so would reflect the existing situation. The first floor separation distance to each adjacent dwelling will be 1.2m on either side of the replacement dwelling which is considered sufficient to limit a terracing effect and would retain the distinct appearance of separate detached dwellings.

Whilst it is acknowledged that the rear of the proposed replacement dwelling would be distinctively different to the existing dwelling and would create a large building in comparison to the existing dwelling, the additional bulk and rear elevation would not be visible from the street scene and would not therefore result in any significant additional harm to the character of the area. As the conservation officer has confirmed that it would not cause harm to the character of the adjacent Great Barr Conservation Area, it is considered that the design of the rear of the proposed dwelling would not cause sufficient harm to warrant refusal of the scheme.

The applicant has suggested the use of brickwork and clay roof tiles to match the existing building, which is considered will reduce the impact of the replacement dwelling within the street scene. Whilst the proposed schedule of materials is to be supported, details of materials and colours will be required by way of a safeguarding condition.

In weighing the material planning considerations, for the above reasons the proposal is considered would not result in significant harm to the character of the area, street scene or local area and as such is considered to be acceptable and in accordance with local and national policy and guidance.

Given the negotiations to reduce the scale of the original proposal, and the overall scale of the replacement house, it is considered reasonable to include a condition to remove permitted development rights for extensions and alterations to the new dwelling to protect the character of the locality and also to protect the amenity of neighbouring occupants.

Impact on Neighbouring Amenity

The ground floor of the rear of the proposed house extends 8m beyond the existing rear elevation of the dwelling adjacent to the boundary with no. 31. This part of no. 31 consists of a conservatory with a solid brick elevation facing the boundary with the application site. The conservatory has a corner section facing towards the application site and when measured from the midpoint of the rear elevation of the conservatory, the proposed dwelling would comply with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D. The ground floor extends 9.4m beyond the existing rear elevation of the dwelling adjacent to the boundary with no. 35. This part of no. 35 consists of a ground floor rear extension and a conservatory that is glazed on all elevations. The proposed ground floor would also comply with the Council's 45 degree guidance in relation to this conservatory.

The first floor of the rear of the proposed house extends 4.8m beyond the existing rear elevation of the site dwelling adjacent to the boundary with no. 31. When measured from the quarter point of the nearest first floor rear habitable room window at no. 31 there would be a slight breach of the 45-degree code of around 0.5m. The first floor of the proposed dwelling would be 4.1m closer to the boundary with no. 35 than the existing building and would extend 4.8m beyond the existing rear elevation at this point. It would be sited 4.4m deeper than the first floor of the rear elevation of no. 35 and would breach the 45-degree code when measured from the quarter point of the nearest first floor rear habitable room window at no. 35 by a distance of around 1.5m.

In response to concerns raised regarding this breach of the 45-degree code and potential impacts on the amenity of neighbouring occupants by the first floor of the extension, a daylight and sunlight assessment has been submitted which to demonstrate the impacts of the proposed dwelling on daylight and sunlight availability to the rear of neighbouring dwellings no. 35 and no. 31 at varying times of the day throughout the year. Whilst it is acknowledged that the proposal does not fully comply with the Council's 45-degree code, the above submitted report has concluded that any impact on light availability to the rear of the adjacent dwellings would comply with BRE guidance in relation to sunlight. The BRE Report, *Site layout planning for daylight and sunlight: a guide to good practice (BR209)*, advises on planning developments for good access to daylight and sunlight, and is widely used by local authorities during planning permission to help determine the impacts of new developments. Therefore notwithstanding the breach of the 45-degree code which is one tool used by the Local Planning Authority to assess the impact of proposed development on the amenity of neighbouring occupants, on this occasion it is

considered that the impact on daylight and sunlight to neighbouring properties would not be sufficient to warrant refusal. This addresses representations received regarding concerns about the impact of this proposal on sunlight availability.

Concerns have been raised regarding the impact of proposed windows on neighbouring amenity in terms of overlooking and loss of privacy. As both the ground and first floors of the replacement dwelling would extend beyond the rear elevations of the neighbouring houses, the natural outlook from proposed windows would be onto deeper areas of the rear garden of the adjacent houses than the existing outlook. At the ground floor the outlook would be primarily onto the applicant's own rear garden with no rear neighbouring occupants that could be impacted. There would be obscurely glazed panels on either side of the rooftop balcony, which would restrict views from the central rear patio doors at the first floor onto the applicant's own rear garden and limit views towards the neighbouring gardens by users of this balcony. A condition will be included to secure obscured glazing in this location to protect the privacy of neighbouring occupants. 3 second floor dormer windows are proposed to serve the rear bedrooms in the roof space. The central window of the three has been indicated as a potential bathroom and a condition will be included to secure obscured glazing for this window. The other two dormer windows and outer two first floor windows face the applicants own garden and views from these windows over neighbouring gardens, whilst in different locations to the existing building are considered would reflect the relationship that could be expected between rear windows and neighbouring gardens.

The principal elevation of the replacement dwelling would not extend forward of the principal elevation of the existing dwelling. Proposed gables above the first floor at the front would be above the line of sight from the first floor windows at the neighbouring dwellings and are considered would be of limited visibility for these occupants. The front of the dwelling would comply with the Council's 45 degree code and is considered would have limited impact on neighbouring amenity. All proposed windows in the principal elevation facing onto Skip Lane are considered would reflect the existing relationship between the site dwelling and any opposite habitable room windows and their position in relation to the highway and therefore there are no concerns regarding front windows.

Bathroom and en-suite windows are proposed on the side elevations of the dwelling and a condition will be included to ensure that these are obscurely glazed to protect the amenity of occupants. A second floor landing window serves a non-habitable room and the applicant has indicated on the plans that this would be obscurely glazed. A ground floor side facing opening is proposed to serve a dining room. This opening would consist of patio doors with additional glazed panels on either side. It is acknowledged that the outlook from these doors would be onto the two storey side elevation of no. 31 with a separation distance of 1.2m, which falls short of the requirement outlined in the SPD Designing Walsall. However, it is considered that this is a large glazed area with a separation distance that would allow some light ingress to the dining room and whilst it would not create a preferred outlook from this

habitable room, it would cause no harm to the amenity of neighbouring occupants and in this case can be accepted.

Protected Species / Ecology

The site falls within multiple bat buffer zones, borders the Merrion's Wood SINC and nature reserve and there are neighbouring lines of mature gardens, which raises the risk of bat presence. In this case, as the application proposes demolition of the existing dwelling, if bats are present disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, a bat survey report in support of this proposal was requested and has been provided. The report identified no evidence of bats using the buildings as a place of shelter or of birds nesting in the building and no roosting opportunities in the property. The felling of the trees or removal of the shrubs between the beginning of March and the end of August in any year must be preceded by a check for nesting birds. If birds are nesting then no felling or removal can proceed until the young have fledged. A method of working must be put in place with contractors to ensure that in the event of bats being found they will not be injured and new roosting opportunities for bats can be created to meet the requirements of the National Planning Policy Framework by installing a brick built bat box.

Impact on Trees

There are no protected trees within the boundary of the application site. Mature trees at the rear of the site would either be a sufficient distance from the proposed dwelling not to be harmed by construction or in the case of some conifers on the rear lawn would not cause significant harm to the character of the area or amenity of neighbours if they were removed. However, there is a mature Monkey Puzzle Tree in the front garden that the Tree Officer has assessed to be in good condition and this tree is considered to add amenity value to the street scene. Whilst the applicant has not indicated any intention to remove this tree at this current time, the Tree Officer has indicated that the tree should be retained due to its amenity value. Further comments and recommended conditions from the Tree Officer will be added to the supplementary paper when and will be formulated in line with the recommendation to delegate the finalising of conditions to the Head of Planning and Building Control.

Access and Parking

Representations were received regarding the impact of this proposal on parking requirements, availability and highway safety. Saved UDP policy T13 requires three off-street parking spaces for a 5+ bedroom dwelling. The proposals will provide a garage space and there is ample space at the front of the house to accommodate this level of off road parking. The Local Highway Authority have expressed their support for this scheme subject to a condition to ensure that any front boundary treatment would protect highway safety in terms of the separation distance from the front

boundary and height.

Conclusions and Reasons for Decision

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application and it is considered that the proposed development accords with the aims and objectives of the National Planning Policy Framework, BCCS policies CSP4, ENV1, ENV2, ENV3, ENV7 and ENV8 Saved Unitary Development Plan policies GP2, ENV8, ENV10 ENV18, ENV23, ENV30, ENV32, ENV33, T13 and the Air Quality SPD, Conserving Walsall's Natural Environment SPD and Designing Walsall SPD and on balance is considered to be acceptable.

It is considered that the proposals will not cause harm or adversely impact on the character, appearance and identity of the local area, adjacent CA, or the setting of the RPG or LNR. The site is not within the Green Belt and consequently it is also concluded that the proposal would not result in harm to the openness of the Green Belt or character of the adjacent open land. The proposal is considered to be consistent with advice in the NPPF. An appropriate level of private amenity will be retained for all neighbouring occupiers, and will continue the character of the street frontage along Skip Lane.

The use of safeguarding conditions in respect of the materials, protected species, air quality, glazing and boundary treatments will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors, the objections from consultees and the community, it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the original height and design and the requirement for further information in relation to impact on daylight and sunlight to neighbouring occupants and the impact on the adjoining registered Park and Gardens, amended plans and information have been submitted which enable full support to be given to the scheme.

Recommendation

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

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions; and
- 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 hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Existing Floor Plans and Photographs (including site and location plan), drawing no. BDBC/20/95 – 01B, submitted 18/01/2021
- Proposed Floor Plans, drawing no. BDBC/20/95 – 03C, submitted 11/03/2021
- Proposed Elevations, drawing no BDBC/95 – 04C, submitted 11/03/2021
- Daylight and Sunlight Assessment for Planning, carried out by T16 design, dated March 2021
- Bat and Bird Survey, carried out by S. Christopher Smith, dated 02/12/2020
- Heritage Statement, submitted 24/02/2021

Reason: To ensure that 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 may so require).

3a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces that match the existing materials including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

4a: Prior to the commencement of development hereby permitted an Air Quality Low Emission Scheme for the installation of electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted to and agreed in writing, with the Local Planning Authority.

4b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved scheme and the approved details shall thereafter be retained for the lifetime of the development.

4c: . Prior to the first occupation of the development hereby approved an independent validation report shall be submitted to and agreed in writing, with the Local Planning Authority that demonstrates the approved mitigation measures have been carried out in accordance with the approved details.

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.

5a) Prior to the commencement of development including any engineering, site clearance/preparation, and/or construction works a Construction Environmental Management Plan 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. Site security arrangements including hoardings
- vii. Measures to prevent site drag-out and measures to prevent mud or other material emanating from the application site reaching the public highway
- viii. Measures to prevent flying debris
- ix. Dust mitigation measures
- x. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

5b) 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.

6a: Prior to the development first being brought into use, details of any solid fuel stove, fire and heating appliance and associated chimney and flue arrangements and their proposed installations shall be submitted in writing to, and approved in writing by, the Local Planning Authority.

6b: No solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed otherwise than in accordance with the approved details.

6c: The approved measures shall thereafter be retained throughout the life of the development.

Reason: To ensure safeguarding of local air quality and to conserve and enhance the natural environment and to comply with BCCS policy ENV8, saved UDP policy ENV10 and the Air Quality SPD

7: 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 side facing windows, doors, or other openings other than those shown on the approved plans, 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 policy GP2 of the Walsall's Unitary Development Plan.

8: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with

- the first floor and second floor bathroom, en-suite bathroom and landing windows facing no. 31 and no. 35 Skip Lane, and the central rear facing dormer window serving a possible bathroom hereby permitted shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent, and
- The glazed privacy screens on either side of the first floor rear balcony hereby permitted facing No.31 and No.35 Skip Lane, shall be 2m high and obscurely glazed to meet Pilkington level 4 or equivalent.

and shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, and the privacy of occupiers of the application property, and to comply with policy GP2 of Walsall's Unitary Development Plan.

9. The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Preliminary Bat Roost Assessment, carried out by S. Christopher Smith dated 02/12/2020 and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

10a. Notwithstanding the bat survey carried out by S. Christopher Smith dated 02/12/2020 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

10b. If during the construction period bats or evidence of bats or their roosts are found:

- i. bats shall not be handled or touched
- ii. the vicinity of the roost shall be immediately reinstated.
- iii. no further destructive works shall be carried out until the need for Natural England licence has been established.
- iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation
- v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

11: 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 A (enlargement, improvement or other alterations)

-Class B (additions to the roof)

-Class C (other alterations to the roof)

-Class D (porches)

-Class G (chimneys, flues)

shall be installed in any part of this development, unless with the prior consent of the Local Planning Authority.

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.

12. Any frontage boundary treatment shall be set back 450mm from the carriageway kerb edge and shall not be any higher than 600mm above carriageway level at any time.

Reason: To ensure adequate inter-visibility in a southerly at the access point along Skip Lane taking into account the property immediately abuts the carriageway and in the interests of highway safety and pedestrian safety to comply with saved UDP policies T1 and T8.

Notes for Applicant

1. The Applicant must ensure that no soil or other debris is washed or placed within the highway. Failure to prevent this incident could result in an offence and a notice being served on the Applicant under Section 151 of the Highways Act 1980.
2. The Applicant must ensure that no water is discharged onto the highway. Failure to prevent this discharge could result in an offence and a notice being served on the Applicant under Section 163 of the Highways Act 1980.
3. Electric Vehicle Charging Points and Ultra-low NOx Boilers
The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points and Ultra-low NOx boilers:

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 singlephase 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 futureproofed 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.

Construction Management Plan

Where stabilisation/piling works are included in the agreed Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings within the site and within a 5 metre radius of the site from the stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Demolition, construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays*. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Recommendations from West Midlands Fire Service

Approved Document B, Volume 1, Dwelling-houses, 2019.

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application 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.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

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 dwelling-house.

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** (ADB Vol 1, Table 13.1)

Water

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

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 1, Section 7)

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

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)

END OF OFFICERS REPORT