

Proposal

This application proposes a detached 6 bedroom dwelling house on land adjacent to 4 Field Maple Road.

The proposal would be 2.5 storeys high and would include an integral garage, lounge, kitchen/breakfast room, utility, and study and cloakroom facilities at ground floor. At first floor there would be 4 double bedrooms, 2 en-suites and a bathroom and within the roof void two double bedrooms with a bathroom and one en-suite. The proposed detached garage has been removed from the proposal along with a front dormer.

Certificate B has been completed and the requisite notice served on the relevant parties.

The roof would have a twin gable design with a roof light in the front roof slope and two dormer windows in the rear roof slope with gable hoods. Side facing utility room window is proposed.

Details have been provided about ground gas protection measures which would integrate with existing ground gas management of the estate. Amended plans have been received reducing the height of the proposed dwelling from 10.5 metres to 8.2 metres high to the ridge and revising the roof design from a gable to a hipped roof.

The removal of 5 protected trees to facilitate development (reference no's T10, T11, T12, T15 & T18) Pruning would be required to one tree to facilitate development (T17) and 3 trees removed on the grounds of condition (T3, T14 & T19). 8 trees in total would be removed.

The key dimensions of the proposed new dwelling are:

- Set back 6.1 metres from the footpath to the front
- Extend 2 metres further rear wards than 4 Field Maple Road
- Plot area of approximately 651 m²
- 8.2 metres high to the ridge
- Between 4.9 and 5.2 metres high to the eaves (*sloping land level*)
- 6 metres wide footprint
- 5.5 metres deep footprint
- Rear garden depth of 12 metres
- Proposed rear garden would be 5.8 metres deep and have an area of 58.6m²
- 7.5 metres wide gap between the proposed new dwelling and the side gable wall of 4 Field Maple Road
- 8.9 metres wide gap between the proposed new dwelling and the side gable wall of 24 Silverstone Drive

The application is supported by a number of documents which include;

Design and Access Statement

- Variety of house types in the area
- Site slopes down from north to south

- House would be sat down half in and half out of the ground
- Approx. 2 metre fall from the northern boundary to the southern boundary
- Ramped, flush thresholds into the house
- Well established residential area in a highly sustainable location
- Bus services to West Bromwich and Sutton Coldfield within a few hundred yards
- Number of trees at the lower level of the site covered by a blanket TPO and a number of self- seeded Sycamores
- Proposed planting a matching number of shade tolerant trees such as Holly, Hawthorn and Dogwood which will thrive under the canopy

Tree Report BS5837-2012 Arboricultural Impact Assessment by Braemar Arboriculture Ltd Revision B dated 10/11/20 which states:

- Tree removal to facilitate development - T10, T11, T12, T15 & T18
- Tree pruning requirements to facilitate development T17
- Tree removal on the grounds of condition - T3, T14 & T19
- The position of the proposed building conflicts with several trees - T10, T11, T12, T15 & T18
- Working within the Root Protection Zones of retained trees will be required and protective measures will be utilised
- Excavations can proceed using standard techniques other than for the rear corner of the dwelling where it enters the RPA of tree T20. This section will require excavation by hand.
- Implications of sloping ground & levels - The arboricultural implications of the proposed structures are based on an assumption that level changes will not occur within the RPA of trees that are shown to be retained.
- Services – All services can be routed into the dwelling via the existing drive way which does not encumber the RPA's of retained trees.
- Storage & mixing of materials – There is sufficient space in the front drive area for the storage of construction materials, if the garage is constructed first this would make a secure storage area for materials.
- Potential for direct damage by trees – There will be a requirement for periodic pruning to clear encroaching crown growth from the proposed dwelling. This is not detrimental to the trees and is within acceptable limits arboriculturally.
- Potential for indirect damage by trees – A desk top study has shown that the soils and geology typically associated with this site are free draining in nature. It is therefore assumed that there are no issues in relation to soil moisture deficit as a result of
- Shading – Shading will be experienced to the rear and front elevations on the early mornings but will have passed by midday.
- Seasonal nuisance – Some seasonal nuisance from leaf fall is inevitable but is not believed to be beyond tolerable levels. It is recommended that guards be fitted to gutters and downpipes to reduce the impact of leaves clogging them
- Removal of 8 trees and it is proposed to be replaced with inter-planting of Holly under existing retained trees to enhance screening between the proposal and neighbouring property. It is proposed that a number of replacement heavy standard trees be planted along the rear boundary of the proposal to enhance screening values and maintain stock density.

Habitat Survey Report, prepared by DJOGS Landscape Architect and Ecology Services, dated 2/8/19 which states:

- Property does not contain sensitive habitat or species other than nesting birds and potential for hedgehog which would need a management plan to ensure no potential harm
- Any tree or scrub clearance should be outside of the recognised nesting season (March-August inclusive) or under the supervision of a qualified ecologist
- Site contains a mosaic of habitats of negligible to low ecological value and the current tree cover is only low in diversity
- New tree planting should concentrate on providing small native trees or high-diversity value non-native species more suitable to residential garden to provide a net gain for biodiversity.

Tree Statement and photographs provided by the Planning Agent on 17/2/21 which states that mature trees in the protection zone would be retained and afforded protection. The application site is neither contained nor densely planted to be classed as a wood. They can offer to replace any removed, damaged or angled trees with new good quality straight trees.

Site and Surroundings

Field Maple Road is a modern cul-de-sac of detached houses predominantly with traditional features including gable front projections. The application site is within the southern corner of a larger 1990's housing redevelopment site of a former land fill site which incorporates ground gas protection measures. The wider housing site rises in a westerly direction.

2 and 4 Field Maple Road and 24 Silverstone Drive step down in height in a southerly direction.

4 Field Maple Road is accessed via a shared private driveway with 2 Field Maple Road which is parallel to the pedestrian footpath in front of the houses. Certificate B has been completed and confirmation that the requisite notice has been served on the occupier(s) of 2 Field Maple Close.

The proposed new dwelling would be separated from houses fronting Aldridge Road, to the south east of the application plot by a distance of 48 metres. These houses on Aldridge Road have garages and outbuildings to the rear.

The side elevation of 4 Field Maple Road would be separated from the new dwelling by a distance of 7.5metres.

There would be a separation distance of 8.9 metres to the neighbouring house 24 Silverstone Drive. Commercial units sit to the south of the application site and next to the rear boundary of no. 24.

The application site lies at the southern end of a tree belt which is subject to a Tree Preservation Order.

Relevant Planning History

02/0069/FL/E2 - Residential development & associated works at Land at, Aldridge Road, Streetly, Sutton Coldfield, West Midlands. Granted Subject to Conditions 01/10/02. As part of this permission permitted development rights were removed for Classes A, D and E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding/amending orders.

04/0502/FL/E2 - Pumping station to serve development. Granted Subject to Conditions 08/07/04

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **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
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

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
- 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

Transportation – no objections on highway grounds but have concerns regarding the distance that residents will need to drag their refuse bin.

Pollution Control – no objections subject to the inclusion of planning conditions in respect of landfill gas, air quality and the requirement for a construction management plan

Ecology – No objections subject to safeguarding conditions in respect of trees, bats and small mammals.

Fire Officer – No objections subject to the inclusion of an informative note in respect of building regulation requirements.

Severn Trent Water – No objections subject to the inclusion of an informative note in respect of public sewers.

Tree Officer – objects on the basis that there would be an unacceptable impact on protected trees due to removal and proximity to the proposed development

Representations

(Officers comments in italics)

Objections to the initial scheme have been received from seven residents on the following grounds;

- Proposed large house too close to their house adjoining the site and the extra height of the two and a half storey house together with the higher ground level will overpower and constrict their light and outlook
- Loss of trees will be detrimental to the outlook and provision of new trees to the rear boundary will block sunlight from garden and property (*the rear boundary of the site sits to the north of houses fronting Aldridge Road and any new planting would have a limited impact on light because of this orientation*)
- Too large and too intrusive
- Has a bat survey been done? (*Ecological survey has been provided and impacts of the development have been assessed*)
- Properties 2 and 4 Field Maple Road have a shared driveway and access would be by entering the driveway outside their property (*rights of way across driveways are a private legal matter and not a material planning consideration*)
- Already have issues and concerns with the amount of cars entering their driveway to gain access to no. 4 and this proposal will add to the problem considerably (*this is a private driveway rather than public highway and any additional vehicle movements to serve one dwelling would be limited*)
- Would not have purchased the property if they had known they would be sharing the drive with two other properties and it is unfair for this change to be allowed now they have already purchased their property. (*rights of way across driveways are a private legal matter and not a material planning consideration*)
- Future resale value of their property would be affected (*not a material planning consideration*)
- No's 2, 3 and 4 Field Maple Road are all bigger properties and are situated next to one another in a circle which was a design feature by Redrow Homes at the start of the estate to create a feature and by adding a smaller property in the garden of no. 4 would ruin the design/feature that Redrow was trying to create (*the Local Planning Authority are required to assess and determine the planning application before them and in current circumstances*).
- The 2005 plans for the Poets Wood Development appear to show the boundary of the plot of land used for the erection of 4 Field Maple Road as terminating at approximately 12.5 metres from the adjacent boundary of 24 Silverstone Drive. Are they legally entitled to submit plans relating to this proposal? (*the applicant has confirmed that this land is in their ownership and the requisite notice has been served on others sharing the driveway*)
- The 2.5 storeys + 1 metre in height at the end nearest to Silverstone Drive will loom over the existing infrastructure and be seriously detrimental to the appearance and ethos of the area (*amended plans have reduced the proposed height and changed the roof design to a hipped roof to limit the impacts of this development*).
- The garage adjacent to the pedestrian right of way would create a position of concealment and a potential safety hazard on dark mornings and evenings for pedestrians (*the proposed garage has been removed from the application*)
- Overlooking and trees provide little visual protection in winter and the high fencing will be rendered ineffectual by the extreme height of the proposed dwelling (*the separation distance of 48 metres to the rear exceeds the minimum recommended separation distance of 24 metres between facing habitable room windows as referred to in Appendix D of Designing Walsall SPD*).

- Garage would be situated over or adjacent to an important methane gas ventilation shaft (*the proposed garage has been removed from the application*)
- Trees were never planted in lieu of those lost by the Poets Wood Development and the trees that it is proposed to destroy are to be replaced by Holly (more bush than tree and more potential concealment areas close to the pedestrian right of way!) and trees along the boundary of the proposal that is furthest from the site originally deprived of the trees (*comments noted and the resident may provide further details to the Council's Planning Enforcement Officer*)
- Having difficulty collating the actual growing trees with those shown on the Tree Constraints Plan. Less trees are shown on the plans than is actually the case. (*comments noted and discrepancies had been raised by the Council's Tree Officer and are clarified in the body of the report*)
- Restricted building zone due to the contamination of the land and risk of subsidence (*There are restrictions in respect of the ground gas protection measures in place and these have been addressed by the planning agent. Safeguarding conditions would be required if approved*)
- The elevation of the plot and additional 2.5 storeys would overshadow several of the properties in our row and would lose privacy and request a Residential Visual Amenity Assessment to be conducted and a tree survey (*a tree survey has been provided and the case officer has made site visits to assess residential amenity impacts*)
- Concerns about extra parking required to facilitate a 6 bedroom house and the number of vehicles at no. 4 which is a HMO and rented out constantly (*a maximum of three parking spaces are required to serve the proposed new dwelling in accordance with saved UDP policy T13 Parking*)
- Foresee lots of complications due to the site and voids appearing in the ground (*Building Control approval will be required to secure appropriate construction, if approved*)
- Loss of light to rear garden
- Not enough room or the builder of the estate would have used it (*opinion noted*)

Objections to the amended scheme have been received from five residents on the following grounds;

- Invasion of privacy of houses on Aldridge Road because of the proposed height
- Overbearing impact
- Landfill site with a large amount of methane gas and unstable land
- May need to be pile driven which will disturb neighbours and cause damage to properties on Aldridge Road (*not a material planning consideration*)
- Tree preservation order (*noted*)
- Existing house is already metres higher than their rear garden fence on Aldridge Road
- Redrow could not build on this site originally (*no further information has been provided however this may be due to the Tree Preservation Order*)
- Gap was left originally to allow houses on the Hundred Acre Estate some privacy (*no evidence to support this comment*)
- Trees and 8ft high fencing were a requirement of the original planning consent for the estate (*safeguarding planning conditions in respect of boundary treatment can be included, if approved*)

- Community safety issue building another house close to the pathway to Hundred Acre Estate as issues with overshadowing and potential ASB (*no evidence has been provide to demonstrate that security is an issue for users of this public highway and natural surveillance from housing would provide overlooking and security for users*).
- Concern over potential methane gas issues causing safety issue Pile driving the already unstable ground is frightening (*method of construction is not a material planning consideration and ground gas measures have been addressed by the planning agents. Safeguarding conditions would be required if approved*)
- Interfere with Right of Light. Resident has lived there for 52 years so a Right of Light Easement would apply under Law of Tort (*this is private legislation and not a material planning consideration. Appendix D of Designing Walsall SPD provides standards to protect residents light and privacy*).
- Requires access via a shared driveway and will not allow future access to this or by any other properties (*this is a private legal matter and not a material planning consideration*)
- Current shared driveway is single width and a tight space in a very busy area which gives rise to existing problems and an additional house would worsen this (*The existing private driveway is deemed sufficient for vehicular access by existing residents*)
- Already too many cars in front of their house on Field Maple Road (*comment noted however the Local Highway authority has no objections in this regard*)
- Adding another house would exceed the maximum density levels (*the addition of a new house in an existing gap is considered would be in keeping with existing street densities*)
- Unfair to add another house to the shared access since they purchased their property (*this is a private legal matter and not a material planning consideration*)
- Access from a different point would mean they could live with everything else concerning the proposed dwelling. Council railings block access from Silverstone Drive (*the Council is required to determine the application before them*)

Determining Issues

- Principle of Development
- Design and Character of the Area
- Amenity of Neighbouring Residents
- Contaminated Land
- Air Quality
- Ecology
- Trees
- Parking and access
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The site is situated within a well-established residential area with regular bus services from Aldridge Road into Walsall and Birmingham. The site is considered to be in a

sustainable location consistent with guidance in the NPPF, BCCS and UDP.

Whilst the proposals will result in the development of a residential garden which is not defined as previously developed land in the NPPF, in this case, it is considered that the proposals in principle will not cause harm to the local area, will not adversely impact on the character and identity of the local area and will be consistent with advise in paragraph 53 of the NPPF and that the house is within a residential location. An appropriate level of private amenity space and parking will be retained for 4 Field Maple Road and the proposal would continue the residential street frontage this section of Field Maple Road.

The principle of an additional residential property fronting the street is considered appropriate in this location subject to safeguarding conditions which meet the 6 tests referred to in the NPPF.

Design and Character of the Area

The design reflects neighbouring houses with similar characteristics including roof design, forward gable projection and is of a similar scale and proportion to existing houses on the Poet's Wood Estate. The proposed house design is considered would integrate with the existing houses on Field Maple Road and Silverstone Drive since being reduced in height and would have a limited additional impact on the character of the area.

The reducing, stepped appearance of ridge heights between 2 and 4 Field Maple Road, the new dwelling and 24 Silverstone Drive is considered would maintain the existing rhythm and character of the street.

Side gaps of 7.5 and 8.9 metres would be retained between the proposed new dwelling and 4 Field Maple Road and 24 Silverstone Drive respectively which is considered would maintain the spacious appearance of this part of the street.

The proposed private amenity space provision of 12 metres in length would meet the requirements of Appendix D of Designing Walsall SPD.

To ensure the satisfactory appearance of the development is retained and to protect against future proposals affecting ground gas mitigation, permitted development rights for Householders can be removed, if approved.

Amenity of Neighbouring Residents

The proposed new dwelling would exceed the separation distances recommended in Appendix D of SPD Designing Walsall and is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The proposal would meet the Council's 45 degree guidance, as referred to in Appendix D, in relation to the adjacent houses 4 Field Maple Road and 24 Silverstone Drive. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The proposed new dwelling would be separated from houses fronting Aldridge Road, by a distance of 48 metres. This would be double the recommended minimum separation distance of 24 metres between facing habitable room windows in

accordance with Appendix D of Designing Walsall SPD.

Whilst the proposed two rear dormer windows would face rear gardens serving houses fronting Aldridge Road it is considered that the small size of the dormers and separation distances would limit overlooking impacts and impact on light to neighbours rear gardens. Furthermore these neighbouring houses have outbuildings and garages separating these properties from the application site and there is already mutual overlooking at this distance.

The side facing window serving a non-habitable room could be conditioned to be obscurely glazed and any opening parts could be installed more than 1.7 metres above the floor of the room it serves, if approved.

Contaminated Land

The Poets Wood residential scheme, of which Field Maple Road is a part of, was constructed on a former landfill site known as Rawlins Tip, which continues to produce landfill gas. Consequently a ground gas management and ventilation scheme was installed as part of the remediation of the site prior to the residential development of this site. This ground gas and ventilation scheme comprises stone columns and a granular blanket with a ventilation system linked to ventilation points at the perimeter of the site. All buildings on the development have ground gas ingress protection measures incorporated into their structures.

Following consultation the Pollution Control Team have no objections to this development subject to the inclusion of planning conditions to ensure that existing landfill gas management installations are protected and suitable landfill gas protection measure are installed into the new dwelling, if approved. Had the proposed detached garage been retained as part of this planning application then ground gas protection measures would have been applicable to the garage as well as the dwelling. Removal of permitted development for outbuildings will ensure that an outbuilding cannot be constructed in future without first applying for planning permission.

There is a section 106 agreement in place requiring the setting up of a management company to oversee the annual review of onsite arrangements for details of the site and ground gas management arrangements as well as record the details of all additional built development. Further information is sought regarding the addition of a new dwelling on the estate in relation to the existing S106 requirements from the Council's Planning Solicitors and an update will be included on the supplementary paper.

If approved permitted development allowances should be removed, in line with the existing planning permission for the residential estate, to ensure future protection of existing ground gas and ventilation systems. This includes any engineering/building works within the curtilage of any dwelling forming part of the development involving excavation or disturbance of to any material at ground or floor level (including, although not limited to, the laying of a patio and the excavation of a swimming pool or pond and the installation of any free standing shed, hut, conservatory or greenhouse whether or not such installation involves any such excavation or disturbance) or the importation of any material or the raising of the

Air Quality

As a minimum, and in accordance with the Black Country Air Quality Supplementary Planning Document, new developments should include the provision of electric vehicle charging points, the installation of low NOx boilers. These can be secured by planning condition if the proposal is approved.

Ecology

The Council's Ecologist has advised that the submitted habitat survey report is considered to have accurately described the baseline and adequately and proportionately assessed the impacts of the proposals. It is considered the proposed development is unlikely to result in any significant ecological impacts. Safeguarding conditions can be included as recommended in respect of tree and shrub removal, creation of new wildlife features, measures to avoid impacts to any retained trees, nesting birds, hedgehogs and other mammals, if approved. Tree removal is considered does not pose a constraint from an ecological perspective.

Trees

The trees on the application site are covered by a Tree Preservation Order (TPO). The Arboricultural Impact Assessment proposes the removal of 5 protected trees to facilitate development (reference no's T10, T11, T12, T15 & T18) Pruning would be required to one tree to facilitate development (T17) and 3 trees removed on the grounds of condition (T3, T14 & T19). The Council's Tree Officer noted following their site visit that only 3 trees could be removed purely on arboricultural grounds.

All 21 trees are protected under Tree Preservation Order No. 32/2006, a woodland Order protecting all species of tree no matter when it started to grow and no matter what size. Woodlands are groups of trees growing in close proximity to each other and, as is typical with trees in this situation, some have dominated with reasonable shaped crowns, whilst others are suppressed with asymmetrical crowns. This is natural and does not devalue the woodland as a whole. Whilst the trees with asymmetrical crowns may not be worthy of individual protection, they form part of a collection of trees that forms the woodland, and their amenity value must be assessed as such.

The management of trees grown in close proximity to each other requires careful attention. Removing trees from a group that provides collective shade and shelter may increase the risk that any remaining trees will fail in adverse weather conditions. The proposed dwelling will result in the removal of several trees that not only provide the shelter and support they rely on but also have a detrimental effect on the visual amenity of the locality. In addition, given that the land is steeply graded downwards from the northwest to the southeast, there is potential for further tree removals due to the impact of regrading operations.

The Plan shows that tree reference no. T4 to be retained. This is a B class tree that will be affected by the ground level alterations associated with the construction of the turning head. The Council's Tree Officer considers that T4 cannot be retained. The sloping ground and the extended driveway all indicate that some form of retaining structure is required to support the driveway, regardless of whether it is of a no-dig construction or not. The closest point of the driveway is 1.5m from the base of the tree which is likely to have a significant impact on its retention. The removal of T4 will expose its immediate neighbours (of lesser value) to increased weather, which significantly increases the risk of failure in adverse weather conditions. Failure is

likely to lead to damage to person or property both within and outside the site.

The Tree Report shows an area of “ground protection” (blue shading) adjacent to the southern corner of the dwelling and the Council’s Tree Officer is unsure why this area is marked as such given the implication of hard standing unless the hard standing is to lead to the front of the dwelling only.

The applicants Tree Consultant has advised that surface water from the drive can be captured in part by a gutter drain across the drive and located outside of the root protection zone. Guttering around the roof will be arranged, if approved, so as downpipes are located at the furthest point possible from the root protection areas of retained trees. Details of the location of soakaways and drain runs has not been provided. Given the sloping nature of the site, the proximity of the dwelling to protected trees, and the tight margins between construction activities and the necessary tree protection, the potential impact on the existing trees is a concern of the Council’s Tree Officer.

The proposed building is located on the north side of the trees and given the prevailing winds emanate from the southwest the building is unlikely to provide shelter to the trees as suggested.

Tree reference no. T12 Pine (‘C’ class in the Arb Report although the Council’s Tree Officer classes it as ‘B’) is indicated for removal. Its removal will result in the removal of tree reference no. T13 also as the two trees form a small group and you cannot remove one without the other without significantly increasing the risk of the remaining tree failing in adverse weather conditions. Failure is likely to lead to damage to person or property both within and outside the site.

To conclude the removal of 6 trees (*excluding the 3 trees to be removed on purely arboricultural grounds plus the additional T4*) to facilitate development is considered will impact on the long-term health, condition and stability of the remaining trees. In addition, there are concerns that any remaining trees will be subject to repeated applications to either fell or severely prune them due to their juxtaposition with the proposed dwelling (on the south side). This is due to shading, their proximity to the dwelling raising concerns over their safety in adverse weather conditions, and general issues of leaves/twigs/ deposition and bird mess.

The refusal of this application is recommended due to the impact on, and the unjustified removal of, the existing protected trees that provide a useful amount of amenity value in the locality and the removal of trees is considered not compliant with NPPF paragraph 170, saved UDP Policy ENV18, BCCS Policy ENV1 and Policy NE8 of Conserving Walsall’s Natural Environment SPD.

Parking and Access

A total of three off street parking spaces are required to serve a 6 bedroom dwelling in accordance with the requirements of saved UDP Policy T13 Parking. There is considered to be sufficient space to the front of the proposed dwelling house to accommodate the required spaces.

Transportation Officers have commented that a resident should have to drag their waste bin no more than 30 metres but the proposed dwelling would see this drag distance from the edge of the application plot to the main carriageway of Field Maple

Road of approximately 33 metres.

Highways officers have expressed concerns regarding the distance that the new residents will need to drag their refuse bin, if this proposal is approved. Although there is a 3 metres shortfall it is not considered to be significant nor sufficient to warrant refusal of permission on this basis. Also any potential new occupiers will be aware of the need to drag bins to the nearest adopted highway, in the same way that the occupiers of no. 4 are required to.

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 1 new home.

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

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

Conclusions and Reasons for Decision

The proposed removal of 6 protected trees to facilitate development is considered would be detrimental to the wider amenity, aesthetic and landscape value of the area. Furthermore it is considered that the proposed tree removal will impact on the long-term health, condition and stability of the remaining trees. There are concerns that any remaining trees will be subject to repeated applications to either fell or severely prune them due to their juxtaposition with the proposed dwelling (on the south side). This is due to shading, their proximity to the dwelling raising concerns over their safety in adverse weather conditions, and general issues of leaves/twigs/ deposition and bird mess and contrary to NPPF para. 170, BCCS Policy ENV1, saved UDP Policy ENV18 and Policy NE8 of Conserving Walsall's Natural Environment SPD.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have liaised with the applicant's agent to address concerns raised and helpful changes have been made. However as objections in respect of the removal and impact on of protected trees remain and in this instance Officers are unable to support the proposal.

Recommendation

Refuse

1. The siting of the proposed new dwelling is considered would result in the removal of protected trees and impact on the long-term health, condition and stability of the remaining trees. Future pressure is also considered likely to remove or severely prune remaining protected trees due to their proximity to the proposed dwelling which would lead to further unacceptable impacts. The loss of these trees is considered would cause significant detriment to the landscape character of the site and visual amenity of the wider area. This proposal would be contrary to BCCS Policy ENV1, saved UDP Policy ENV18, NE8 of Conserving Walsall's Natural Environment SPD and NPPF Paragraph 170.

END OF OFFICERS REPORT