

Planning Committee

Report of Head of Planning and Building Control on 31 October 2022

Plans List Item Number: 2

Reason for bringing to committee

Significant Community Interest

Application Details

Location: LAND BETWEEN 15 AND 19, GOSCOTE ROAD, WALSALL, WS3 4LE

Proposal: ONE DETACHED 4 BEDROOM DWELLING HOUSE TO THE SIDE OF 15 GOSCOTE ROAD, WALSALL WITH DETACHED TWIN GARAGE TO THE REAR OF THE SITE TO SERVE THE PROPOSED NEW DWELLING AND 15 GOSCOTE ROAD.

Application Number: 20/1640

Case Officer: Helen Smith

Applicant: Bariana

Ward: Pelsall

Agent: Sheila Porter

Expired Date: 11-Feb-2021

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

Time Extension Expiry: 16-Dec-2022



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Recommendation:

1. 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;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed
 - Securing mitigation for Cannock Chase SAC via a Unilateral Undertaking

Proposal

This is a resubmission of a previously approved planning application following a successful planning appeal that was never implemented. This application is similar to the detailed submission for reserved matters for a detached dwelling house and garage, granted permission on 10/10/12. The plans were amended to include the access to the garage as this had originally been included with the blue ownership line.

The key dimensions and features of the proposal are;

- 2.5 storey new detached 4 bedroom dwelling house
- 9.3 metres high to the ridge
- 5.1 metres high to the eaves
- Gable roof design with a chimney
- Two rear dormer windows with gable hoods
- Side facing non-habitable room window serving a landing
- Private rear amenity area of 68.8 sq. metres
- Side pedestrian access between 1.4 and 0.9 metres wide
- 1.8 metres high close boarded fencing to rear garden boundaries
- 600mm high picket fence to front garden boundaries
- Proposed detached double garage to the rear of the site to provide separate garage parking for the proposed new dwelling and for 15 Goscote Road, the host dwelling.
- Proposed garage positioned 22.9 metres from the rear of the new dwelling and 23.5 metres from the rear elevation of 15 Goscote Road
- 31.5 metres garage floor area
- Garage would have a 4 metres high gable roof
- Driveway between the rear garden boundary and the garage would be hard-surfaced and have sustainable drainage
- 600mm high picket fence to front boundaries

The submitted street scene drawing shows that the proposed roof height of the new dwelling would not exceed the ridge height of 15 Goscote Road. The new dwelling would be 1.9 metres higher than the ridgeline of 19 Goscote Road.

The 2012 planning approval had a different first floor layout to the current proposal.

The red outline defining the application site has been amended to include part of an access on land to the side of the proposed new dwelling to enable vehicles to reach the proposed detached garages. This land is not in the applicants ownership and

ownership certificate B has been completed and the requisite notice served on owners and interested parties.

The Planning Agent has provided the following documents in support of the planning application;

Design and Access Statement dated November 2020 which states;

- The proposal is in keeping with its surrounding
- Adequate amenity space is provided
- Sufficient parking provision for both the proposed and the host dwelling
- Provides an additional house in a sustainable area

Coal Mining Risk Assessment dated 22/2/21

Site and Surroundings

The site is situated on the northern side of Goscote Road and is the garden land associated with 15 Goscote Road. The site is predominantly level with no significant level changes between the application site and adjacent properties.

The plot is separated from 19 Goscote Road by an adjacent shared driveway which gives vehicle access to rear garages serving houses facing onto Allens Lane and Goscote Road. There is an existing wooden double garage to the rear of the application site which is in poor condition.

No's 7 to 15 Goscote Road are a block of 1940's terraced dwelling houses and 15 Goscote Lane sits on the opposite side of the access drive to the application site. This neighbouring house has front, rear and side facing habitable room windows.

No's 19 to 25 Goscote Road are 1980's detached houses which sit to the south-west of the application site. No. 19 has a blank side elevation next to the application site and front and rear habitable room windows.

There would be a 39 metre habitable room window to window separation distance to 4 and 4a Marlpool Drive at the rear.

The previous outline consent (planning reference no. 10/0301/OL) approved the erection of a detached dwelling with garage set to the rear, with access and layout approved following an appeal.

The subsequent reserved matters application (planning reference no. 12/0231/RM) dealt with the appearance, landscaping and scale of the proposed house and garage, with the layout and access arrangements matching those of the approved outline consent.

Relevant Planning History

12/0231/RM - Reserved Matters to 10/1301/OL: Erection of a single dwelling house and associated works – GSC 10/10/12

10/1301/OL, outline for the erection of a single dwelling house and associated works, access and layout only for consideration, refused 07-12-10. Subsequent appeal

allowed on 31-10-11 subject to conditions (Appeal reference no. APP/V4630/A/11/2152577).

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 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.

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

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites

- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
T4: The Highway Network

Supplementary Planning Documents Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Coal Authority – No objections subject to the inclusion of planning conditions in respect of intrusive site investigations and remedial measures in order to ensure the safety and stability of the proposed development, if approved.

Fire Officer – No objections subject to compliance with Building Regulations Approved Document B Vol 1 (2019)

Environmental Protection – No objections subject to the inclusion of planning conditions and informative notes in respect of ground gas, air quality, construction management and solid fuel stoves, if approved.

Severn Trent Water – No objections and require the inclusion of an informative note as there may be a public sewer located within the application site.

Strategic Planning Policy - No objections as the site has previously has planning permission for a single detached house

Local Highway Authority – No objections subject to the inclusion of planning conditions in respect of parking and an informative note relating to highway safety, if approved.

Ecology - Habitat Regulation Assessment Stage 2 required and appropriate mitigation secured.

Representations

(Local Planning Authority comments in brackets and italics)

Objections were received initially from two neighbours on the following grounds;

- Plot too narrow *(the proposed layout was approved by the Planning Inspectorate in 2012 and this is unchanged by the current planning application)*
- Adjacent driveway is muddy and access would be needed at all times
- Bus stop, telegraph pole and tree impeding access to the plot *(vehicle access would be via the existing shared driveway and would not be affected and there is space for pedestrian access from the footpath to the front)*
- Removal of gate and gatepost by applicant which was unauthorised as neighbours have keys *(this is a private matter and not a material planning consideration)*
- Does the “space around dwellings” rule still apply? *(the Local Planning Authority relies on current planning legislation, policies and guidance when determining applications)*
- Width of driveway must be maintained especially for emergency vehicles
- Will directly face the new houses at the rear
- Only three storey house in the surrounding area

Following neighbours re-notification of the amended plan which included access from the highway 9 objections were received from neighbours on the following grounds;

- Object to the driveway being narrowed and access for vans and delivery vehicles being restricted
- Off-road parking at the rear
- Private right of way
- Access has been maintained over the last 30 years by residents
- Loss of access for emergency services
- Access should not be restricted or blocked off temporarily or permanently
- The applicant doesn't own the drive
- Loss of the drive amenity would devalue their homes *(financial property values are not a material planning consideration in this instance)*
- Concerned that the drive would be restricted by building materials

Following the above objections a letter was sent to the objectors advising that the red outline shown on the drawings is to clarify that the access to the garage needs to be included within the proposed development site, hence the amendment. This is a procedural requirement for the planning application to show that access to the proposed garage can be made and would not preclude access to neighbours' garages

and to the land at the rear of adjacent houses. Neighbours were asked to confirm whether they wished to maintain their objection in writing following this clarification and three residents' replied confirming they wished to maintain the following objections;

- Concerns about builders access and material storage as bus stop is an obstruction to the right of way (*the lamp post and bus stop would be in front of the proposed new dwelling rather than the existing drive access*)
- Could block access to neighbours garages (*no evidence to support this statement has been provided*)
- Width of access road reduced by fences (*the proposal indicates that existing boundaries would be maintained and any new boundary treatment could be conditioned to provide details before installation*)
- Dwelling encroaches onto neighbours land (title WM434154) (*land ownership matters are a private legal matter and not a material planning consideration in this instance*)
- No right of way granted and new dwelling has no legal right to use the right of way as beneficiaries of the existing right of way are identified (*land ownership matters are a private legal matter and not a material planning consideration in this instance*)

Determining Issues

- Principle of the Development
- Design and Character of the Area
- Amenity of Adjacent Neighbours
- Ground Stability
- Ground Contamination
- Air Quality
- Parking and Access
- Cannock Chase Special Area of Conservation
- Local Finance Considerations

Assessment of the Proposal

Principle of the Development

The application site sits within a well-established residential area which is close to local services and there is a bus stop in front of the site.

The National Planning Policy Framework supports the development of windfall sites and gives great weight to the benefits of using suitable sites within existing settlements for homes (para. 68). Paragraph 70 suggests that Local planning Authorities may make an allowance for windfall sites, national and local policy guidance require efficient use of land, the provision of residential on this site would be considered an efficient use of this windfall site subject to a satisfactory residential environment being achieved. Policy HC2 of the SAD supports the development of other land for housing subject to design details

Furthermore, the principle of a new detached single dwelling house and garage on the site was established under the previous appeal decision on planning application no. 10/1301/OL. The Planning Inspector allowed the appeal subject to conditions.

Design and Character of the Area

The surrounding area is residential in character with a mix of house designs, form and ages. The design of the property is considered would reflect the design of other properties in the immediate vicinity with the proposed gable roof, chimney and simple front elevation.

The layout of the proposed new dwelling together with the ancillary detached garage to the rear to provide a garage for 15 Goscote Road and the new property was agreed by the planning inspector.

The ridge and eaves height of the property would be similar to the ridge height of the host dwelling, 15 Goscote Road. The ridge height of 19 Goscote Road is 1.9 metres lower than the proposed new dwelling and roof heights step down in a westerly direction the street scene. The planning agent was asked to reduce the roof height for this proposal however this was resisted as planning permission had previously been granted in 2012 for the same height. On balance, it is considered that the proposed roof height of the new dwelling would blend with the mixed character of the area and 2.5 storeys would sit comfortably within the street scene.

Safeguarding planning condition can be included in respect of levels and facing materials to meet the 6 tests and ensure these would match those of the surrounding properties, if approved.

The layout would provide a private rear amenity space of 68.8 sq. metres exceeding the 68 sq. metres required by Appendix E of Designing Walsall.

The proposed double garage with a gable roof is considered would reflect the style of the proposed new dwelling and neighbouring properties. This would be set back 41.5 metres from the highway and would have a limited impact on the visual amenity of the existing street scene.

The proposals would remove an existing overgrown vacant site within the residential street by providing a residential property that would continue the frontage and fit well with the general character of the area. It is considered that the proposals would improve the general street scene.

The existing vehicle access adjacent to the site and used by local residents for access to garages etc. would be retained and the proposal states resurfaced although this land is shown to be in the ownership of a different party. This may cause some disruption to the access for local residents during any resurfacing works.

Amenity of Adjacent Neighbours

The proposals would have no adverse impact on the amenities of the surrounding occupiers. The property would sit within the existing building line and fully comply with the 45 degree code in relation to neighbouring houses. The proposed dormer windows would overlook the proposed garages to provide passive surveillance and these elements are considered would create limited additional overlooking of adjoining properties.

Some disruption to access to existing garages may be caused during the resurfacing of the existing access drive adjacent to the site however this would be subject to the landowners' agreement. This could be included as a pre-commencement condition as the driveway is not within the ownership of the applicant and the landowners permission would need to be sought which would be a private legal matter.

Any disruption to neighbours during construction, if approved, would be short term as the proposal is for a single dwelling unit and ancillary garage only.

Permitted development rights could be removed to limit any additional extensions to the property if approved to ensure no adverse impact on ground stability given coal mining constraints and to ensure that the proposed garages remain ancillary to the host dwellings at all times to protect residents' amenity.

Ground Stability

The application site falls within the defined Development High Risk Area. The Coal Authority's information indicates the application site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has submitted a Coal Mining Risk Assessment report (22 February 2021, prepared by the Coal Authority's commercial arm) in support of their application.

Based on a review of appropriate sources of coal mining and geological information, the report concludes that due to the potential presence of unrecorded shallow mine workings in two coal seams, the risk to the site from legacy mining features is medium. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations in order to investigate the mining situation beneath the site and to inform any necessary remedial measures.

The applicant is requested to note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property, i.e. coal seams and associated workings. An informative note can be included with a decision notice, if approved.

The submitted report concludes that the risk to ground stability at the site from recorded mine entries is low. However, it identifies the potential for unrecorded mine entries to be present within the site and recommends a watching brief be maintained during site works. The Coal Authority take this opportunity to highlight that should any previously unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required, in accordance with a Coal Authority Permit.

The Coal Authority advise that it should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, The Coal Authority recommends the inclusion of safeguarding conditions, if the application is approved.

Ground Contamination

Previous consultation responses for development on this site and the adjoining area have advised the Developer about concerns from historical uses on the site and the nearby landfill sites.

Concerning contaminated land, Environmental Protection is aware that the site has previously been used for ice cream van storage and repair activities. This may have resulted in minor land pollution from spills and leaks, whilst we are not recommending conditions requiring intrusive ground investigation and assessment, they have taken this opportunity to incorporate a suitable advisory note to be attached to any approval granted.

The site of the proposed development is located within 250 meters of a known gassing former landfill site (an in filled brick pit known as Marlpool Drive) and there is the risk that mine gas may be present. Under these circumstances, Pollution Control recommends basic gas protection measures in the development.

In addition to the above Environmental Protection officers require the inclusion of a planning condition to require a Construction Management Plan given the proximity of residential dwellings and the road infrastructure, if approved.

Air Quality

The Air Quality Supplementary Planning Document (SPD) is relevant for all new houses. A planning condition is required for the Applicant to agree and install an electric vehicle charging point in accordance with the Air Quality SPD.

The adverse health effects from particle emissions from solid fuel stove, fire or heating appliance and associated chimney and flue arrangements are widely known and we have concerns regarding low discharge heights of the chimney flues serving them. A condition is required for the details of any installation of any solid fuel stove, fire or heating appliance and associated chimney and flue arrangements to be agreed in writing with the Local Planning Authority to ensure any discharge from chimneys/flues will be adequately dispersed.

Parking and Access

The application looks to construct a new 4 bedroom dwelling with access from an existing shared private that serves as rear access to a number of properties.

A garage and parking for the new dwelling and no.15 Goscote Road are proposed.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

Cannock Chase Special Area of Conservation (SAC)

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the

vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £290.58 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC's conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application is situated within the 15 km Zone of Influence of the Cannock Chase SAC and proposes a net increase of 1 dwelling. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £290.58 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant has not yet agreed to provide the SAC mitigation payment via Unilateral Undertaking / S106 which will need to be completed prior to planning approval being granted. This requirement is considered can form part of the recommendation prior to any planning approval being granted.

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 one new home.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, previous planning and appeal history and neighbour comments, it is considered the proposed new dwelling and detached garage would reflect the design of the existing dwelling and other properties around the area. Land ownership issues are a private legal matter and not material planning considerations in this instance.

The proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers. The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and 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.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework (para 127), policies CSP4, HOU2, TRAN2, ENV1, ENV2, ENV3 and ENV8 of the Black Country Core Strategy and saved policies 3.6 to 3.9, GP2, ENV10, ENV14, ENV23, ENV32, T7 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall and Air Quality.

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

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

1. 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;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed
 - Securing mitigation for Cannock Chase SAC via a Unilateral Undertaking

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:

- Location Plan, Block Plan, Floor Plans and Elevations, Drawing No. 20/1420/101 Rev. B, deposited 21/04/21
- Dwelling Roof Plan, Garage Details and Street Scene, Drawing No. 20/1420/102, deposited 17/12/2020
- Location Plan, Block Plan and Street Scene, Drawing No. 11/4010/103, deposited 17/12/2020
- Design and Access Statement, November 2020 and deposited 17/12/2020

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).

3. a) Prior to commencement of the development hereby permitted:

- I. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority;
- II. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority;
- III. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority;

3. b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

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

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4. a) Prior to commencement of the development hereby permitted details of ground-gas ingress protection measures to be installed in the proposed structure(s) shall be submitted to and agreed in writing with the Local Planning Authority.

4. b) Prior to the use of the development hereby permitted details a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority

Reason: In the interest of the safety of current and future occupants in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

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

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. Re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.

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

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

6. a) Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

6. b) The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

6. c) The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

7. a) Prior to commencement of the development hereby permitted, details shall be submitted in writing to and approved in writing by the Local Planning Authority for the hard surfacing of the access drive to the detached double garage on the application site to provide off-street parking for 4 cars (including 2 garage parking spaces) in total with each space measuring a minimum of 2.4m x 4.8m each.

7. b) The parking spaces shall be hard surfaced and drained to prevent surface water from the driveway running on to the public highway or into any highway drain.

7. c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

Reason: To ensure provision of adequate car parking and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies T13, T7 GP2 and ENV40.

8. a) 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 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.

8. b) 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.

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

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

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

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

10. Prior to the occupation of the development hereby permitted a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

11: a) Prior to commencement of the development hereby permitted an air quality low emission scheme to install an electric vehicle charging point shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

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 and DEL1 of the Black Country Core Strategy

12: b) Prior to occupation of the development hereby permitted a written validation statement shall be submitted in writing to and approved in writing by the Local Planning Authority to demonstrate that the scheme has been installed as agreed and that the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

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.

13. Prior to the first occupation of the new dwelling the proposed rear garage shall be fully implemented and brought into use.

Reason: To ensure the satisfactory completion of the development and in accordance with UDP T17 and T13.

14. a) Prior to the installation details of any solid fuel stove, fire and/or heating appliance, including associated chimney and flue arrangements and their proposed location, in writing with the Local Planning Authority.

14. b) No solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed otherwise than in accordance with the approved details for the lifetime of the development.

Reason: To safeguard local air quality in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy and the Air Quality SPD

15. Notwithstanding the details submitted the detached double garage hereby permitted shall not be used otherwise than by the occupiers of the new dwelling house and 15 Goscote Road for purposes incidental to those dwelling houses and the development hereby permitted shall not be occupied separately from that dwelling house.

Reason: To define the planning permission, safeguard the amenities of adjoining dwellings and to comply with the NPPF, Walsall's Unitary Development Plan saved policy GP2 and Designing Walsall SPD appendix D.

16. 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 additional 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.

17: 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, as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house shall be permitted including ;

- Class A (enlargement, improvement or other alterations),
- Class AA enlargement of a dwellinghouse by construction of additional storeys
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class E (building incidental to the enjoyment of a dwelling house),

shall be installed in any part of this development.

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

Notes for Applicant

Contaminated Land

The area of this proposed development has previously been utilised for ice cream van storage and repair activities. This may have resulted in localised ground contamination that could present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

Air Quality

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point parking provision for share parking is 10% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. For this development, based on 71 car parking spaces, it will require for 7 charging points. Wherever possible the power supply and charging point should both be phase 3 compatible. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

Highway Authority

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

Coal Authority

The applicant is requested to note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property, i.e. coal seams and associated workings.

Severn Trent Water

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

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

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

END OF OFFICERS REPORT