

Planning Committee

Report of Head of Planning and Building Control on 04 November 2021

Plans List Item Number: 5

Reason for bringing to committee

Called in by Councillor Andrew due to public interest.

Application Details

Location: Land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU

Proposal: DEVELOPMENT OF 5 NO 3 BEDROOM HOUSES AND ASSOCIATED PARKING AND LANDSCAPING.

Application Number: 20/1222

Case Officer: Leah Wright

Applicant: Eric Russell

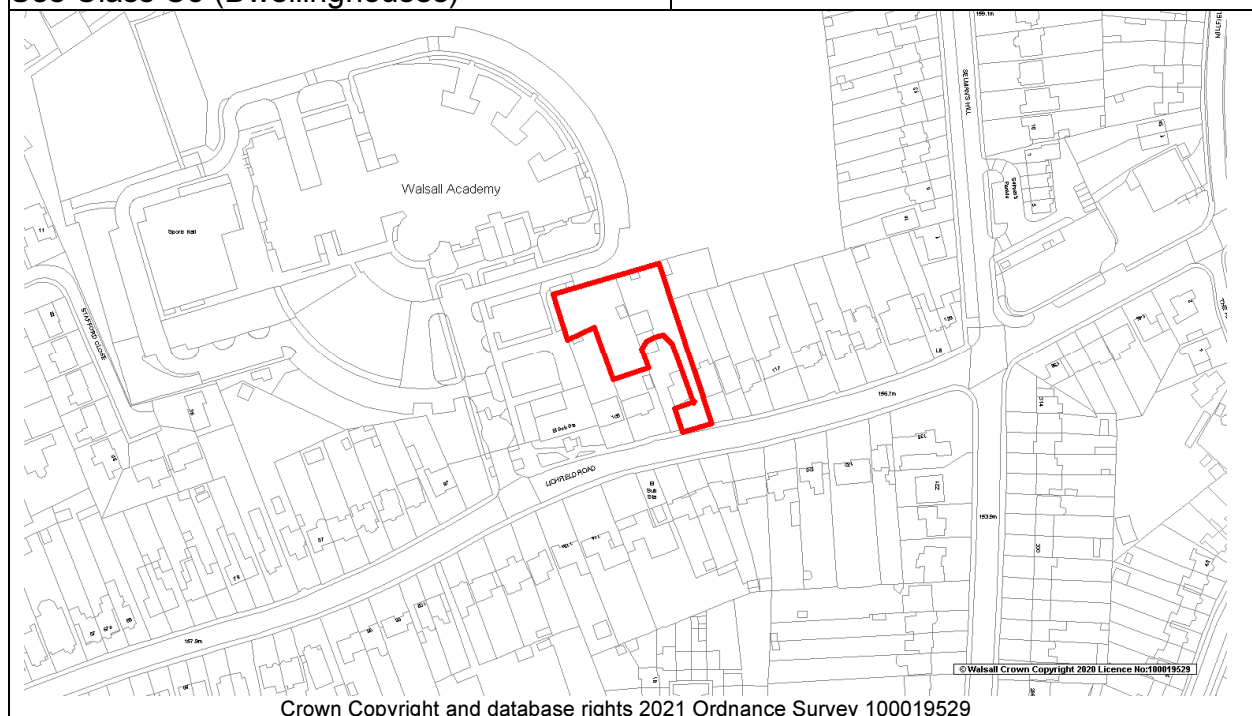
Ward: Bloxwich East

Agent: Peter Jackson

Expired Date: 24-Nov-2020

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

Time Extension Expiry: 12-Aug-2021



Recommendation

Refuse

Current Status

At the Planning Committee meeting of 5th August 2021 Members resolved to defer this application for consideration at a future meeting.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Supplementary Paper

The supplementary paper for the above committee explained that the agent requested the item be withdrawn from that committee agenda to enable the applicant to consider amending the proposals to improve the access.

Any Other Updates

Since the original report an amended block plan has been received (reference 1d received 10th September 2021) which shows a footway alongside the access road and a visibility splay.

New consultee comments have been received following re-consultation which are as follows:

Local Highway Authority:

The submitted revised plan Rev 1d fails to address two of Highway Authority's three previous concerns which are as follows:

1. The addition of the footway alongside the access road, required to provide a segregated vehicle free route for residents and visitors of the development, reduces the access road down to 3.4m over a 20m section of its length and reduces the remaining straight section to 4.4m. Taking into account the access is tight onto the eastern site boundary, it is considered unlikely that two vehicles will attempt to pass on the wider section of access road. This is likely to result in drivers that are attempting enter the access 'giving way' to oncoming egressing vehicles and hence waiting at the entrance on Lichfield Road to allow the vehicle to leave as the proposed 'passing' area is only 4.4m wide. This, together with the significant intensification of the access for five detached dwellings, is considered very likely to result in awkward vehicle reversing movements onto the main road and/or waiting on the main road itself, which is a classified road (A4124) and a strategic highway, or vehicles blocking the highway footway at a sensitive location close to school and nursery where at times there will be high pedestrian movements passing by the access.

2. The 2.0m x 43m visibility splay as shown on the revised plan is not acceptable to the Highway Authority. The setback distance should be 2.4m, which is an industry wide accepted distance and the minimum recommended distance for an access serving multiple dwellings onto a 30mph road. This is set out in Government guidance Manual for Streets¹. It is clear the position of the proposed access is unable to achieve the required 2.4m set back due to third party land issues. Likewise, the required 2.4m x 3.4m pedestrian visibility splay, whilst not shown on the revised plan, is also unlikely to be achievable for the same reason. The splays are required to meet highway design standards due to the intensification of the access, the proximity of the access to a secondary school and nursery entrance and the nature of Lichfield Road being a classified road (A4124) and a strategic highway.

The Highway Authority considers the development will have an unacceptable impact on road safety contrary to the NPPF, Saved UDP Policy GP2, T4, DfT Manual for Streets guidance, to the detriment of the free flow of traffic along the public highway and to highway safety.

Waste Management:

In terms of waste management it is considered that a refuse collection vehicle (RCV) would not be able to reverse off this section of Lichfield Road. The site is near a school and near one of the busiest junctions in the surrounding area. The access is tight and therefore there is a very high probability that drivers may have to shunt in and out for positioning leaving them exposed to the traffic on the main road and in a vulnerable position for longer than could be justified in any necessary risk assessment.

Further, there is a lack of space in the site and the plan which shows the RCV route leaves no margin for error and would take absolute precision which could not be expected of drivers. As such, the likelihood of causing damage as a result is high and is unacceptable.

West Midlands Fire Service:

The revised block plan as submitted on 10th September 2021 shows that the point at which the access road narrows is of a width less than the minimum requirement of 3.7m for a WMFS fire appliance. It would not therefore be acceptable given that urgent access may be needed to the properties at the end of the access road.

Conclusion

The recommendation remains as per the original report to refuse the development.

Updated Reasons for Refusal

1. This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
2. The addition of the footway alongside the access road, as shown on revised block plan REV 1d REC 10.09.2021, required to provide a segregated vehicle free route for residents and visitors of the development, reduces the access road down to 3.4m over a 20m section of its length and reduces the remaining straight section to 4.4m. Taking into account the access is tight onto the eastern site boundary, it is considered unlikely that two vehicles will attempt to pass on the wider section of access road. This is likely to result in drivers that are attempting enter the access 'giving way' to oncoming egressing vehicles and hence waiting at the entrance on Lichfield Road to allow the vehicle to leave as the proposed 'passing' area is only 4.4m wide. Further, the intensification of the vehicle access serving five dwellings is likely to result awkward vehicle reserving movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by thus causing significant harm to the highway safety of drivers, cyclists and pedestrians contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32(Design and Development Proposals) of the Walsall Unitary Development Plan, policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the NPPF.
3. The 2.0m x 43m visibility splay as shown on revised block plan REV 1d REC 10.09.2021, is not acceptable and fails to provide the necessary setback distance of 2.4m for an access serving multiple dwellings onto a 30mph road. The proposal also fails to provide the necessary 2.4m x 3.4m pedestrian visibility splay. The proposal would result in harm to the safety and operation of the highway and is contrary to the NPPF, Saved UDP Policy GP2 (Environmental Protection), and SAD Policy T4 (The Highway Network).
4. The proposal fails to provide an acceptable means of refuse collection due to a refuse collection vehicle not being able to reverse off this section of Lichfield Road and combined with an unacceptable narrow access and lack of space within the site. The proposal is therefore contrary to the NPPF and the Unitary Development Plan, in particular Saved policies GP2 (Environmental Protection), ENV32 (Design and Development of Proposals) and SAD Policy T4 (The Highway Network).

5. The proposal includes an unacceptable narrow access road which falls below the minimum requirement of 3.7m for a fire appliance. For these reasons the application is contrary to the NPPF and the Unitary Development Plan, in particular Saved policies GP2 (Environmental Protection) and ENV32 (Design and Development of Proposals).
6. The proposed development would provide an unacceptable standard of amenity for the future occupants for each plot due to an insufficient level of private rear garden amenity space. The proposal is therefore contrary to saved policy GP2 (Environmental Protection), of the Walsall Unitary Development Plan, policy ENV3 (Design Quality) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), and DW5 (Ease of Movement) and Appendix D of the Designing Walsall Supplementary Planning Document (Numerical Guidelines for Residential Development).
7. The remaining garden areas of 36.9sqm and 60sqm serving No.107 and No.105 Lichfield Road respectively are below the minimum standards with no justification given to the lack of amenity space. These small garden areas fail to provide an acceptable level of outdoor amenity to occupiers and fail to reflect the size of gardens in the locality. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection), Appendix D of the Designing Walsall SPD (Numerical Guidelines for Residential Development) and the NPPF.
8. Plot 5 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbours amenity. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
9. The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.

THE ORIGINAL REPORT FOLLOWS:

Proposal

This application proposes the development of 5 No 3 bedroom houses and associated parking and landscaping to the rear gardens of 105, 107 and 109 Lichfield Road, Bloxwich.

The proposed houses would be set back 53m into the site with all five houses being parallel to the Lichfield Road.

The dwellings measure 7.7m wide, 8.54m in depth, 8.3m in height with a pitched roof with eaves of 5m. They would be set off the boundary with 111 Lichfield Road by 1.2m.

To the front elevation the dwellings would have four windows and a front door with a canopy. To the rear elevation there would be three windows and a set of patio doors at ground floor. To the side elevation there would be two windows to the east and one window to the west which would break up an otherwise blank elevation.

Internally the dwellings would have a hallway, dining room, WC, living room and an open plan kitchen/breakfast/family room at ground floor. At first floor the dwellings would have three bedrooms (bedroom one would measure 11.6m, bedroom two would measure 10.4m and bedroom three would measure 8.58m). Bedroom one would benefit from an en-suite and there would be a separate bathroom for other inhabitants. There would also be a landing, cupboard space and a study.

It is stated that the dwellings would each have a rear garden length of 7.4m, measuring 70sqm. However, when measuring the garden sizes from the submitted block plan they measure approximately 5.8m in length and 49sqm in area. Bin and cycle stores would be provided within each rear garden measuring 1.8m high, 3.4m in depth and 0.7m wide.

The proposed boundary treatment is a 2m high close board fence to the rear and a 1.8m high larch lap fence at the side of each house.

Each dwelling would have 2 off street parking spaces, driveway and new vehicle access to the front, excluding plot 5 whose parking would be located on the opposite side of the access road along with a further space to serve No.109 Lichfield Road and two visitor spaces. Two further spaces to serve No.109 would be provided to the front of Lichfield Road. The new dwellings would be set back 0.6m behind the proposed parking spaces to provide a pedestrian path in front of the dwellings.

Site and Surroundings

The subject site is land sited to the northern side of Lichfield Road, to the rear of gardens of 105, 107 and 109 Lichfield Road.

The street scene is characterised by dwellings of various styles and sizes and is a predominately residential area. The pattern of development is of linear built form with a strong consistent building line fronting Lichfield Road with driveways and landscaped areas fronting dwellings.

105 Lichfield Road is a detached two storey property with a hipped roof.

107 Lichfield Road is a large detached dwelling set back from the highway with a gated access driveway and an area of off-road parking for four vehicles.

109 Lichfield Road is a detached two storey dwelling with a tiled gable end roof.

Millfields Nursery and Walsall Academy are sited approximately 15m to the rear of the proposed site.

The site is not within a conservation nor is it a listed building.

Relevant Planning History

105 Lichfield Road

04/1500/FL/H1- First Floor Extension & Single Storey To Side & Rear- GSC 18/08/2004

107 Lichfield Road

02/1278/FL/H1- First Floor Side Extension- GSC 31/08/2002

06/0493/FL/H1- Two-storey extension and front boundary wall- Refused 21/06/2006

06/1439/FL/H1- Two-Storey Side Extension, and Boundary Wall and Gates to Front- GSC-25/09/2006

Land rear of 107-109 Lichfield Road

17/1209- Erection of 4 x 1 bed detached bungalows- Withdrawn 03/08/2018

20/0097- Re build and extend existing garage to form garden annex granny flat- GSC 23/03/2020

Land rear of 109 Lichfield Road

19/1590- Erection of 5 no 3 bed detached dwellings with associated access, parking and landscaping at land to the rear of 105, 107 and 109 Lichfield Road- Withdrawn 21/08/2020.

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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 56) 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 in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

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

Manual For Streets

Paragraph 6.8.9 Schedule 1, Part H of the Building Regulations (2000)¹⁷ define locations for the storage and collection of waste. The collection point can be on-street (but see Section 6.8.11), or may be at another location defined by the waste authority. Key points in the Approved Document to Part H are:

- residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point;
- waste collection vehicles should be able to get to within 25 m of the storage point (note, BS 5906: 2005¹⁸ recommends shorter distances) and the gradient between the two should not exceed 1:12.

Paragraph 6.8.10 Based on these parameters, it may not be necessary for a waste vehicle to enter a cul-de-sac less than around 55 m in length, although this will involve residents and waste collection operatives moving waste the maximum recommended distances, which is not desirable.

Paragraph 6.8.11 BS 5906: 2005 provides guidance and recommendations on good practice. The standard advises on dealing with typical weekly waste and recommends that the distance over which containers are transported by collectors should not normally exceed 15 m for two-wheeled containers, and 10 m for four-wheeled containers.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals

- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13 – Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
 EN1: Natural Environment Protection, Management and Enhancement
 EN3: Flood Risk
 T4: The Highway Network
 T5: Highway Improvements

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
- DW2 Safe and Welcoming Places
- DW3 Character

- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Local Highways Authority - The Local Highway Authority objects and considers the development will have an unacceptable impact on road safety contrary to the NPPF, Saved UDP Policy GP2, SAD Policy T4, DfT Manual for Streets guidance, to the detriment of the free flow of traffic along the public highway and to highway safety.

Pollution Control - It is considered that as a minimum a desktop survey and appraisal is undertaken to determine whether an intrusive investigation is required. The Applicant shall agree measures to be implemented to comply with the Black Country Air Quality SPD. A construction management plan shall be agreed in writing with the Local Planning Authority prior to the commencement of development. Conditions to address these points have been included as part of this consultation.

Strategic Planning Policy - This application raises similar issues to the previous application 19/1590 which was withdrawn. The proposal would provide a small scale development opportunity that would boost the supply of housing so could potentially be supported on strategic planning policy grounds by NPPF paragraph 59, BCCS Policy CSP2 and SAD Policy HC2. However, the site is very close to the school so future residents could suffer from noise and disturbance, especially in view of the limited amenity space and separation proposed from the boundary. The site also appears to contain mature trees so should be checked for the possible presence of bats.

West Midlands Police - No objection. Principles of Secure by Design recommended.

Community Safety Team – No comments received.

Waste Management – No comments received.

Representations

6 representations were received from five different households which can be summarised as follows: Officers comments are in italics.

- 1 neighbour in support of the application.
- Child safety issues.
- Safety issues on the private access road. The proposed development could significantly add to local vehicle traffic and given the number of children at peak times increase the risk of potential accidents.
- Concerned about the parking of contractors' lorries and vans during the demolition and construction phase of this development.
- Provision of lighting along the access road would certainly improve safety after dark (no external lighting is proposed as part of this development).
- We do not think the access road is 5 metres wide; nor do we think two vehicles could pass safely.
- We are also concerned about the risks of building works to the walled border of 111 (this is not a material planning consideration and falls under the remit of Building Regulations).
- We would confirmation that this development will be for residential purposes and not for business (the submitted details show the development is for use as dwellings (C3) use).
- Impacts on my privacy.
- Effect on the value of my property (this is not a material planning consideration).
- Development would provide clear views from the houses into the playground of Millfields Nursery and into their learning areas which cater for young children and into classrooms and to social areas for the students of Walsall Academy.
- The trees on the topographical survey have already been removed by the applicant and provide no screening to the direct view into rooms or play area from the proposed development.
- Poor visibility, accidents and danger to pedestrians.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours
- Amenity of Future Occupiers
- Highways
- Trees and Ecology
- Ground Conditions and Environment
- Flood Risk and Drainage
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The proposal would add to the supply of housing so could potentially be supported by paragraph 60 of the National Planning Policy Framework, subject to detailed consideration of the potential impact of the proposal on local character, trees and the amenity of neighbouring properties. BCCS Policy CSP2 and SAD Policy HC2.

The principle of development is therefore considered acceptable subject to all other material considerations set out in this report.

Design, Layout and Character

Lichfield Road has a strong building line with detached and semi-detached dwellings fronting Lichfield Road with a linear pattern of development. The proposal puts forward five dwellings sited to the rear of 105, 107 and 109 Lichfield Road which would represent inappropriate backland development and would erode the character of the area. It is considered that the dwellings would not be well connected with the surrounding street scene.

The surrounding area is mixed in style and size with semi-detached and detached dwellings and as such the design of the dwellings would appear to be in keeping being semi-detached properties with pitched roofs.

Amenity of Neighbours

The dwellings would be sited approximately 1.7m from one another; the side windows of the proposed dwellings would be serving a landing, en-suite and bathroom and are not considered to be habitable room windows and therefore do not raise any issues through overlooking.

The dwellings are sited to the rear land of 107 and 109 Lichfield Road. There would be approximately 35m from the habitable room window of plot 3 and 4 to 107 Lichfield Road and 30m from plot 1 to 109 Lichfield Road, thus complying with the 24m separation distance between habitable windows in two storeys (and above) developments.

Plot 5 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbour's amenity.

The remaining garden areas of 36.9sqm and 60sqm serving No.107 and No.105 respectively are below the minimum standards with no justification given to the lack of amenity space. These small garden areas fail to provide an acceptable level of outdoor amenity to occupiers and fail to reflect the size of gardens in the locality.

The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation.

To the rear of the dwellings there are no residential properties however Walsall Academy and Millfields Nursery are approximately 15m from the rear of the properties. It is considered that the dwellings would not cause any issues regarding overshadowing to existing developments. In terms of overlooking, it is considered that views may be afforded to the nursery and school, however there is no policy basis which would warrant a refusal reason on these grounds as safeguarding of amenity usually applies to residential occupiers. Furthermore, it is commonplace to have residential uses and habitable windows in close proximity to schools and other educational facilities.

Amenity of Future Occupiers

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68sqm for dwellings. The design and access statement states that the dwellings would have a rear garden length of 7.4m, measuring approximately 70sqm in area. However, when measuring the garden sizes from the submitted block plan they measure approximately 5.8m in length and 49sqm in area and as such are below the minimum standards with no justification given to the lack of amenity space. These small garden areas fail to provide an acceptable level of outdoor amenity and fail to reflect the size of gardens in the locality.

The bedrooms would all be single aspect and whilst it would be preferred for them to be dual aspect it is considered that they would still allow for an adequate amount of daylight into the bedrooms. Further, all habitable rooms of the development would have a large window allowing for daylight.

In terms of outlook, the bedrooms would have unobstructed views, with bedroom 1 and 3 looking on to and bedroom 2 looking out to the rear. The bedrooms are all of an adequate size and it is considered a good internal amenity could be achieved.

Comments have been made that the proposed development is very close to the school and potential for future residents to suffer from noise and disturbance. However, this has not been raised as a concern by the Council's Pollution Control Team. On balance, whilst some noise and disturbance would be likely, this would not

be dissimilar to that already experienced by existing residential occupiers in the locality and would not warrant a refusal reason in this instance.

Highways

In terms of site layout, this application appears to be identical to the previous withdrawn application 19/1590 to which the Local Highway Authority raised concerns.

The current proposal does not appear to address the highway issues raised by the previous scheme and the situation on the ground or highway design guidance has not materially changed since the previous application to alter the Local Highway Authority's view.

Notwithstanding the access road is shown at 5.385m in width this is measured tight onto the property boundaries on either side. As such it is considered unlikely that two vehicles will attempt to pass on the access road with entering vehicles potentially waiting at the entrance on Lichfield Road as there is no passing place. The intensification of the access serving five dwellings is likely to result awkward vehicle reserving movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by.

The layout fails to demonstrate the required visibility splays, both along the street and pedestrian inter-visibility at the access point onto Lichfield Road, which do not pass over third party land. The splays are required as a result of: a) the intensification of the access as a result of the development, b) the proximity of the access to a school and nursery entrance and c) the nature of Lichfield Road being a classified road (A4124) and a strategic highway.

The layout fails to address accessibility for disabled persons or persons with visual impairments accessing the development. The proposed dwellings are served by a shared space access road with no suitable segregated pedestrian facility. The access road will be used by delivery vehicles and the refuse wagon as well as residents and visitors leaving vulnerable users with no safe refuge or segregated facility.

The Highway Authority considers the development will have an unacceptable impact on road safety contrary to the NPPF, Saved UDP Policy GP2, SAD Policy T4, DfT Manual for Streets guidance, to the detriment of the free flow of traffic along the public highway and to highway safety.

Trees and Ecology

Whilst comments have been made regarding trees and potential to provide roosting opportunities for bats, records available at the time of writing this report suggests there are limited trees on site, none of which are protected, and the site is predominantly surrounded by built form and does not fall within the Council's bat buffer zone. On balance, it is therefore considered unlikely that bats would be present and a refusal on this ground would not be warranted.

Ground Conditions and Environment

There was no information supplied with the application regarding ground conditions on the site and no information was supplied in support of the application regarding any contamination or ground gas issues on the site. As such, Pollution Control have considered that as a minimum a desktop survey and appraisal is undertaken to determine whether an intrusive investigation is required. Further, the applicant would be required to agree measures to be implemented to comply with the Black Country Air Quality SPD. A construction management plan would be required. Conditions to address the above points were provided by Pollution Control and would be included on any approval.

Flood Risk and Drainage

The site, which is in Flood Zone 1, is not in an area known for flooding and there are no watercourses nearby. It is therefore considered that the development would be acceptable in terms of flood risk if accompanied by an appropriate foul and surface water drainage scheme which would be secured by condition on any permission.

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 5 new homes.

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

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

Conclusions and Reasons for Decision

The proposal represents inappropriate backland development which would fail to integrate with the existing pattern of development and erode the character of the area, and would have an unacceptable adverse impacts on the amenity of existing and future occupiers and highway safety.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, and with previous similar proposals, and discussing those with the applicant. Unfortunately, it has not

been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the full details of the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Recommendation

Refuse

Reasons for Refusal

1. This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
2. The intensification of the vehicle access serving five dwellings is likely to result awkward vehicle reversing movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by thus causing significant harm to the highway safety of drivers, cyclists and pedestrians contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32(Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development)of the Black Country Core Strategy.
3. The layout fails to demonstrate the required visibility splays, both along the street and pedestrian inter-visibility at the access point onto Lichfield Road, which do not pass over third party land which would have an unacceptable impact on road safety to the detriment of the free flow of traffic along the public highway and to highway safety and contrary to the NPPF, Saved UDP Policy GP2 (Environmental Protection), SAD Policy T4 (The Highway Network), DfT Manual for Streets guidance.
4. The layout fails to address accessibility for disabled persons or persons with visual impairments accessing the development. The proposed dwellings are served by a shared space access road with no suitable segregated pedestrian facility. The access road will be used by delivery vehicles and the refuse wagon as well as residents and visitors leaving vulnerable users with no safe refuge or segregated facility to the detriment of the free flow of traffic along the public highway and to highway safety. This is contrary to the NPPF, Saved UDP Policy

GP2 (Environmental Protection), SAD Policy T4 (The Highway Network DfT Manual for Streets guidance).

5. The proposed development would provide an unacceptable standard of amenity for the future occupants for each plot due to an insufficient level of private rear garden amenity space. The proposal is therefore contrary to saved policy GP2 (Environmental Protection), of the Walsall Unitary Development Plan, policy ENV3 (Design Quality) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), and DW5 (Ease of Movement) and Appendix D of the Designing Walsall Supplementary Planning Document (Numerical Guidelines for Residential Development).
6. The remaining garden areas of 36.9sqm and 60sqm serving No.107 and No.105 Lichfield Road respectively are below the minimum standards with no justification given to the lack of amenity space. These small garden area fail to provide an acceptable level of outdoor amenity to occupiers and fail to reflect the size of gardens in the locality. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection), Appendix D of the Designing Walsall SPD (Numerical Guidelines for Residential Development) and the NPPF.
7. Plot 5 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbours amenity. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
8. The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.

END OF OFFICERS REPORT