



Planning Committee

Report of Head of Planning and Building Control on 08 September 2022

Plans List Item Number: 5

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 70, LICHFIELD ROAD, WALSALL, WS4 2DL

Proposal: REPLACEMENT 6 BEDROOM DETACHED DWELLING AND SINGLE STOREY DETACHED REAR OUTBUILDING

Application Number: 21/1400

Case Officer: Rebecca Rowley

Applicant: ABDUL AKRAM

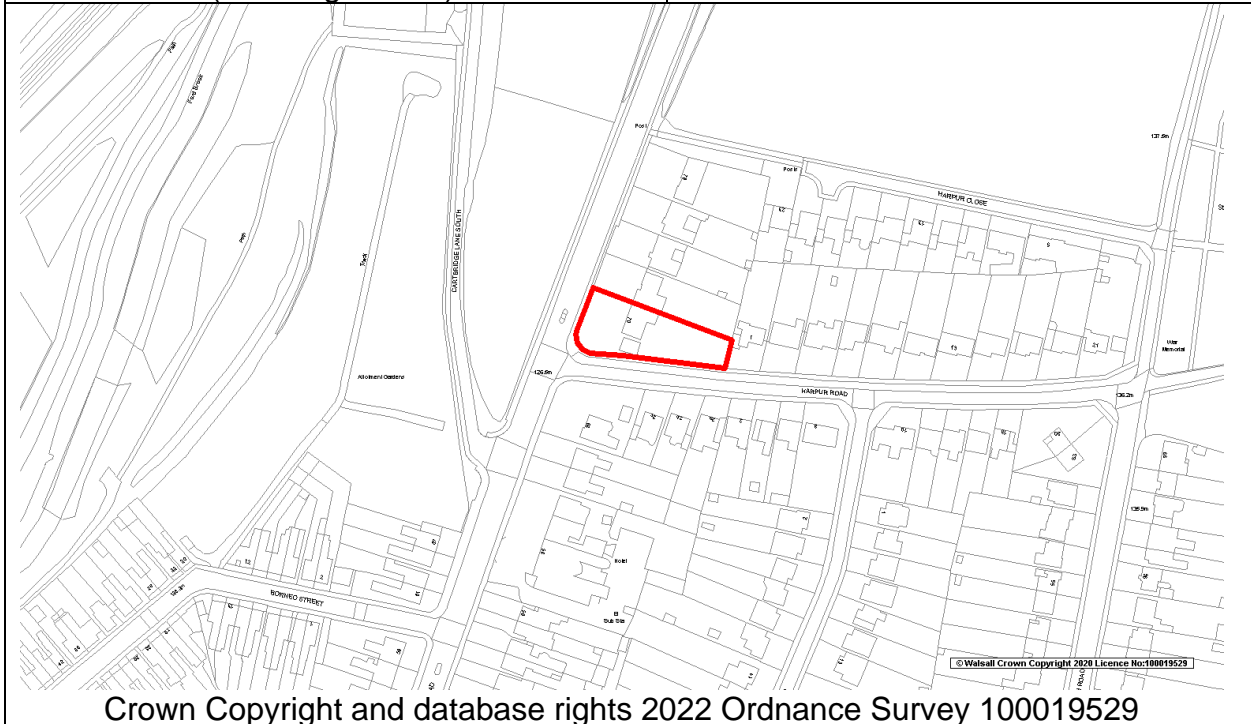
Ward: St Matthews

Agent: AK INNOVATIVE DESIGN SOLUTIONS LTD

Expired Date: 09-Nov-2021

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

Time Extension Expiry: 16-Sep-2022



Recommendation:

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

The amendment and finalising of conditions;

Overcoming the outstanding concerns raised by the Tree Officer

Applicant to provide amended plans for the outbuilding

Applicant to provide amended plans in relation to the vehicular parking and accesses

Applicant to provide plans detailing the front boundary treatment, which is to be no higher than 1.5 metres when measured from the pavement surface illustrating railings, brick pillars and gates to take into account the protected trees and the required pedestrian visibility splays.

Applicant to provide construction details of the front boundary treatment illustrating how the boundary treatment minimises impacts to any of the protected trees and their root systems

Proposal

This application seeks permission for the following extensions to a detached house. The impact of these extensions when viewed from the public vantage point are considered so significant that the application should be assessed as a replacement dwelling:

Ground Floor Rear Extension with Flat Roof and Roof Lanterns

To create a family lounge and open plan kitchen

Depth: 6m max from existing rear elevation

Width: 13.3m

Height: 3.2m

First Floor Side Extension with Hipped Roof

To create 2no. bedrooms

Depth: 9m

Width: 2.5m

Height to Eaves: 5.5m

Height: 8.9m

Loft Conversion including increased roof height and front and rear dormers

To create 2no. en-suite bedrooms

Roof ridge height: 8.9m (0.5m above existing roof ridge)

Rear dormer depth: 2.7m

Rear Dormer width: 9.3m

Rear dormer height: 2.3m

Proposed Openings: 2no. bedroom windows

Two Storey Front Gable Extension

To create a hallway on the ground floor and glazed feature void above.

Depth: 2m

Width: 3.9m

Height to Eaves: 5.5m

Height: 7.7m

Detached Rear Outbuilding with Flat Roof and Lanterns

To create an entertainment room and wet room

Depth: 11.5m

Width: 8m

Height: 3.3m – 3.4m (allowing for downward slope in natural ground level towards the site dwelling)

Proposed openings would look onto the applicant's own rear garden.

Site and Surroundings

This application dwelling is a detached, two storey, 4 bedroom house fronting Lichfield Road. It has a half-hipped roof and facing materials are cream rendering and plain clay roof tiles. It is set back behind a group of 6 trees that are protected by a tree preservation order (TPO). There is a large detached garage to the side. The house is on the corner of Harpur Road where there is a large boundary hedge bordering the 37m long rear garden. Harpur Road consists predominately of bungalows along the

western part of the road.

There is a driveway in front of the dwelling with sufficient space to park at least 3 vehicles and a separation distance of 18m from the principal elevation to the front boundary with the public footpath. There is currently a large storage container on an area of soft landscaping just behind the protected front boundary trees.

The dwelling on the opposite corner of the junction of Lichfield Road and Harpur Road is also a large detached two storey house with mature trees surrounding the front boundary. The remainder of the row of dwellings to the northern side of the application site are detached bungalows with hipped roofs.

Planning History

17/1281	Single storey rear extension and proposed outbuilding within rear garden to be used as a gym and store.	Grant Permission Subject to Conditions	20/12/2018
16/1095	T1-T5 Sycamore trees - Fell to ground level.	Tree: Part Approve Part Refuse	20/09/2016
BC30146P	Erection of garage	Granted permission	30/08/1990
BB8532	Footpath crossing	Granted permission	27/02/1978

Enforcement Cases

E18/0279 – Storage/shipping container in front garden – case closed 10/08/2018 as the owner explained that the storage was for domestic purposes whilst works were being undertaken to the property.

[To date no works to the house have taken place and the storage container remains in situ]

Relevant Policies

National Planning Policy Framework (NPPF)

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

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic,

social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

NPPF 4 – Decision Making

NPPF 12 – Achieving well-designed places

NPPF 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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

GP2: Environmental Protection

ENV10: Pollution

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV32: Design and Development Proposals

Black Country Core Strategy

ENV1: Nature Conservation

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV8: Air Quality

Walsall Site Allocation Document 2019

EN1: Natural Environment Protection, Management and Enhancement

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

NE1 – Impact Assessment

NE2 – Protected and Important Species

NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

NE4 – Survey Standards

The natural environment and new development

NE5 – Habitat Creation and Enhancement Measures

NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

NE7 - Impact Assessment

NE8 – Retained Trees, Woodlands or Hedgerows

NE9 – Replacement Planting

NE10 – Tree Preservation Order

Designing Walsall

DW3 Character

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

Allotments

No response received

Clean and Green

No response received

Drainage

No response received

Ecology Officer

A bat survey is required.

Local Highways Authority

Support subject to a condition to ensure that the detached rear outbuilding remains ancillary to the use of the house and not be operated as a separate dwelling or commercial operation.

Pollution Control

"Pollution Control requires the applicant to:

- (i) Prevent installation of a solid fuel appliance
- (ii) Agree a Construction Management Plan

Conditions to address the above have been provided. "

Tree Preservation Officer

No objections to the principle of development although the layout is not supported in its current form. There are significant alterations to the ground levels/condition within the root protection areas of 6 protected trees that is likely to be detrimental to their long-term health and condition. The protected trees offer a useful amount of amenity value in the locality, being highly visible on the frontages of Lichfield Road and Harpur Road. Allowing proposed developments that will result in the loss of protected trees runs counter to the thrust of the TPO system.

Representations

10 representations have been received raising the following concerns (*case officer's comments in italics*):

Main site dwelling

Incongruous/Will stand out being in a prominent corner position.

Disproportionate size

Height above the neighbouring bungalows

Impact upon the aesthetic appeal and character of the area.

Loss of natural light

Cast considerable shadow onto our garden patio area,

Overlooking from the second floor

Loss of privacy in neighbouring gardens

Ground floor rear extension does not conform to building regs in terms of actual size
(The case officer suspects that this comment relates to permitted development rights. As this is a full planning application the extension is considered on its merits and does not have to conform to the sizes stipulated in the GDPO)

Inadequate parking

Outbuilding

Scale and nature

Noise from use of the outbuilding *(This is not a material planning consideration subject to the outbuilding being used as ancillary to the main residential use)*

Structural damage to neighbouring properties *(This is not a material planning consideration and a private matter between the parties)*

Potential for permanent residence or business use *(The application can only be assessed on the information provided and suspected potential use cannot influence the planning balance, combined with a condition that it remains ancillary to the domestic use)*

Potential creation of an access to the outbuilding from Harpur Road *(The application can only be assessed on the information provided and potential future development cannot influence the planning balance, although a condition can require access to the building is via the main dwelling)*

Any approval (outbuilding) should include a note for no future changes of use

Impact on TPO trees.

In 2017 we were told an enforcement notice would be issued for a large storage container situated at the front of the property to be removed, it is still there.

Construction impacts – environmental and increased vehicular movements

Drainage impact - during and after construction. The drains are not fit for purpose. Drains have previously overflowed. *(This is not a material planning consideration)*

Mental health issues will be an inevitable consequence of this application being granted *(This is not a material planning consideration)*

Following re-consultation on amended plans a further 4 representations were received (all of which came from original objectors)

There are no significant amendments that alter our original objections

Main site dwelling

The pitched roof adjustment only reduces the impact of the original square construction, the impact on natural light into our converted loft space remains

Loss of light/shading in general

Increased height, bulk and scale

Impact on privacy/loss of amenity

Incongruous

Harmful to character of the area

Inadequate parking – visitors to the site already park on the grass on Harpur Road

Outbuilding

Historic permission for the outbuilding was granted after significant reductions to the proposed size, this outbuilding is 50% bigger than approved. *(Each application is assessed on the material merits of the case at the time of processing the planning application)*

Reductions that have been made to the size only benefit the applicant not the neighbours

Potential use as a permanent residence. *(The application can only be assessed on the information provided and suspected potential use cannot influence the planning balance)*

Impact on neighbouring outlook and shading

Noise and disturbance from proposed use

Potential new access from Harpur Road *(The application can only be assessed on the information provided and potential future development cannot influence the planning balance)*

Inaccuracies in the arboricultural report

The Applicant already knows that there are several Tree Preservation Orders on his property, and yet the Report states that none are known to apply.

The actual heights of the Privets and Trees are much higher than those indicated throughout this Report. *(The Tree Officer has made an assessment based on all of the information available)*

Environmental impact

Impact on a drainage system that is currently not fit for purpose and requires regular attendance from South Staffs to relieve sewage blockages given age and condition of drains. We have previously had raw sewage spill onto our patio area and a repeat on a more regular basis would be inevitable; *(This is not a material planning consideration)*

Construction traffic *(This is a limited material planning consideration which can be dealt with via a construction management planning condition)*

Destabilising the structure of no 1 Harpur Road *(This is not a material planning consideration and a private matter between the land owners)*

Determining Issues

Principle of Development

Design of Extension and Character of Area

Amenity of Nearby Residents

Impact on Protected Trees

Protected Species

Parking

Other material planning matters

Assessment of the Proposal

Principle of Development

The application site is located in an established residential area. The principle of residential development at the site is acceptable.

A number of concerns have been raised regarding potential residential or commercial use of the proposed detached rear out building, as well as the potential for creating a new access to the rear garden/outbuilding from Harpur Road. This application can only be assessed in accordance with the requirements of National and Local Planning policies, based on the information that has been submitted. There is no evidence

available at this time to suggest the proposed use of this building is anything other than ancillary to the main dwelling house, or that there is any intention to construct a new access from Harpur Road into the rear garden. Notwithstanding this, the outbuilding can only be supported for the purpose of ancillary use to the existing dwelling and will be secured by a planning condition. This will ensure the requirement for a planning application and therefore consideration of the potential impacts of any other potential future use should they occur. This addresses a requirement suggested by a neighbouring occupant in relation to the use of the proposed outbuilding.

There are trade waste bins on the frontage of the site. Clean and Green have confirmed that trade waste is collected from the site on a weekly basis in relation to a business known as HMA Security Ltd. There is a tag for a business of this name attached to an unauthorised shipping container on the front driveway when viewed on Google maps. The exact nature of this business is unknown. A note will be included that the site only has permission for residential use and planning advice should be sought regarding the potential requirement for permission for any business use at the site.

Design of Extension and Character of Area

The amended application retains a hipped roof design that is characteristic of the original site dwelling and the street scene. The front gable reflects an existing front gable feature at the site and front gable features at all adjacent dwellings on this section of Lichfield Road. Front dormers are also a feature in the nearby street scene.

The rear of the property would be of limited visibility from the public vantage point and is considered would not significantly alter the appearance or character of the application dwelling or the street scene. Whilst the rear dormer would be visible from Harpur Road, a dormer could have been constructed in this position using permitted development rights (PD) for the existing dwelling, albeit narrower without the council being involved. A PD dormer would have had a similar impact on the appearance, character of the dwelling to the dormer proposed for this replacement dwelling. It would also allow similar overlooking potential if the applicant utilised their PD allowance for the existing house as would be from the proposed replacement dwelling, hence the potential to sustain a reason for refusal would be limited on these points.

Facing materials are modern but could have been altered in the same way for the existing dwelling using permitted development rights without the requirement for planning permission. The exact specification of the facing materials will be secured by a planning condition.

The existing separation distance would be retained to the side boundary with Harpur Road and the applicant has offered a 0.9m set in of the first floor above the garage to limit the potential for terracing effect with the dwelling at no. 72 Lichfield Road. This distance is compliant with the requirement of the SPD Designing Walsall, appendix D and the adjacent dwelling is a bungalow with a hipped roof which further limits the potential for terracing effect.

Amendments have been made to the windows on the front elevation and cladding between the ground and first floor windows has been removed to create a more balanced appearance than the original submission.

It is considered that the amended design will create a modern reflection of the existing dwelling and integrate with the street scene. Full visibility of the frontage will be partially obscured by mature protected trees surrounding the front and side boundaries. The amendments made have gone some way to overcoming the concerns raised by neighbouring occupants in relation to the original proposal, specifically, the proposal would be an incongruous, would impact upon the character

and aesthetic appeal of the locality by way of increased height, bulk and scale which would have been disproportionate. Concerns raised regarding the increased height towering above the adjacent bungalows. The roof height increase is 0.5m above the existing roof ridge. It is considered, this increase will not create a significantly different appearance next to the adjacent bungalows, especially given the separation distance to 1A Harpur Road at the rear of the site and the hipped roof and inset provided, which limits terracing effect with neighbouring no. 72 on Lichfield Road.

Despite a previously approved detached rear outbuilding at the site, concern has been raised, the current reduced outbuilding, would still be larger than the previously approved. It is considered the outbuilding, 0.7m lower in height than the previously approved outbuilding and only 1m closer to the boundary with Harpur Road will have limited further impact on the character of the street scene, compared to what was previously approved and potentially less impact than a structure that could have lawfully been constructed in the rear garden using permitted development rights without the requirement for planning permission.

It is considered that this proposal would not cause significant harm to the character of the application dwelling or the locality in accordance with the requirements of BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32 and the SPD Designing Walsall policy DW3 and Appendix D.

Amenity of Nearby Residents

The proposed replacement dwelling is compliant with the Council's adopted 45 degree code as outlined in the SPD Designing Walsall Appendix D. It is considered the replacement dwelling will not cause any significant further harm to the visual amenity of neighbouring occupants.

New first and second floor windows exceed the required separation distance of 24m between first floor habitable room windows as outlined in the SPD Designing Walsall Appendix D and are considered would reflect the window to garden relationship that could be expected in such residential areas. The rear dormer has been reduced in width and the area of glazing to address concerns raised by neighbours regarding the potential for increased overlooking from these windows, addressing impact on privacy and potential for overlooking concerns.

The rear gardens of this row of houses have an easterly orientation. Concerns raised the proposed replacement dwelling would cause a loss of natural light and cast significant shading over neighbouring sites. As the ground floor will only project 2.2m beyond the rear elevation of neighbouring 72 Lichfield Road and is compliant with the 45 degree code, it is considered, it would not cause further shading to the rear of this neighbouring dwelling to warrant a refusal. Whilst the first floor of the replacement dwelling would be extended closer to the side boundary of no. 72 Lichfield Road it would not project beyond the existing front and rear elevations compared to the

original dwelling. Whilst some shading to a side facing roof light serving an unknown loft room at no. 72 Lichfield Road, this roof light already has views onto the first floor of the side elevation of the existing dwelling and currently is shaded by the existing building. It is considered, the proposed first floor side elevation would not cause further harm by way of impact on outlook or shading above and beyond the current situation. Consequently, a refusal could not be justified in this instance. The replacement would not cause further shading to any other neighbouring property, beyond what current happens, given the separation distances and orientation.

A number of bathroom windows are proposed and a condition would be included to ensure that these windows are obscurely glazed to protect the privacy of occupants.

Concerns raised regarding the detached outbuilding including the fact that the original reductions that were made to the size only benefit the applicant not the neighbours, as well as the impact of this structure on neighbouring outlook and shading. Whilst the proposed outbuilding is 0.7m lower in height than the outbuilding previously approved, it is acknowledged the current proposed outbuilding has a larger footprint than previously approved and extends 1m further in front of the Harpur Road building line. The outbuilding would be a further 0.3m away from the rear boundary fence. It is considered the cumulative amendments made to the original proposed outbuilding address the concerns to a level that would cause limited further harm to the amenity of neighbouring occupants above and beyond the outbuilding that was previously approved and have similar impact to a structure that could have lawfully been erected 2 metres away from the rear boundary using permitted development rights without the requirement for planning permission.

It is considered that the amended proposal sufficiently meets the amenity requirements of saved UDP policy GP2.

Given the scale of proposed development, at the upper limits of what could be acceptable in planning terms, without causing harm to neighbouring amenity, it is considered reasonable to remove permitted development rights in relation to extensions for the replacement dwelling and outbuildings to allow the LPA the opportunity to consider further impacts.

Concerns regarding the impacts during construction of the replacement dwelling, Environment Protection have requested a construction management plan be submitted to the LPA for approval before the commencement of development. This can be secured by way of a planning condition.

Impact on Protected Trees

There are 6 protected trees surrounding the front boundary of the site. It is considered, they offer a useful amount of local amenity value being highly visible on the frontages of Lichfield Road and Harpur Road. The Tree Officer advised that allowing proposed developments that will result in the loss of protected trees runs counter to the thrust of the TPO system. Furthermore, the Tree Officers concerns that locating a parking area underneath Maple trees does not accord with the NPPF and will inevitably lead to calls to fell or severely prune the trees and arguments that 'the trees are covered by a TPO and such calls could therefore be successfully resisted' are simplistic and run counter to the thrust of the TPO system which makes provision for the preservation of trees.

Notwithstanding this, the proposed parking area on the frontage of the site is the area that is currently used for the parking of vehicles, including under some of the protected tree canopies. There are likely to be calls to prune the protected trees as the parking potentially allows for vehicles being parked closer to the trunks of the trees. An amended parking plan has been submitted showing retention of the existing soft landscape and hard surfacing to the areas that are currently hard surfaced only. This combined with the proposed boundary treatments (details still to be provided), it is considered there could still be further impacts to the protected trees. Consequently, the recommendation to planning committee includes further details being submitted, relating to the boundary treatment, although the LPA is defining this as railings, possibly brick piers and gates to contribute to reducing the impacts to the protected trees, plus providing construction details to further assess possible impacts on the protected trees prior to issuing any decision.

Given the potential for impact on the root protection area of protected trees surrounding the site it is considered appropriate to remove permitted development rights in relation to any further hard surfacing and boundary treatments within the curtilage of the boundary to allow consideration of the impact by the tree officer.

Protected Species

The site falls within an area of known bat activity and there are neighbouring lines of mature gardens, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, NE1 and Annex 1A, a bat survey report in support of this proposal was provided, which conclusively ruled out the presence of bats in the roof space and no further surveys or mitigation measures were recommended. Conditions would be attached to any permission to ensure precautions are taken during construction to safeguard local bat populations which may be present at that time.

Parking and Highway Safety

This proposal involves ground and first floor alterations to convert an existing 4-bedroomed detached house to a 6-bedroomed detached house. Concerns raised regarding inadequate parking provision at the site to support this increase and that visitors to the site already park on the grass in Harpur Road. In accordance with the requirements of saved UDP policy T13, a 6 bedroom dwelling requires a minimum of 3 off road vehicular parking spaces. There is sufficient space on the front driveway and the retained detached garage to meet this requirement. Inconsiderate parking on the highway and damaging grass verges with tyre marks is not a material planning consideration and there is third party legislation better placed to deal with this concern.

This sites fronts the classified A461 road and the unclassified Harpur Road. Both roads are bounded by footways and are lit. There are double yellow lines on the site side of the A461 Walsall Road which extend around the bell mouth junction into Harpur Road. There are two existing entrance/egress points for the front driveway, one directly onto A461 Lichfield Road and one on the corner of the junction of Lichfield Road and Harpur Road. The Local Highways Authority observe, the vehicle access located at the corner of the A461 and Harpur Road is not in a safe location as it is where there are a number of vehicular turning movements being made to negotiate the priority junction of the A461 and Harpur Road. Notwithstanding this, Crash Map data indicates there are no recorded accidents in the past five years. Furthermore, there will only be a relatively small increase in traffic movements that may arise from the increased bedroom provision.

The accesses referred to above serve the front garden area and the block plan (Drwg No A104) indicates that this provides access to three car parking spaces. The applicant has demonstrated how the vehicles could turn on the driveway to allow egress from the site in forward gear and gates would be set back 5m from the boundary with the highway.

On this basis, the Local Highways Authority support the proposal, providing the access remains un gated or gates are set back at least 5m from the boundary. A condition will be included to secure this provision. Also providing the proposed outbuilding remains ancillary to the main dwelling house use and shall not be operated as a separate, individual dwelling house or any other commercial operation.

Other Material Planning Matters

There is a shipping container located on an area of soft landscaping at the front of the application site. It does not meet the requirements of permitted development and would require planning permission to be retained. This container was the subject of a closed planning enforcement case. The site owner was advised that any planning application for its retention would likely be refused on the grounds of its impact on the character and appearance of the site. Furthermore, it is located within the Root

Protection Area of protected trees and compacting of the ground could be detrimental to these trees and their roots. The site owner informed enforcement officers that the container was for temporary storage use whilst renovations were being completed at the site (presumably the development permitted by planning application 17/1281) and the enforcement case was closed. However, no works took place and the container is still in situ. Concerns raised by neighbouring occupants that in 2017 they were told an enforcement notice would be issued for a storage container situated at the front of the property but it is still there. The applicant has been advised, the shipping container would not be supported as part of this application and that it should be removed. Its removal can be secured by a planning condition included in this permission.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that the proposal, according to the plans submitted, would not cause harm to the character of the house or the local area and would not harm the amenity of neighbouring occupants nor cause harm to highway safety in accordance with the requirements of the NPPF, policies CSP4, ENV1, ENV2 and ENV3 of the Black Country Core Strategy, policy EN1 of Walsall's Site Allocation Document, and saved policies GP2, ENV18, ENV23, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall policy DW3 and Appendix D and Conserving Walsall's Natural Environment.

An ecological survey submitted has concluded that the site is conclusively not being used as a bat roost.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance, obscured glazing to maintain privacy, protected trees and bats to conserve protected species and permitted development rights and defining the use will further ensure that the neighbours amenity is protected and that protected species are conserved and the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the incongruous appearance of the original proposed dwelling design, reductions required to the size of the rear outbuilding and a parking layout requirement, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation:

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

The amendment and finalising of conditions;

Overcoming the outstanding concerns raised by the Tree Officer

Applicant to provide amended plans for the outbuilding

Applicant to provide amended plans in relation to the vehicular parking and accesses

Applicant to provide plans detailing the front boundary treatment, which is to be no higher than 1.5 metres when measured from the pavement surface illustrating railings, brick pillars and gates to take into account the protected trees and the required pedestrian visibility splays.

Applicant to provide construction details of the front boundary treatment illustrating how the boundary treatment minimises impacts to any of the protected trees and their root systems

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:

Site and Location plan, drawing no. A104, submitted 15/08/2022

Proposed Ground Floor Plan, Roof Plan and Front Gate Elevation, drawing no. A100, submitted 15/08/2022

Proposed First and Second Floor Plans, drawing no. A101, submitted 15/08/2022

Proposed elevations, drawing no. A102, submitted 15/05/2022

Proposed Outbuilding Plans and Elevations, drawing no. A103, submitted 15/08/2022

Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 26/11/2021

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

3a: Prior to the commencement of development including any engineering, site clearance/preparation, and/or construction works a Construction Environmental Management Plan shall be submitted in writing to and agreed 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, specifically including sufficient space retained for construction materials to be transported through or stored in the area currently occupied by the single storey garage following its demolition and to the rear of the property. Any storage of materials/equipment should be shown to avoid any root protection areas of the protected trees

v. A scheme for recycling/disposing of waste resulting from construction works

vi. Site security arrangements including hoardings

vii. Measures to prevent site drag-out and measures to prevent mud or other material emanating from the application site reaching the public highway

viii. Measures to prevent flying debris

ix. Dust mitigation measures

x. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

3b: 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.

4a. Notwithstanding the details as submitted, prior to the commencement of the development hereby permitted a tree protection plan including the proposal and hardstanding and showing details of protective fencing and ground protection to be installed around the protected trees along the front boundary of the site with Lichfield Road and Harpur Road to the extent of the tree crown spread located at the front of the house shall be submitted in writing to and approved in writing by the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved tree protection details and the approved details shall thereafter be retained for the duration of the development construction period including until all equipment, machinery and surplus materials have been removed from the site.

4c. Nothing shall be stored, placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing shall not be undertaken within the protective fencing or on the ground protection;

4d. Ground levels within protective fencing and or ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

4e. No hard surfacing or digging shall take place within 3 metres of the protected tree stems for the lifetime of the development hereby approved

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

5: Notwithstanding the details submitted, prior to commencement of the development hereby permitted, the development shall not be carried otherwise than in accordance with the storage container currently located adjacent to the front boundary of the site first being removed from the site in its entirety and shall not be reinstated for the lifetime of the development.

Reason: To safeguard the amenities of the occupiers of adjoining premises, to prevent harm to the roots of protected trees and to comply with saved policies GP2, ENV18 and ENV32 of the Walsall Unitary Development Plan and the Supplementary Planning Document Conserving Walsall's Natural Environment.

6a: Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

6b: Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

7a: 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.

7b: 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.

8: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

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

First floor side facing en-suite bathroom window with an outlook towards Harpur Road;

First floor rear facing en-suite bathroom window; and

2no. second floor front facing bathroom dormer windows hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

10: The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 26/11/2021 and the approved details shall thereafter be retained for the lifetime of the development.

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

11a: Notwithstanding the Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 26/11/2021 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise that with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

11b: If during the construction period bats or evidence of bats or their roosts are found:

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

v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

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

12: Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the ingress/egress from the public highway any gates shall be set back 5 metres rear of the public highway boundary and shall be designed and installed to prevent opening towards the public highway for the lifetime of the development.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policies T7 and T13

13: The development hereby permitted shall not be carried out otherwise than in accordance with both access points shall at all times provide a minimum 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted and the pedestrian visibility splays shall thereafter be retained for the lifetime of the development.

Reason: In the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

14: Notwithstanding the details submitted the detached outbuilding hereby permitted shall not be used otherwise than by the occupiers of the dwelling house known as 70 Lichfield Road, Walsall, WS4 2DL for purposes incidental to that dwelling house and the development hereby permitted shall not be occupied separately from that dwelling house or used for business purposes or accessed separately at any time from Harpur Road for the lifetime of the development.

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.

15: No boilers shall be installed in any of the units hereby permitted, save for

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

16: Notwithstanding the details as submitted of the development hereby permitted, no solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the approved development.

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

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, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

- Class A (enlargement, improvement or other alterations)
- Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- Class B (additions to the roof)
- Class C (other alterations to the roof)
- Class D (porches)
- Class E (buildings etc.)
- Class F (hard surfaces)

And

As defined by Schedule 2, Part 2 Minor operations:

- Class A (gates, fences, walls etc)

shall be installed in any part of this development.

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

Notes for Applicant

1. Construction Management Plan

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

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

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

2: The applicant is advised to consider closing the existing access at the corner of the A461/Harpur Road priority junction and relocate the access directly off Harpur Road at a location that would be safer. Such an access would need to be designed as follows:

the access point shall at all times provide 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted.

The access shall be a minimum of 3.0m in width and have a maximum gradient of 1:10.

Could the applicant please note that if a new access to Harpur Road is to be pursued that the Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway. For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority.

3. 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.

4. The site known as 70 Lichfield Road, Walsall, WS4 2DL has planning use class C3 permission for residential purposes only. It is recommended that planning advice is sought regarding the potential requirement for planning permission for any other proposed use of the site including commercial business use.

END OF OFFICERS REPORT