



Walsall Council

Planning and Building Control

Planning Committee 16 January 2025

Report of Head of Planning and Building Control

Plans list item number

Item number: 2

Reason for reporting to the planning committee.

Called in by Councillor Cooper on the grounds that there is inadequate parking/access arrangements that could lead to cars being parked on street, detrimental to highways safety/amenity; the proposal would be detrimental to the character and visual amenity of the area due to poor design; it would constitute inappropriate development in the Green Belt, detrimental to the openness of the area; it would cause demonstrable harm to the amenities currently enjoyed by occupiers of neighbouring properties; it would be detrimental to the character/setting of a Listed Building/Conservation Area; and the design/layout/siting/appearance would be detrimental to the character of the surrounding area.

Application details.

Application reference: 24/0972

Site location: 120, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NS

Application proposal: Full planning application for proposed new 4 bed dwelling house.

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

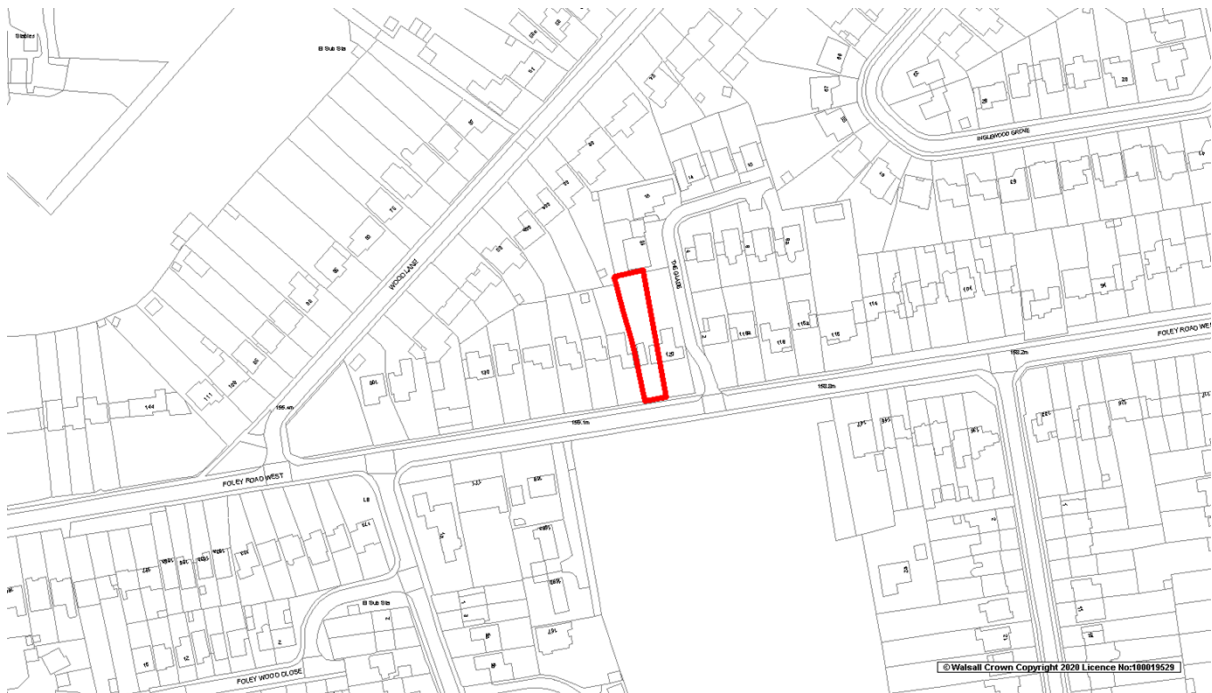
Link to application documents: <https://go.walsall.gov.uk/planningapps?id=24/0972>

Applicant: Mr & Mrs Findlay 120, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NS

Planning agent: Rob Hathaway, Mr Rob Hathaway ADC Ltd, The Priory, London Road, Canwell, Sutton Coldfield, B755SH

Ward: Streetly

Red line location



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Development Management, Civic Centre, Darwall Street, Walsall, WS1 1DG

Website: <https://go.walsall.gov.uk/planning>, Email: planningservices@walsall.gov.uk, Telephone: (01922) 652677, Textphone: 0845 111 2910

Recommendation

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

- 1.The amendment and finalising of conditions;
2. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Site and surroundings

A site visit was carried out on 15/08/2024.

The application site comprises 120 Foley Road West, a detached cottage dating back to the 1900's which was formerly known as Yew Tree Cottage. It occupies a corner position, facing Foley Road West which continues from the Strategic Road Network, Sutton Road, that runs through Streetly. Its side elevation faces The Glade, a cul de sac. The cottage is a non-designated heritage asset.

The cottage has a gambrel roof with accommodation within the roof space and flat roof dormer on the rear elevation. The front elevation accommodates a bay window with a green ogee topped roof. It has flat roof extensions both sides and a flat roof garage to the west. There is a rear conservatory. The existing dwelling has large open and mature gardens to the front and rear with a pair of trees in the rear garden which have a Tree Protection Order (TPOs).

The area is residential consisting of a mix of single and two storey detached dwellings and a mix of ages and designs generally red brick construction with tiled roofs. Foley Road West dwellings benefit from longer rear gardens, whilst The Glade dwellings, have smaller rear gardens. To the west of the application site, there are three 1980's detached infill houses, with long mature gardens, backing on to three 1970's style detached infill dwellings again benefitting from long mature gardens. To

the eastern side of the application site, is The Glade cul-de-sac and then two 1960's style infill style bungalows. To the north of the application site, is an extended bungalow fronting The Glade with a small mostly hard surfaced rear garden. Opposite the application site on Foley Road West is Foley Wood, 2.6 hectare of protected trees.

The application site is not within the Green Belt, not within a Conservation Area or within the vicinity of Listed Buildings or other heritage assets. It is an area of low risk of features of coal mining and low flood risk.

Relevant planning history

- 24/0829 - Full planning application for the demolition of existing side extensions, detached garage and rear conservatory; construction of a new single storey side extension and single storey rear extension – granted permission subject to conditions – 22/10/2024
- 23/0760 - Proposed demolition of existing garage and modern extension at 120 Foley Road West and the proposed subdivision of the plot and erection of two additional new dwellings – Withdrawn – 26/10/2023
- 05/1677/FL/H1 – Erection of one detached bungalow – land rear of 120 Foley Road West – Refused Permission – 13/10/2005 on the following grounds:
 1. The proposal fails to provide an adequate level of amenity space for future residents of the proposed dwelling, with a very short rear garden and most of the front garden occupied by the spread of the protected trees. The close proximity of the development is therefore likely to cause an unacceptable level of disturbance to the gardens of neighbouring properties, and lead to pressure in the future for the removal of the trees.
 2. The provision of the visibility splay required to serve the proposed access would lead to the loss of much of the existing hedge. In addition, the splay cannot be achieved on one side because of the garden wall to number 18, which lies outside the control of the applicant. The limited length of the proposed driveway in front of the garage would also lead to vehicles overhanging the road, to the detriment of the free flow of traffic.

3. The application fails to include sufficient information to demonstrate the potential impact on trees on the site, including an arboricultural impact assessment, construction details for the driveway, service details including sustainable drainage, levels and site access, storage, fuelling, mixing, welfare points and car parking area for on-site staff.

Relevant policies

National Planning Policy Framework (NPPF)

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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

Ecology Officer

No objections subject to the approval of a Biodiversity Net Gain scheme prior to commencement of development.

Environmental Protection

No objection subject to conditions to secure a Construction Environmental Management Plan and details of any solid fuel burning appliance that may be proposed.

Local Highway Authority

Support subject to conditions to secure retention of the parking area for no other purpose and maintenance of a pedestrian visibility splay.

Severn Trent Water

No objection subject to a condition to secure drainage plans for surface and foul water.

Strategic Planning Policy

Support.

Tree Preservation Officer

No objection subject to a condition to secure details of protective tree fencing

Waste Management

No response received.

West Midlands Fire Service

No adverse comments. This proposal will need to meet all the functional requirements stated within B5: Access and facilities for the fire service of Approved Document B, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

West Midlands Police

No response received.

Neighbour and interested parties' comments (planning officer's summary)

Support

0 comments received in support of proposal for the following reason(s):

Objections

3 comments received objecting to proposal support for the following reasons:

Impact on Character

- Small area to construct a new dwelling
- Close proximity to neighbouring dwellings
- Impact on character of existing cottage
- Out of keeping with the street scene
- Wish to retain open, spacious street scene view

Heritage

- The existing property, parts of which have Tudor origins dating back to the 1600s when it was originally the Gatehouse/Lodge to Little Aston Hall and therefore needs to be protected from a historical standpoint.
- The creation of this dwelling adjacent to this listed building will have an adverse effect on the setting of the listed building and spoil the overall look and character of this unique property.
- Proposed construction and completion could have an impact on the original property Reference to guidelines from the "Streetly Area of Special Townscape Character"

Impact on amenity

- Impact on privacy
- Noise and disturbance to neighbours
- Overshadowing/blocking light of neighbouring dwellings
- Overlooking from proposed windows

- Additional noise and traffic pollution.

Drainage

- The application states 'unknown' on whether proposing to connect to the existing drainage system.
- Increase foul waste into mains drainage

Environment

- Negative impact on the wildlife in the area
- Removal of existing healthy trees at no 120 Foley Road West

Concerns that are not material planning considerations for the purpose of this assessment:

- Several sites of historical and ecological significance in the locality have been damaged by development
- Impact of building work by noise disturbance will have a detrimental impact on emotional well-being and affect other elderly residents.
- The development will cause stress and anxiety for neighbouring occupants/ impact on mental and physical health.
- Devaluing of neighbouring property
- Potential damage to neighbouring property and foundations
- Refuse has been disposed of on the front garden

Determining issues

1. Principle of development
2. Green Belt
3. Heritage assessment
4. Design, layout, and character
5. Amenity of neighbours and future occupiers
6. Highways
7. Ecology and Biodiversity Net Gain
8. Flood Risk/ Drainage
9. Trees / Protected trees
10. Ground conditions and environment

Assessment of the proposal

Principle of development

This application has been submitted following an historic refusal and a withdrawal of previous submissions for new dwellings on the site. In those previous cases the concerns about the proposed development related to a proposed new dwelling at the rear of the existing site dwelling, accessible from The Glade. In this case, the proposed dwelling would lie adjacent to the western side of the existing site dwelling, accessed from Foley Road West.

The latest available figures show that the Council does not currently have a 5-year housing land supply, and in addition, the Council failed the Housing Delivery Test published in December 2023 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect. The proposal will increase the amount of housing by one dwelling.

BCCS Policy HOU2 and ENV3 finds that new housing needs to achieve high quality design and minimise amenity impacts. The area is predominantly residential use with good access to public transport and services, such as shops. The site is considered to be in a sustainable location. The driveway will be shared with the existing property on the site.

With regard to the sustainability aspect of policy ENV3 and ENV5 of the BCCS, there have been limited design features to mitigate against the effects of climate change and urban heat islands, such as increased natural space, tree cover in yards, green roofs, solar panels etc.

However, when the application is considered on balance, the presumption is in favour of sustainable development, and this will increase the amount of 4 bed, family dwellings in the borough. The principle of development is supported

Green Belt

One of the grounds on which the application was called in for consideration by the Planning Committee is that it would constitute inappropriate development in the Green Belt, detrimental to the openness of the area. The application site does not fall within the Green Belt, the nearest boundary with Green Belt land being approximately 170m to the north-western side of the application site. Therefore, in this instance an assessment of the impact of the development on the openness of the Green Belt is not required.

Heritage assessment

One of the grounds on which the application was called in for consideration by the Planning Committee is that it would be detrimental to the character/setting of a Listed Building/Conservation Area and another concern raised by a member of the public also referred to development adjacent to the Listed Building.

The existing site dwelling at no. 120 Foley Road West is neither a Listed Building, nor a Locally Listed Building, nor does it fall within any Conservation Area. The dwelling is a non-designated heritage asset having architectural, historical, and archaeological interest. It is highlighted on historic mapping dating from the 1900's (if not earlier) and was formerly known as Yew Tree Cottage. The cottage once sat surrounded by woodland and open fields. It is positioned further forward of the other dwellings in the street scene, as such it is visually prominent. The existing site dwelling is considered to be of low to medium significance.

Paragraph 216 of the NPPF 2024 is relevant to assess the harm to the significance of this non designated heritage asset and it states: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

There would be no loss of the non-designated heritage asset as a result of the proposed development and the proposed development would not alter the appearance of the historic cottage beyond that which has already been considered acceptable by application 24/0829. The level of harm to the significance of the non-

designated heritage asset, would be considered low. On balance it is therefore considered that the proposed alterations would be compliant with paragraph 216 of the NPPF and would in this instance be considered acceptable.

Reference was made by a member of the public to guidelines from the "Streetly Area of Special Townscape Character". The boundary of the Streetly Area of Special Townscape Character falls approximately 0.7km to the eastern side of the application site, and therefore the guidance provided by this document is not specifically applicable for the application site.

Design, layout, and character

Foley West Road is located within a predominately residential area of mixed character. Properties along Foley West Road and the wider area (including The Glades) comprises a mix of semi-detached single storey and two storey properties and bungalows. There are grassed spaces between and around properties with long garden areas to the front and the rear. The spaciousness of the area is further reinforced through wide, grassed verges, with properties set back from the pavements. The variation in property types and open spaces between and around the built development contributes to the character and appearance of the area.

The demolition of the existing western side extension and garage at no. 120 Foley Road West has been approved by application 24/0829 which would create the space for the proposed development plot.

The proposed 4 bed, two storey detached dwelling has been sited to respect the front building line of this street scene and consideration has been given to the roof height to create a smooth graduation in height rising from the corner bungalow at no. 120, across the proposed roofline of the application site to the opposite neighbouring dwelling at no. 120A Foley Road West.

There would be a separation distance of 2m to the dwelling at no 120A Foley Road West, to the western side of the proposed new dwelling which exceeds the 0.9m requirement as set out in the SPD Designing Walsall Appendix D, and a separation distance to the existing site dwelling at no. 120 of 0.8m, which falls just 0.1m short of this requirement. This is considered sufficient to retain a clear gap between the dwellings, limiting the potential for terracing effect. This separation distance reflects similar separation distances between the row of dwellings spanning this side of Foley

Road West heading in a westerly direction from no. 120A to no. 130, and therefore, whilst consideration has been given to concerns that the proposed development would be cramped and too close to neighbouring occupants, the proposed separation distance is reflective of the separation between the remainder of this row of dwellings. Furthermore, the width of the proposed dwelling is similar to the width of the 2-storey part of the dwelling at no. 120A Foley Road West which would limit the appearance of it being squashed in.

The proposed design has a pitched main roof with horizontal roof ridge with side gable elevations, a slightly subservient projecting front gable and small front gable dormer, plus a tiled front entrance canopy. The elements of the design that would be visible from the public vantage point are consistent with other dwellings in the row from no. 120 to 130 Foley Road West which have pitched main roofs with horizontal ridges and front gable features, plus a front dormer at neighbouring no. 120A.

Proposed materials are facing brickwork, white render and hanging tiles on the first floor of the two-storey projecting front gable. The mix of brickwork and render would provide a transition between the brick front elevation of the neighbouring dwelling at no. 120A Foley Road West and the rendered front elevation of the existing dwelling at no. 120, whilst the hanging tiles on the first floor of the front gable elevation, which would project down the front elevation almost as far as the garage roof tiles at no. 120A Foley Road West and the main roof of the existing site bungalow, would offer an element of graduation in the transition in materials from the proposed two storey dwelling to the bungalow. Specific details of the proposed facing materials have not yet been submitted and can be secured by a pre-commencement planning condition.

Concerns raised regarding the impact of the proposed development on the street scene due to poor design and the impact of the proposal on the existing site bungalow have been weighed in the balance of this assessment. However, on the basis of the above observations, it is considered that the proposed design has been well considered to integrate with the character of the existing street scene in accordance with the requirements of the NPPF, BCCS policies CSP4 and ENV2, saved UDP policies GP2 and ENV32, and the SPD Designing Walsall DW3 and Appendix D.

Amenity of neighbours and amenity of future occupiers

The proposal is compliant with the Council's adopted 45-degree code as outlined in the SPD Designing Walsall Appendix D in respect of all neighbouring habitable room windows, which is imposed to protect outlook and impact on light amenity for neighbouring occupants.

Concerns have been raised regarding overshadowing and overlooking the side elevation of no. 120A which will face onto the proposed new development. The first-floor window in the side elevation of no. 120A Foley Road West is obscurely glazed and therefore is not offered the same protection in terms of visual amenity as a standard glazed window, as outlook is already limited. The ground floor opening in the side elevation of no. 120A Foley Road West is a glazed external door, serving a room which has a primary outlook onto the rear garden of the neighbouring site. Two smaller windows towards the front of the ground floor serve non-habitable rooms. In terms of visual amenity, it is considered that the proposed development would not cause such significant harm that would warrant a reason for refusal on this ground. Furthermore, the 3no. first floor windows proposed in the side elevation, facing towards no. 120A Foley Road West would all serve non-habitable rooms, specifically, en-suite bathrooms and a family bathroom. A condition would be included to secure that these windows are obscurely glazed and top-opening at least 1.7m above floor level, which is considered sufficient to protect neighbouring occupants from overlooking on to the side elevation of their home or their rear garden.

Given the northerly orientation of the rear gardens of this row of dwellings, the sun moves across the front of the houses throughout the majority of the day. There would be a period of time during the late morning when sunlight that passes between the two existing dwellings would be interrupted by the proposed new dwelling, however, once the sun has passed this point, the remaining natural light availability would be the same as the existing situation throughout the early morning, all afternoon and into the evening.

Another concern has been raised regarding additional noise and traffic created by the development. It is considered that 1no. 4 bed dwelling in an existing residential area has limited potential to cause significant additional disturbance by way of noise or vehicles coming and going above and beyond the existing situation.

The proposed floor plans show that the dwelling would be compliant with the Nationally Described Space Standard, and the proposed rear amenity space is approximately 242m² which far exceeds the 68m² requirement set out in the SPD Designing Walsall.

It is considered that the proposed development would provide a suitable level of internal and private amenity for future occupants, whilst sufficiently protecting the amenity of neighbouring occupants, in accordance with the requirements of the NPPF and saved UDP policy GP2.

Taking into account the future protection of both the amenity of neighbouring occupants and the appearance and character of the proposed dwelling it is considered necessary to remove permitted development rights for extensions to the dwelling without consideration by a planning application, which can be secured by a planning condition.

Highways

The proposed four-bedroom dwelling would be accessed via the existing access arrangement on Foley Road West, as per the existing arrangement for the retained residential dwelling.

In accordance with saved policy T13 of Walsall's Unitary Development Plan, the four-bedroom dwelling would require 3no. car parking spaces which have been provided. There are also sufficient car parking provisions for 3no. car parking spaces at the retained residential dwelling.

The Local Councillor's concerns that there are inadequate parking/access arrangements that could lead to cars being parked on street, detrimental to highways safety/amenity has been weighed in the overall assessment of the application, as well as taking into account the Highway Authority's comments.

The Local Highway Authority considers that the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF December 2024 paragraph 115, subject to conditions being imposed to secure retention of the parking spaces for parking purposes only and maintenance of a pedestrian visibility splay, and on this basis the development is supported.

Ecology and biodiversity net gain

As the proposal does not involve demolition of buildings nor removal of trees a bat survey is not required in this instance. No lighting has been proposed for the site, but an advisory note will be included to ensure that any lighting for the site that may be added without the requirement for planning permission meets the requirements of Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018, in order to protect bats.

The proposed development does not meet the requirements of any exemption listed in Paragraph 13 of Schedule 7A of the Town and County Planning Act 1990, and is therefore required to achieve at least 10% biodiversity net gain.

In this respect, the applicant has provided the following documentation to meet national and local requirements:

- Small Site Metric Spreadsheet dated October 2024
- Biodiversity Net Gain Information dated October 2024

The Ecology Officer has advised that the proposals do achieve 10% uplift in biodiversity net gain by the creation of a rain garden within the garden space of the new development. However, a recent update to the metric user guide states that “The post-development private garden has no public access, and biodiversity net gains cannot be legally secured.” Therefore, while overall the proposals suggest nature positive actions, the management, condition and the retention of the rain garden cannot be secured. As such the good condition and the proposed habitat cannot be guaranteed and cannot be stipulated within the small sites metric.

While there are issues within the current document as stipulated above, the application design itself is viable and as such the Ecology Officer does not have any objections to the plan. It should be noted however, that to meet the requirement of the statutory planning condition listed in decision notice, the applicant will need to:

- Follow best practice metric guidance;
- Complete a final Biodiversity Gain Plan;
- Complete the Statutory Small Sites Metric form with all error messages addressed.

- Meet the Biodiversity Gain target of 10% under habitat units. While this has not been achieved, should the biodiversity gain hierarchy be followed this can be achieved under the current proposals.

This will be secured by a condition.

Due to the issues with securing management within the application site, the use of a habitat bank and / or the Government Biodiversity Credit Scheme would be supported to meet the biodiversity net gain requirement.

Concerns have been raised regarding the impact of the development on wildlife in the area. The Ecologist's assessment has considered the potential for any harm to wildlife and has not raised any concerns.

Flood Risk / Drainage

The site is not located in an area at high risk of flooding. Severn Trent requests approval of drainage plans for surface and foul water prior to commencement of the development. Subject to this provision which will be secured by a planning condition, the proposed development would comply with the requirements of the NPPF, Walsall's Site Allocation Document policy EN3 and saved UDP policy ENV40. This requirement addresses concerns raised by neighbouring occupants regarding drainage.

Trees / Protected trees

There are trees on and adjacent to the site 2 of which (a Copper Beech and a Cypress) are protected by TPO title no. 05/2002. The Tree Officer has advised that whilst the submitted BS 5837: 2012 tree report is not specific to this application's proposal there is sufficient information to assess the implications for the trees on site. The proposed development is outside of the root protection areas of the trees and consequently as long as tree protection fencing is erected in accordance with BS 5837: 2012 prior to the commencement of development and retained until completion then there are no arboricultural objections to the application. As the Tree Protection Plan submitted with the application is not specific to this site an amended one should be submitted. This can be secured by planning condition.

Concerns have been raised regarding the removal of healthy trees that has been carried out at the application site. With the exception of the trees that are protected

by a Tree Preservation Order, the site owner is at liberty to prune or remove any other trees without permission from the Local Planning Authority.

Ground conditions and environment

The construction activities have the potential to cause local disturbance and environmental impacts, such as noise, dust, and debris. Environmental Protection require the applicant to agree and implement a Construction Environmental Management Plan (CEMP) prior to commencement of the development. This will be secured by a planning condition. Environmental Protection also request details of any proposed solid fuel heating appliance to protect air quality and public health. The applicant has confirmed in writing that there is no intention to install any such appliance. Subject to the condition to secure a CEMP, the proposal would be compliant with the requirements of saved UDP policies GP2 and ENV10.

Other key determining issues

Following concerns raised regarding inaccurate numbering of neighbouring properties on the site plan, an amended plan has been submitted with the correct numbering, specifically of the neighbouring dwelling at no. 120A.

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report. A balanced judgement has been made between the material planning concerns raised by the local Councillor and members of the public, consultee responses and the level of adherence of the proposal to the requirements of local and national planning policies. An amendment was requested to an inaccurately numbered site plan which was quickly forthcoming.

On balance, it is considered that the proposed new dwelling, which is acceptable in principle in an existing residential area and will contribute to decreasing the housing supply shortfall in the borough, has been well designed to integrate with the character and appearance of this street scene, whilst providing a suitable living environment for future occupants and sufficiently protecting the amenity of

neighbouring occupants. The development provides sufficient off-street parking for itself, whilst retaining sufficient parking for the existing site dwelling and will not cause harm to highway safety. Conditions that meet the requirements of the six tests would be applied to protect the character of the locality, the amenity of neighbouring occupants, highway safety, protected species, protected trees and biodiversity.

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

Recommendation

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

1. The amendment and finalising of conditions;
2. No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Application form, submitted 30/07/2024
- Site Plan and Street Scene, drawing no. 1373/02 Rev I, submitted 17/12/2024

- Proposed Plans and Elevations, drawing no. 1373/03 Rev B, submitted 30/07/2024
- Design and Access Statement, prepared by Architectural Design Consultancy, submitted 30/07/2024
- Tree Report, conducted by Rob Keyzor Tree Surgeons and Arboricultural Consultants Ltd, dated June 2023

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

- Construction working hours
- Parking and turning facilities for vehicles of site operatives and visitors
- Loading and unloading of materials
- Storage of plant and materials used in constructing the development
- A scheme for recycling/disposing of waste resulting from construction works
- Temporary portacabins and welfare facilities for site operatives
- Site security arrangements including hoardings
- Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- Measures to prevent flying debris
- Dust mitigation measures
- Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

- Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

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. Prior to the commencement of building operations above the 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 to and approved in writing by the Local Planning Authority.

4b. 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.

5a. Prior to commencement of the development hereby permitted details of drainage plans for the disposal of foul and surface water flows shall be submitted in writing to and approved in writing by the Local Planning Authority.

5b. Prior to occupation of the development hereby permitted shall not be carried out otherwise than in accordance with implementation of the approved drainage plans and the drainage plans shall be thereafter retained for the lifetime of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and to accord with saved UDP policies GP2 and ENV10 and Walsall's Site Allocation Document EN3.

6a. Notwithstanding the details submitted, prior to commencement of the development hereby permitted details of tree protection fencing for the retained trees on site in accordance with 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. Prior to the commencement of any works on site, the approved tree protection fencing shall be implemented and shall thereafter be retained throughout the construction phase until the completion of development.

Reason: To safeguard the retained trees on site including those protected by a Tree Preservation Order in accordance with saved UDP Policy ENV18.

7. Notwithstanding the details as submitted, prior to occupation of the development hereby permitted shall not be carried out otherwise than in accordance with providing a minimum of three off road parking spaces, as shown on Site Plan and Street Scene, drawing no. 1373/02 Rev I, measuring 4.8m by 2.4m with the parking area being consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain. This parking area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development in accordance with UDP policy GP2, T7 and T13.

8: Notwithstanding the details as submitted the development hereby permitted shall not be carried out otherwise than in accordance with a 2.4m x 3.4m pedestrian visibility splay at the Foley Road West vehicular access point, within which no structure or planting exceeding 600mm in height above the footway surface shall be installed for the lifetime of the development.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is maintained at the access point in accordance with saved Walsall Unitary Development Plan Policy GP2 and in the interests of highway safety.

9. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with the 3no first floor side facing bathroom and en-suite bathroom windows with an outlook towards no. 120A Foley Road West 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be erected or 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 Walsall's Unitary Development Plan.

11: Notwithstanding the details submitted the development hereby permitted shall not be carried out otherwise than in accordance with 1 bat box and 1 bird box being integrated into the new dwelling. The bat box and the bird box shall be located at a point not lower than 3 metres from the natural ground level and shall not be positioned directly above any doors or windows, with the entrance to the bat and bird box kept clear from obstructions and not being affected by artificial light at all times and thereafter retained for the lifetime of the development.

Reason: To conserve local bat and bird 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 provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as

defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

- Class A (enlargement, improvement or other alterations)
- Class B (additions to the roof)
- Class C (other alterations to the roof)
- Class D (porches)

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

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

Case specific notes for applicant

Construction Environmental Management Plan

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. 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)

West Midlands Fire Service

Adherence is required to Approved Document B Volume 1 2019, Dwelling Houses, Access and facilities for the fire service B5, Section 13: Vehicle access.

Bats

Lighting proposed for the development should be minimised in accordance with the guidance available within Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018.

Highways

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 or any works pertaining thereto.

Severn Trent

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

IMPORTANT NOTE: With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website

(www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative – affected sewers and water mains

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at www.digdat.co.uk

Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building.

Should you require any further information please contact us on planning.apwest@severntrent.co.uk

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Walsall Metropolitan Borough Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being: 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

i) consists of no more than 9 dwellings;

ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat,

information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted.

End of report