



## Planning Committee

Report of Head of Planning and Building Control on 30 October 2023

Plans List Item Number: 2

### Reason for bringing to committee

Head of Planning and Building Control requires full consideration by planning committee following committee's earlier consideration and refusal of application 20/1222 and a subsequent delegated refusal of 22/0011 which failed to address previous reasons for refusal.

### Application Details

**Location:** LAND TO THE REAR 107 AND 109, LICHFIELD ROAD, BLOXWICH, WALSALL, WS3 3LU

**Proposal:** DEVELOPMENT OF FOUR, THREE BEDROOM HOUSES AND ASSOCIATED PARKING AND LANDSCAPING (RESUBMISSION OF 22/0011)

**Application Number:** 23/0248

**Case Officer:** Oliver Horne

**Applicant:** Eric Russell

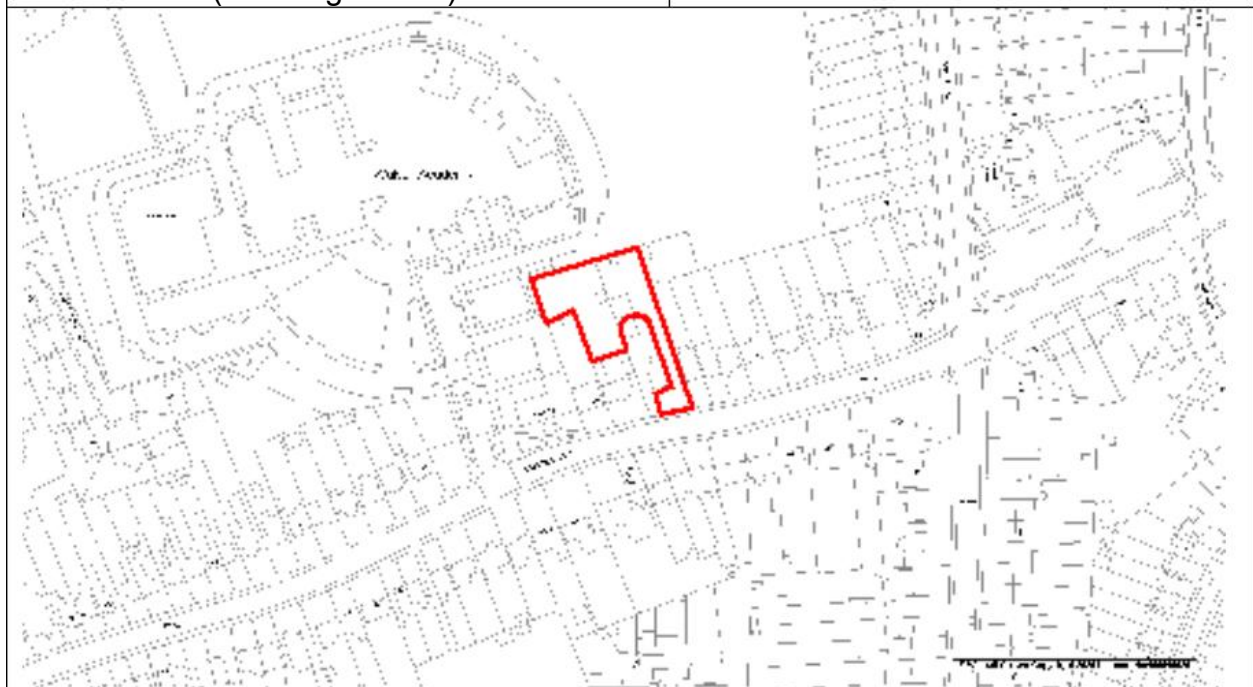
**Ward:** Bloxwich East

**Agent:** DCMS

**Expired Date:** 21-Apr-2023

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

**Time Extension Expiry:**



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## Recommendation:

Refuse

## Proposal

This planning application seeks full planning permission for the erection of four dwellinghouses with associated parking and landscaping at land to the rear of 107 and 109 Lichfield Road, Bloxwich. The application is a repeat submission of the previously refused 22/0011 proposal at the site for the erection of four detached dwellinghouses and associated works, refused February 2023. The only change from the previous refusal, is the access to the site would be via a home zone (shared surface) for pedestrians and vehicles.

The 22/0011 application was a repeat submission of the refused application 20/1222 by the 4 November 2021 planning committee (decision issued December 2021), where the only change was to reduce the proposal from the erection of five detached dwellinghouses and associated works to four detached houses.

The current proposal is for four detached dwellinghouses, two-storey and comprising three bedrooms each. The four proposed dwellings are the same design, with no details submitted of the proposed finishing materials. The proposed dwellinghouses are 8.5m (length) x 7.6m (width) x 8.2m (height to roof ridge) x 5m (height to roof eaves). The gross internal floor areas of the proposed dwellings is 110sqm, comprising a living room, dining room, kitchen/breakfast/family room and WC at the ground floor and three bedrooms, a study and bathroom at the first floor.

The proposed site layout includes rear gardens for each new dwelling, of 70sqm (Plots 1, 2 and 3) and 208sqm (Plot 4). Each plot includes two car parking spaces located to the front of the proposed dwellings. An additional five further visitor car parking spaces are included, along with a bin storage area to the rear of 107 Lichfield Road.

The pedestrian and vehicular access serving the site is gained via Lichfield Road utilising the existing driveway for 109 Lichfield Road, located between 109 and 111. The proposals seek to modify the driveway to provide a home zone (shared surface) access for pedestrians and vehicles with a 5.5m width and 54m distance from Lichfield Road to the proposed front elevation of plot 1, the closest dwelling.

The application is supported by the following documents:

- Design and Access Statement.
- Transport Note dated 20/12/2021.

## Site and Surroundings

The application site comprises land to the rear of 107 and 109 Lichfield Road in the Bloxwich East Ward. The west side of the site is also located to the rear of 105 Lichfield Road. The site is currently garden land which is in an overgrown state. The overall site area is approximately 1444sqm.

The surrounding area is primarily residential in nature and this section of Lichfield Road is characterised by detached and semi-detached dwellings of various styles and sizes. The established pattern of development comprises a linear built form with a strong consistent building line fronting Lichfield Road with driveways and landscaped areas fronting existing dwellings.

107 Lichfield Road is a large, detached dwelling set back from the highway with a gated access driveway and an area of off-road parking for four vehicles. 109 Lichfield Road is a detached two storey dwelling with a tiled gable end roof.

Millfield's Nursery and Walsall Academy are sited approximately 15m to the north of the application site. The site is not within a conservation nor is it a listed building. The area is a coal development low risk area and is within the Cannock Chase SAC.

## Relevant Planning History

### Land to the rear of 107-109 Lichfield Road:

22/0011 - Development of four, three-bedroom houses and associated parking and landscaping – Permission Refused 17/02/2023 as the applicant had not addressed any of the previous reasons for refusal.

20/1222 - Development of 5 x 3 bedroom houses and associated parking and landscaping – The 4 November 2021 planning committee resolved to refuse the planning application, stating; *That planning application number 20/1222 be refused on the grounds of the nine reasons as set out in the report, together with additional concerns in relation to provisions of paragraph 187 of the NPPF relating to agents of change to ensure that the school was not disadvantaged by the proposed change of use.* Decision was then issued 03/12/2021.

19/1590 - Erection of 5 x 3-bedroom detached dwellings with associated access, parking and landscaping at land to the rear of 105, 107 and 109 Lichfield Road – Application Withdrawn 21/08/2020.

17/1209 - Erection of 4 x 1-bedroom detached bungalows – Application Withdrawn 03/08/2018.

## **107 Lichfield Road:**

20/0097 - Rebuild and extend existing garage to form garden annex granny flat – Permission Granted 23/03/2020.

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

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

02/1278/FL/H1 - First Floor Side Extension – Permission Granted 31/08/2002.

## **109 Lichfield Road:**

No specific planning history.

### **Relevant Policies**

#### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework)

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding & coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF 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.

### **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](http://www.go.walsall.gov.uk/planning_policy)

## **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV17: New Planting
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H1: Renewal of Existing Residential Areas
- T1: Helping People to Get Around
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- 3LUENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems & Urban Heat Island
- ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

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

## **CANNOCK CHASE SPECIAL AREA OF CONSERVATION (SAC) GUIDANCE TO MITIGATE THE IMPACT OF NEW RESIDENTIAL DEVELOPMENT (September 2022)**

- EQ2: Cannock Chase Special Area of Conservation

### **Supplementary Planning Documents**

#### **Conserving Walsall's Natural Environment**

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

- NE1: Impact Assessment
- NE2: Protected and Important Species
- NE3: Long Term Management of Mitigation & 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

#### **Designing Walsall**

- DW1: Sustainability
- DW2: Safe and Welcoming Places
- DW3: Character
- DW4: Continuity
- DW5: Ease of Movement
- DW6: Legibility
- DW7: Diversity
- DW8: Adaptability
- DW9: High Quality Public Realm
- DW9(a): Planning Obligations and Qualifying development
- DW10: Well Designed Sustainable Buildings

#### **Air Quality SPD**

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures



- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 – Viability

## Consultation Replies

**Ecology** (*No new comments received, the following comments are from the 22/0011 application as this is a repeat of that earlier application*) – No objections on ecology grounds and advise that the site is within the Cannock Chase SAC 15km zone of influence and mitigation measures are therefore required.

**Environmental Protection** (*New comments not received, the following comments are from the 22/0011 application*) – No objections, subject to the following conditions:

- For a Desk Study and Site Reconnaissance to be conducted to identify the potential for ground contamination and ground gas.
- Submission prior to development commencing of a Site Investigation, Ground Contamination Survey, Ground Gas Assessment and Remediation Strategy (depending on the findings of the Desk Study and Site Reconnaissance).
- Submission of a Construction Management Plan.
- Installation of electric vehicle charging point and Ultra-Low NOx boilers.

**Local Highway Authority** the Highway Authority recommend refusal.

The submitted Pell Frischman Transport Note is identical to the one submitted under 22/0011 which was not accepted by the Highway Authority on a number of reasons based around the design of the access road and the access point onto Lichfield Road. The current application and amended site layout is not acceptable to the Highway Authority for the following reasons;

1)The site layout fails to provide the required segregated vehicle free route for residents and visitors of the development and instead implies the access way will be 'Home-zone'. A segregated footway is required to provide a traffic free, fully inclusive route for residents and visitors of the development of at least 1.5 metres width... to minimise conflicts between pedestrians and vehicular traffic along the driveway. The provision of such a footway would significantly reduce the width of the driveway available to vehicles below what would be acceptable to allow two vehicles to pass safely and satisfactorily.

2)The proposed access road/Home-zone is shown at 5.5m in width, where it passes between the building and fence line. The measurement is taken right up to the neighbouring fence boundary and gable end wall of no.109. This leaves absolutely no margin for error for passing vehicles. A 450mm stand-off is required either side (of the access route) to guide drivers away from the boundaries and avoid wing mirror damage. Taking this into account the Local Highway Authority considers it unlikely that two drivers will attempt to pass on the wider section of the Home-zone access road. This is likely to result in drivers that are attempting to enter the access 'giving way' to



oncoming egressing vehicles and hence waiting at the entrance on Lichfield Road. Further, the intensification of the vehicle access serving four additional dwellings is likely to result awkward vehicle reserving movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by thus causing significant harm to the highway safety of drivers, cyclists and pedestrians.

3)The 2.0m x 43m visibility splay as shown on, Block Plan 2020-109 Sheet 1b is not acceptable to the Local Highway Authority. The setback distance should be 2.4m, which is an industry wide accepted distance and the minimum recommended distance for an access serving multiple dwellings onto a 30mph road as set out in Government guidance Manual for Streets. It is clear the position of the proposed access is unable to achieve the required 2.4m set back due to third party land issues. Likewise, the required 2.4m x 3.4m pedestrian visibility splay, whilst not shown on the revised plan, is also unlikely to be achievable for the same reason. The splays are required to meet (minimum) highway design standards due to the intensification of the access, the proximity of the access to a secondary school and children's nursery entrance and the nature of Lichfield Road being a classified road (A4124) and a strategic highway.

Notwithstanding the submitted supporting transport information, the Local Highway Authority considers the cumulative impacts of the development at this particular location on the highway network will have an unacceptable impact on road and is not acceptable in accordance with the NPPF 2023 paragraph 111.

**Natural England** – Advise that as the site is within 15km of the Cannock Chase Special Area of Conservation (SAC), a Habitats Regulation Assessment is required and Natural England should be reconsulted once this is received and when the application progresses to an Appropriate Assessment.

**Severn Trent Water** (*No new comments not received, the following comments are from the 22/0011 application as this is a repeat of that earlier application*) – No objections and no conditions required.

**The Coal Authority** – No objections and no conditions required.

**West Midlands Fire Service** – No objections and provide general guidance in relation to fire safety measures for the proposal, stating that failure to meet these requirements may result in an objection and an unsatisfactory proposal.

## Representations

Three letters of objection were received, based on the following grounds:

- The new application has not been changed from the previous proposal and all the same refusal reasons should remain.
- The proposed dwellings will overlook the playground of the neighbouring nursery school and the classrooms and social areas of the school. The overlooking of the nursery/school spaces raises concerns regarding safeguarding of children at the site.
- Trees at the site have already been removed by the applicant and there is no screening of the nursery/school from the application site.
- The access road is too narrow to enable vehicles to enter or exist safely.
- The proposal will result in highways and pedestrians' safety issues due to the increase in vehicles crossing the pavement in close proximity to the school's access off Lichfield Road where there is a very high number of pedestrian movements.

## Determining Issues

- Principle of Development - Backland Development
- Highways Safety
- Visibility Splay
- Refuse Collection
- Impact on Neighbour Amenity
- Impact on Walsall Academy and Nursery School
- Ground Conditions and Environment
- Flood-risk and Drainage
- Ecology and Trees
- Cannock Chase Special Area of Conservation
- Local Finance Considerations
- Five-Year Housing Land Supply
- Section 70a power to decline planning applications.

## Assessment of the Proposal

The current planning application is a repeat of previous planning application, 22/0011 at this site, [Development of four, three-bedroom houses and associated parking and landscaping] which was refused by the 4 November 2021 planning committee for the following reasons:

1. The application fails to provide the necessary Cannock Chase Special Area of Conservation (SAC) mitigation. The proposed development falls within the 15km zone of influence relating to the Cannock Chase SAC and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 4 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. The application is therefore contrary to the Conservation of Habitats and Species

2. Regulations 2017, Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation) of the Black Country Core Strategy, Saved Policy ENV23 (Nature Conservation and new development) of the Walsall Unitary Development Plan, Policy EN1 (Natural Environment Protection, Management and Enhancement) of the Walsall Site Allocation Document and the NPPF.
3. This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
4. The private shared driveway as shown on Block Plan 2020-109 Sheet 1, fails to include a segregated footway required to provide a traffic free, fully inclusive route for residents and visitors of the development of at least 1.5 metres width in order to minimise conflicts between pedestrians and vehicular traffic along the driveway. The provision of such a footway would significantly reduce the width of the driveway available to vehicles below what would be acceptable to allow two vehicles to pass safely and satisfactorily and is therefore contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General), TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the NPPF 2021 para 112.
5. The 2.0m x 43m visibility splay as shown on Block Plan 2020-109 Sheet 1, is not acceptable to the Highway Authority. The setback distance should be 2.4m, which is an industry wide accepted distance and the minimum recommended distance for an access serving multiple dwellings onto a 30mph road as set out in Government guidance Manual for Streets 2. It is clear the position of the proposed access is unable to achieve the required 2.4m set back due to third party land issues. Likewise, the required 2.4m x 3.4m pedestrian visibility splay, whilst not shown on the revised plan, is also unlikely to be achievable for the same reason. The splays are required to meet highway design standards due to the intensification of the access, the proximity of the access to a secondary school and nursery entrance and the nature of Lichfield Road being a classified road (A4124) and a strategic highway. The proposal is therefore contrary to the NPPF, Saved UDP Policy GP2 (Environmental Protection), SAD Policy T4 (The Highway Network), DfT Manual for Streets guidance and to the detriment of highway safety.
6. A refuse collection vehicle (RCV) would not reverse off this section of Lichfield Road; the access is tight and therefore there is a very high probability that drivers may have to shunt in and out for positioning leaving them exposed to the traffic on the main road and in a vulnerable position for longer than could be justified in a risk assessment. Further, there is a lack of space in the site and Block Plan 2020-109 Sheet 1 shows the RCV route leaves no margin for error and would take absolute precision which could not be expected of drivers.

As such, the likelihood of causing damage due to this is too high to be acceptable. No alternative waste collections arrangements have been provided and is therefore contrary to the NPPF and the Unitary Development Plan, in particular policies GP2 (Environmental Protection), ENV32 (Design and Development of Proposals) and SAD Policy T4 (The Highway Network).

7. Plot 4 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbour's amenity. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
8. The proposed main access directly adjacent No.113 would also introduce an unacceptable level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
9. The proposed development would not integrate effectively with the nearby school Walsall Academy and nursery Millfield's Nursery School, and it is considered that these existing facilities could have the potential to have unreasonable restrictions placed on them as a result of development permitted after they were established. The proposal is therefore contrary to paragraph 187 of the NPPF

This submission is an identical proposal to the previous refusal only amending the access to the site describing it as a home zone (shared surface) for pedestrian and vehicular access. The issue of shared surfaces was debated at length by the 4 November 2021 planning committee that then subsequently resolved to refuse planning application 20/1222.

The Local Planning Authority refused application 22/0011, on the 17th Feb 2023 as the applicant had not addressed any of the previous reasons for refusal that had been considered by the 4 November 2021 planning committee for application 20/1222. The local planning authority considers that, the current planning application, there has been no significant attempt change to the proposed development to address any of the previous reasons for refusal set out in both planning application decisions of 22/0011 or 20/1222, consequently, this planning application is also recommended for refusal as the applicant has not overcome the previous reasons for refusal.

## **Principle of Development - Backland Development**

This current proposal still represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout.

The current application site has the same red line boundary as the previously refused applications 20/1222 and 22/0011, still proposes a poor back-land style development utilising parts of the rear gardens of 107-109 Lichfield Road. The only real change in this fourth iteration of the proposed scheme in comparison to the first (19/1590) is plot 5 of the proposed site layout was removed for 20/1222 application, with the current proposal being virtually identical to the refused applications 20/1222 and 22/0011 save the access way now gaining the words 'home zone' and losing any footway. The rest of the proposal is exactly the same as previously proposed and refused, with their front elevations facing the rear gardens of 105, 107 and 109 Lichfield Road to the South and their rear elevations facing the Walsall Academy and Nursery School site to the North.

Whilst the removal of Plot 5 was acknowledged in both the determination of 20/1222 and 22/0011, they did not overcome the previous reasons for refusal and the current application has not addressed any of the previous reasons for refusal including those debated and resolved by the 4 November 2021 planning committee to refuse the 20/1222. The proposed development is still forms a poor back-land style of development of garden land, which is considered to be contrary to the characteristics of the local area, which primarily features detached/semi-detached dwellinghouses with large rear gardens, set within a strong building line fronting Lichfield Road. Whilst the existing dwellings at 107-109 Lichfield Road would be retained, this repeat proposal introduces a tandem style of development where the new dwellings would be sited to the rear of the Lichfield Road frontage properties, entirely disconnected from the established street frontage, overlooking the rears of the Lichfield Road properties and failing to tie into the existing established pattern of development in the area. The removal of Plot 5 for the 20/1222 refused application made no difference to the overall impact of the scheme, or the impact to the character and appearance of the area, with the current repeated proposal still relating poorly to its surroundings, resulting in an erosion to the spatial characteristics of the local area and not addressing any of the previous reasons for refusal.

In summary, whilst the council does recognise the need for new housing, the application has not overcome previous reason for refusal 2 of 22/0011 or refusal reason 1 of 20/1222 and the current proposal is still considered to be an unacceptable and poorly related back-land development which detrimentally impacts on the character of the local area and is contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).



## Highways Safety

This application is a repeat of the refused application 22/0011 and the previously refused applications 20/1222 and 19/1590 which included highway safety reasons for refusal. The current application only attempted to address the previous highway reasons for refusal by changing the access to a 'home zone' (a shared surface with no separate pedestrian route). The 4 November 2021 planning committee debated shared surfaces (home zones) before resolving to refuse 20/1222. The applicant's subsequent applications 22/0011 and 23/0248 the current application are still essentially repeats of the 20/1222 refusal. The Local Highway Department were consulted regarding this current application, providing detailed comments dated 22nd August 2023, which are repeated below:

*"The current application and amended site layout is not acceptable to the Highway Authority for the following reasons;*

1. *The site layout fails to provide the required segregated vehicle free route for residents and visitors of the development and instead implies the access way will be 'Home-zone'. The segregated footway is required to provide a traffic free, fully inclusive route for residents and visitors of the development of at least 1.5 metres width in order to minimise conflicts between pedestrians and vehicular traffic along the driveway. The provision of such a footway would significantly reduce the width of the driveway available to vehicles below what would be acceptable to allow two vehicles to pass safely and satisfactorily and is therefore contrary to saved policies GP2 (Environmental Protection), T4, T10 (Accessibility Standards – General), TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the NPPF 2023 para 112.*

2. *The proposed access road/Home-zone is shown at 5.5m in width, where it passes between the building and fence line. The measurement is taken right up to the neighbouring fence boundary and gable end wall of no.109. This leaves absolutely no margin for error for passing vehicles. A 450mm stand-off is required either side to guide drivers away from the boundaries and avoid wing mirror damage. Taking this into account the Highway Authority considered unlikely that two drivers will attempt to pass on the wider section of the Home-zone access road. This is likely to result in drivers that are attempting enter the access 'giving way' to oncoming egressing vehicles and hence waiting at the entrance on Lichfield Road. Further, the intensification of the vehicle access serving four additional dwellings is likely to result awkward vehicle reserving movements onto Lichfield Road which is a classified road (A4124) and a strategic highway or vehicles blocking of the highway footway at a sensitive location close to school and nursery where at times there will be relatively high footfall passing by thus causing significant harm to the highway safety of drivers, cyclists and pedestrians contrary to saved policies GP2, T4, T10, General TRAN2 of the Black Country Core Strategy.*



3. *The 2.0m x 43m visibility splay as shown on, Block Plan 2020-109 Sheet 1b is not acceptable to the Highway Authority. The setback distance should be 2.4m, which is an industry wide accepted distance and the minimum recommended distance for an access serving multiple dwellings onto a 30mph road as set out in Government guidance Manual for Streets. It is clear the position of the proposed access is unable to achieve the required 2.4m set back due to third party land issues. Likewise, the required 2.4m x 3.4m pedestrian visibility splay, whilst not shown on the revised plan, is also unlikely to be achievable for the same reason. The splays are required to meet highway design standards due to the intensification of the access, the proximity of the access to a secondary school and nursery entrance and the nature of Lichfield Road being a classified road (A4124) and a strategic highway. The proposal is therefore contrary to the NPPF, Saved UDP Policy GP2, SAD Policy T4, DfT Manual for Streets guidance.*

#### TRANSPORT STATEMENT 24-02-23

*The applicant has submitted a Transport Note to support the current application. This is identical to the Transport Note submitted under the previous application 22/0011.*

*The Highway Authority disagrees with the submission on a number of points below;*

*2.4 'The site will be accessed via a 5.3m wide driveway...' Block Plan 2020-109 Sheet 1 shows the access at 5.5m. Which is correct?*

*'It is important in this regard that the correct terminology be used. In previous applications, the LHA have referred to an 'access road'. Whilst this is not technically incorrect, it suggests a greater form and function than is the case. The previous application consisted of a carriageway and segregated footway serving five houses. To all intents and purposes, as far as the Highway Authority is concerned, it is a 'road' albeit privately maintained but also accepts the term 'Driveway' in this scenario.*

*2.5 to 2.7 - References to Warrington Council Design Guide are considered irrelevant in this instance.*

*2.8 to 2:10 - The examples given of the extensive use of shared space driveways on the Millers Walk Estate are of designs approved over 20 years ago and are not considered relevant to meet current fully inclusive design standards. The Highway Authority does not dispute that Shared Private Driveways are commonplace, but they were assessed under previous design guidance and there are ongoing concerns around the use of Shared Space designs for disabled users and, in particular, those with visual impairments. As far as Walsall Highways are concerned these concerns have not yet been satisfactorily addressed. Walsall Highways want to ensure all developments where-ever possible are of a fully inclusive design as part of its duties under the Equalities Act 2010.*

3.7. *The existing accesses to neighbouring dwellings are historic. The development looks to utilise the existing access to form a driveway to four additional dwellings. It is not considered unreasonable to expect visibility to be improved when considering new developments with current design guidance. (The planning authority confirms, we are required to determine current applications using current legislation, policies and guidance)*

3.12 *The Highway Authority disputes this is a 'slow speed' environment. Lichfield Road is a 30 mph, as stated in 2.2 above. It is classified road and carries relatively high levels of strategic and local traffic. The Highway Authority considers the use of a 2.0m x distance appropriate in traffic calmed, residential locations which cannot be said of the site location.*

*MfS2 para 10.5.8 goes on to state that 2.0m will mean some vehicles protruding into the highway (the footway). Taking into account the relatively high level of pedestrian movements at this location at times, being close to the main Academy entrance, this is considered unacceptable.*

*Para 10.5.6 of MfS2 states that an X distance of 2.4m should normally be used in most built –up areas as this represents a reasonable maximum distance between the driver's eye and the front of the car.*

4.0 *Walsall Highways use a pedestrian visibility splay measuring 2.4m (x) by 3.4m (y). This is so that emerging drivers are able to see approaching pedestrians before manoeuvring out over highway footway and vice-versa. The proposed development has failed to demonstrate that this can be achieved at the site access within the red line boundary. At times, the location has relatively high levels of passing pedestrian movements being close to the main Academy entrance and so the Highway Authority considers this extremely important safety requirement.*

5.1 *This would appear to be incorrect. The previous planning scheme submitted under drawing Block Plan REV 1E of the 1st November 2021 shows the driveway had an initial width of 4.8m narrowing to about 3.4m for a 20m section. This was to enable a segregated pedestrian route alongside the driveway. 5.3 metres was not available along the driveway for vehicular traffic.*

*Para 112 of the NPPF 2023 is quite specific in that applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles.*

*Notwithstanding the submitted supporting transport information, the Highway Authority considers the cumulative impacts of the development at this particular location on the highway network will have an unacceptable impact on road safety and is not acceptable in accordance with the NPPF 2023 paragraph 111.”*

For the reasons set out above, the applicant's proposal to include a limited change to a shared space access still does not provide sufficient room for vehicles passing, thereby causing significant harm to the highway safety of drivers and cyclists. This revised arrangement would now result in a greater likelihood of conflict between pedestrians and vehicles along the driveway. The proposed access arrangement is therefore still considered to be unacceptable with added concerns regarding pedestrian/highway safety. The amended proposal has also failed to demonstrate that the required visibility splay can be achieved at the site's access.

For the above reasons and despite revisions to the proposed access the application has not overcome previous reasons for refusal 3 and 4 of 22/0011 the proposal is contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, Policy T4 (The Highway Network) of the Walsall Site Allocation Document, DfT Manual for Streets guidance and the National Planning Policy Framework and Policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the National Planning Policy Framework.

## **Refuse Collection**

The proposed access arrangements to the site show the width of the driveway being 5.3m-5.5m. The proposed site plan shows a Swept Path Analysis demonstrating how a refuse vehicle could enter/exit and manoeuvre within the site. The Council's Local Highway Authority has assessed these submissions and advise that the proposed site layout is unsuitable for refuse vehicles. Whilst the applicant has made minor changes to the width of the private shared drive, increasing it by virtue of the removal of the footway, the access to the site off Lichfield Road itself is tight and would likely result in refuse collection vehicles having to shunt in and out of position, leaving them exposed to traffic and in a vulnerable position on Lichfield Road. The Swept Path Analysis also still shows a lack of manoeuvring space, leaving minimal margin for error which would require absolute precision from refuse vehicle drivers, which could not be reasonably expected. It also does not consider the potential for existing and future residents parking in places that would further hamper the manoeuvring of the refuse vehicle.

Moreover, given that the proposed driveway will be private, it is considered extremely unlikely that a refuse collection vehicle would actually enter the site and will instead park on the kerbside on Lichfield Road. Whilst refuse collection already takes place in this manner for the existing dwellings fronting Lichfield Road, the distance from the furthest of the proposed dwellings (Plot 4) to the highway is approximately 75m, which exceeds the overall maximum distance recommended in Manual for Streets of 55m, for residents to carry waste (30m) and for collection operatives to walk to collect bins (25m). No proposals for alternative refuse collection arrangements have been submitted in support of the application which would justify such an arrangement.

Given the above, the proposal has failed to overcome reason for refusal 5 of application 22/0011 and is considered contrary to saved policies GP2 (Environmental Protection) ENV32 (Design and Development of Proposals) of the Walsall Unitary Development Plan, policy T4 (The Highway Network) of the Walsall Site Allocation Document and the National Planning Policy Framework.

### **Impact on Neighbour Amenity**

Part of the front elevation of the Plot 4 dwelling will directly face the rear garden of 105 Lichfield Road, with a separation distance of just 1.8m from the ground and first floor windows of the proposed dwelling (Plot 4) to the rear garden of 105 Lichfield Road. This arrangement with habitable windows directly facing the neighbour's rear garden would result in a significant loss of neighbour privacy, particular through the introduction of the first-floor bedroom window at the Plot 4 dwelling and is therefore considered to be unacceptable reduction in privacy for the occupiers of 105 Lichfield Road.

In addition, the proposed turning head and vehicle parking spaces will be located directly adjacent to the rear garden of 105 Lichfield Road, resulting in an unacceptable level of additional noise and disturbance from vehicle movements, doors closing and people congregating in the area, to the detriment of the amenity of the occupiers of 105 Lichfield Road. No amendments to the scheme, further information or justification for this has been provided by the applicant and this arrangement is considered to be unacceptable and detrimental impact on the occupiers of 105 Lichfield Road's amenity.

Furthermore, the proposed main access to the site provided by the private shared driveway will be located adjacent to 111 Lichfield Road. It is considered that this would introduce a level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour and increased light pollution, particularly to ground floor habitable windows in the front elevation. The applicant has provided no further information or justification for this arrangement or mitigation to address the concerns.

The proposal has failed to overcome reasons for refusal 6 and 7 of 22/0011 and is considered to have an unacceptable impact on the amenities of neighbouring occupiers, by virtue of the overlooking and privacy of the private amenity space of 105 Lichfield Road from the front elevation of the proposed Plot 4 dwelling and due to noise and disturbance impacts and increased light pollution on the rear gardens of 105 and 111 Lichfield Road detrimental to the amenities of the existing occupiers. The proposal is contrary to saved policy GP2 (Environmental Protection) of the Walsall Unitary Development Plan and the National Planning Policy Framework.

### **Impact on Walsall Academy and Nursery School**

The proposed layout of the site and proximity of the proposed dwellings rear elevations to the boundary with the Walsall Academy and Nursery School site to the north would be at a distance of 7.7m. Objections have been received regarding the proximity of the proposed dwellings to the school and the subsequent overlooking of school social spaces, as well as safeguarding concerns. No further justification or mitigation to this issue has been provided by the applicant within the current proposal. The proposal is therefore still considered to be unacceptable with regards to the impact on the Walsall Academy and Nursery School site and it is considered that these existing facilities could have the potential to have unreasonable restrictions placed on them as a result of development permitted after they were established. The proposal has failed to overcome reason for refusal 8 of application reference 22/0011 or 20/1222 and is contrary to Paragraph 187 of the National Planning Policy Framework which requires that new development integrate effectively with existing community facilities and facilities should not have unreasonable restrictions places on them as a result of new development. This point was requested by the 4 November 2021 planning committee to form part of the reasons for refusal.

### **Ground Conditions and Environment**

No information has been submitted regarding ground conditions at the site and no information was provided regarding any contamination or ground gas issues. As such, Environmental Protection have advised that as a minimum a desktop survey and site appraisal is undertaken to determine whether an intrusive investigation is required. Given the applicant has not provided the basic desk top survey and site appraisal to determine whether a further intrusive investigation is required, this will have to form a reason for refusal as the council would be unable to draft conditions to secure the desktop appraisal and then draft further conditions for any eventuality that may emerge from the desktop appraisal conclusions.



## **Flood-risk and Drainage**

The site is located outside of flood zones 2 and 3, within an established residential area generally at low risk of flooding. The proposal will continue the existing residential use of the site albeit with the addition of four dwellings and is not considered likely to result in any increase in flood-risk or additional pressures on the drainage system in the area. Severn Trent Water raise no objections to the proposal and would not require a drainage condition to be included in the event of an approval. The application is therefore considered to be acceptable with regards to flood-risk and drainage matters, although given the level of proposed hard surfacing it would be prudent to require drainage that prevents water run-off from the site into any public highway drains or on to any public highways for safety reasons plus downstream potential for flooding especially in poor weather conditions.

## **Ecology and Trees**

With regards to ecological impacts at the site, a bat survey is not required for this application. The site is predominantly surrounded by built form and does not fall within the Council's bat buffer zone. Whilst there are some trees present at the site, a tree survey has not been submitted; none are protected by a Tree Preservation Order, and none appear to be of significant quality so as to warrant protection. The application is therefore considered to be acceptable with regards to the impact on ecology and trees at the site.

## **Cannock Chase Special Area of Conservation (SAC)**

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

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £329.83 per each net new dwelling is non-negotiable.



Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”).

The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km ‘zone of influence’, measures to reduce recreational pressure would be most effective.

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

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

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £329.83 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant was contacted on March 14th 2023, requesting a Habitat Regulation Assessment be completed as part of the Cannock Chase SAC assessment process. However, whilst the applicant has submitted a draft Unilateral Undertaking in relation to the mitigation payment, they have not yet submitted the Habitat Regulation Assessment. Whilst it is accepted that as the applicant has submitted the Unilateral Undertaking, it is likely they will agree to pay the mitigation payments, given that this has not yet been agreed and they have not yet submitted a Habitat Regulation Assessment. The proposal, therefore, has failed to overcome reason for refusal 1 of application reference 22/0011 and this has been included as a reason for refusal for this current application in order to reflect the current situation. It is acknowledged, however, that this refusal reason may be resolved in the event of an approval.

## **Local Finance Considerations**

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes four new homes. The Government has indicated that, for 2022-23, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

## **Five-Year Housing Land Supply**

Notwithstanding the previous concerns raised, it is acknowledged that the proposal will provide new housing at the site and will therefore contribute to Walsall's housing supply, in a situation where the Council is no longer able to demonstrate a five-year housing land supply and has failed the housing delivery test published in January 2022, based on low levels of housing delivery over the last 3 years. For these reasons the presumption in favour of sustainable development as described in Paragraph 11d of the NPPF is in effect, meaning that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.

For the reasons given in the preceding paragraphs it is considered that the adverse impacts of the proposal do significantly and demonstrably outweigh any benefits of delivering four additional houses in this instance.

## **Section 70a power to decline planning applications.**

Section 70A of the planning act gives the council the power to decline to determine applications and decline to determine subsequent application, if within the period of two years ending with the date on which the application is received, in the opinion of the authority there has been no significant change since the refusal so far as material to the application, or in any other material considerations.

For the purposes of this, an application for planning permission for the development of any land shall only be taken to be similar to a later application if the development and the land to which the applications relate are in the opinion of the local planning authority the same or substantially the same.

In this instance, the planning authority is processing the fourth planning application that is materially the same as earlier applications and in the past two years, the planning authority has determined two previous applications that were materially the same where the applicant has not attempted to address the previous reasons for refusal. Consequently, this application does trigger the opportunity for planning committee to choose to not determine the application rather than refuse as set out in the report above and the reasons below. Given the significant level of harm the proposal brings to the locality and the genuine concerns for highway and pedestrian safety including pedestrians of school age, the planning authority is recommending either refusal as set out or not to determine the application in accordance with Section 70a of the planning act. This will offer the applicant time to substantially revise and amend their proposal addressing the concerns as set out in this report and the previous decision documents.

## **Conclusions and Reasons for Decision**

The application proposes a back land style of development of existing garden land, which would be entirely disconnected from the street frontage and would fail to tie into the established pattern of development in the area, does not mitigate the harm of the proposal on the character and appearance of the area as the overall site plan still inserts new dwellings to the rear of the established building line which is at odds with the character of the area.

The proposed access to the site is also still unacceptable as the alterations to provide a shared access and thereby removing the segregated pedestrian footpath fails to resolve the highways and pedestrian safety concerns. The amended access will now also result in conflicts between pedestrians and vehicles, visibility at the site's access will be insufficient to meet the relevant highways safety standards in this location and the access route will be impractical for refuse vehicles. This issue has not been resolved within any iteration of the various schemes at the site and continues to present a challenge to achieving a development of this nature at the site.

The first-floor bedroom window at the proposed Plot 4 dwelling will be located at just 1.8m from the boundary of the rear private garden of 105 Lichfield Road, resulting in a significant harm to this neighbour's amenity due to the direct overlooking of their existing private amenity space. There is no existing boundary treatment at the site or any other circumstances which would mitigate the overlooking of the garden and this arrangement will therefore result in a significant loss of neighbour privacy. The introduction of the proposed access and parking adjacent to existing rear gardens will result in a further loss of amenity to neighbouring properties.

The impact on Walsall Academy and Nursery School has not been addressed and the proposal has the potential to place unreasonable restrictions on the existing facility which is contrary to the NPPF. A further reason for refusal is also included on the grounds that the applicant has not yet formally agreed to provide any Cannock Chase SAC mitigation measures/payments, although it is accepted that this issue could be resolved in the event of the approval of the application.

In summary, when viewed collectively, the totality of the harm which would be caused by the proposed development is considered to be highly significant and demonstrable including human health impacts, highway and pedestrian safety, restrictive impacts on the adjacent Academy, detrimental harm to the character of the area, plus amenity impacts on the adjacent neighbours and harm to the environment as defined by the habitats regulations all of which outweigh any benefits of the proposal in providing four new houses in the Borough within the context of the lack of five-year housing land supply. It is also considered the delivery of 4 additional houses would not contribute sufficiently to the boroughs housing supply to warrant an approval in this instance. For these reasons, given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal. Worse still, this is another repeat application following previous applications that have been refused which triggers Section 70a of the Town and Country legislation that the council should be choosing to not determine as the applicant has made no attempt to resolve the serious concerns the proposal brings to the locality.

### **Positive and Proactive Working with the Applicant**

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

### **Recommendation**

**Refuse**

### **Reasons for Refusal**

- 1) The application fails to provide the necessary Cannock Chase Special Area of Conservation (SAC) mitigation. The proposed development falls within the 15km zone of influence relating to the Cannock Chase SAC and has failed to provide any information in relation to likely impacts on the SAC arising from the proposed addition of 4 dwellings and has failed to provide any potential necessary mitigation measures or a mechanism for securing them. The application is therefore contrary to the Conservation of Habitats and Species Regulations 2017, Policies CSP3 (Environmental Infrastructure), CSP4 (Place-Making) and ENV1 (Nature Conservation) of the Black Country Core Strategy, Saved Policy ENV23 (Nature Conservation and new development) of the Walsall Unitary Development Plan, Policy EN1 (Natural Environment Protection, Management and Enhancement) of the Walsall Site Allocation Document and the NPPF.
- 2) This proposal represents inappropriate backland development which would cause harm to the character and amenity of the local area, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of design, density and layout, contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development

Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the NPPF 2023 (Achieving well-designed places).

- 3) The private shared driveway as shown on Block Plan 2020-109 Sheet 1, fails to include a segregated footway required to provide a traffic free, fully inclusive route for residents and visitors of the development of at least 1.5 metres width in order to minimise conflicts between pedestrians and vehicular traffic along the driveway. The provision of such a footway would significantly reduce the width of the driveway available to vehicles below what would be acceptable to allow two vehicles to pass safely and satisfactorily and is therefore contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General), TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the NPPF 2023 para 112.
- 4) The 2.0m x 43m visibility splay as shown on Block Plan 2020-109 Sheet 1, is not acceptable to the Highway Authority. The setback distance should be 2.4m, which is an industry wide accepted distance and the minimum recommended distance for an access serving multiple dwellings onto a 30mph road as set out in Government guidance Manual for Streets 2. It is clear the position of the proposed access is unable to achieve the required 2.4m set back due to third party land issues. Likewise, the required 2.4m x 3.4m pedestrian visibility splay, whilst not shown on the revised plan, is also unlikely to be achievable for the same reason. The splays are required to meet highway design standards due to the intensification of the access, the proximity of the access to a secondary school and nursery entrance and the nature of Lichfield Road being a classified road (A4124) and a strategic highway. The proposal is therefore contrary to the NPPF, Saved UDP Policy GP2 (Environmental Protection), SAD Policy T4 (The Highway Network), DfT Manual for Streets guidance and to the detriment of highway safety.
- 5) A refuse collection vehicle (RCV) would not reverse off this section of Lichfield Road; the access is tight and therefore there is a very high probability that drivers may have to shunt in and out for positioning leaving them exposed to the traffic on the main road and in a vulnerable position for longer than could be justified in a risk assessment. Further, there is a lack of space in the site and Block Plan 2020-109 Sheet 1 shows the RCV route leaves no margin for error and would take absolute precision which could not be expected of drivers. As such, the likelihood of causing damage due to this is too high to be acceptable. No alternative waste collections arrangements have been provided and is therefore contrary to the NPPF and the Unitary Development Plan, in particular policies GP2 (Environmental Protection), ENV32 (Design and Development of Proposals) and SAD Policy T4 (The Highway Network).

- 6) Plot 4 would introduce habitable room windows at ground and first floor which would introduce a direct form of overlooking to the rear amenity space serving No.105 Lichfield Road. Furthermore, the provision of the turning head and vehicle parking directly adjacent the rear garden of No.105 would also introduce an unacceptable level of additional noise and disturbance from vehicle movement, doors closing, and people congregating resulting in significant additional overlooking, loss of privacy and noise and disturbance to the detriment of this neighbour's amenity. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
  
- 7) The proposed main access directly adjacent No.111 would introduce an unacceptable level of vehicle movement which would result in an unacceptable level of additional noise and disturbance to the rear garden amenity area serving this neighbour, and increased light pollution, particularly to ground floor habitable windows in the front elevation. The proposal is contrary to Saved UDP Policy GP2 (Environmental Protection) and the NPPF.
  
- 8) The proposed development would not integrate effectively with the nearby school Walsall Academy and nursery Millfield's Nursery School, and it is considered that these existing facilities could have the potential to have unreasonable restrictions placed on them as a result of development permitted after they were established. The proposal is therefore contrary to paragraph 187 of the NPPF.
  
- 9) The applicant has failed to provide sufficient evidence in the form of a desktop appraisal to determine the potential presence of land contamination and/or ground gas. In the absence of this evidence the Council is unable to assess whether conditions would be appropriate for the requirement of further investigations and/or mitigating measures to be implemented. The proposal is therefore contrary to Saved UDP Policies GP2 (Environmental Protection) and ENV14 (Development of Derelict and Previously Developed Sites).

**END OF OFFICERS REPORT**