

Planning Committee

Report of Head of Planning and Building Control on 10 February 2022

Plans List Item Number: 7

Reason for bringing to committee

Significant Community Interest

Application Details

Location: 38, NORMAN ROAD, WALSALL, WS5 3QL

Proposal: PROPOSED REPLACEMENT SIX BEDROOM 2.5 STOREY DETACHED DWELLINGHOUSE WITH FRONT AND REAR FACING DORMER WINDOWS TO ACCOMMODATE HABITABLE SECOND FLOOR WITH DOUBLE STOREY GALLERY PORCH. (AFFECTING PUBLIC RIGHT OF WAY WAL104)

Application Number: 21/0053

Case Officer: Fiona Fuller

Applicant: Sofikur Rahman

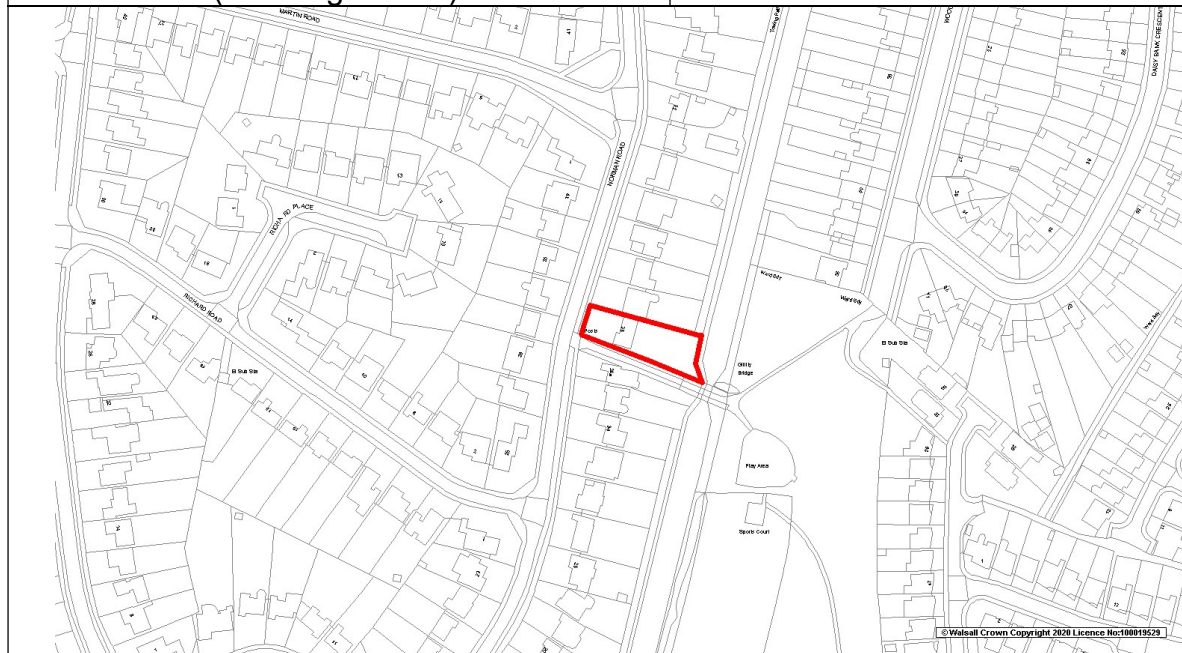
Ward: Paddock

Agent: Kabir Bansal

Expired Date: 26-Apr-2021

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

Time Extension Expiry: 25-Jan-2022



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Recommendation

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

- The amendment and finalising of conditions; and
- No new material considerations being raised by consultees

Proposal

The applicant seeks full planning permission for a replacement dwelling for a 2.5 storey detached six-bedroom dwelling at 38, Norman Road.

The proposal will consist of an utility room, kitchen and lounge on the ground floor. On the first floor would be four bedrooms with two en-suites. On the second floor there will be two bedrooms and an en-suite.

The house design will include a mansard style roof, a ground floor central porch with main access and main habitable room windows to the front and rear elevations. There will three small pitched roof dormers to the rear which were added to the amended plans.

The key measurements are:

Replacement Dwelling

- 8.1 metres height to the roof ridge
- 5.0 metres height to the eaves
- 15.4 metres length
- 12 metres wide

Boundary Treatment remains the same.

Site and Surroundings

The application site is located on Norman Road. The surrounding area is characterised by mainly residential development with a mixture of detached single and two storey properties.

The building is not listed or located within a conservation area but there are protected species in the site surrounding.

The following document were submitted to support the application:

- Preliminary Roost Assessment

Relevant Planning History

None found

Relevant Policies

The National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 5 – Delivering a sufficient supply of homes
- NPPF 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places

On planning conditions the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon

those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

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

Supplementary Planning Documents

- . Designing Walsall
- . Design Principle – Homes:
- . DW3 – Character
- . DW4 – Continuity
- . DW6 – Legibility
- . DW9 – High Quality Public Realm
- . DW10 – Well Designed Sustainable Buildings

Appendix D

Conserving Walsall's Natural Environment

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 BBC Wildlife – No response
- DRAINAGE – No response
- CANAL AND RIVER TRUST – No objection subject to canal boundary, external lighting, construction management conditions and informative being imposed.
- PARK HALL RESIDENTS ASSOCIATION – No response
- INLAND WATERWAYS ASSOCIATION LICHFIELD – No objection
- TRANSPORTATION (Local Highway Authority) – No objection subject to an access, a parking layout and a boundary conditions and informative being imposed.
- WEST MIDLANDS FIRE SERVICE – No response
- PUBLIC RIGHTS OF WAY – No objection
- RAMBLERS ASSOCIATION – No response
- STRUCTURES – No response
- STRATEGIC PLANNING POLICY – No response
- Inland Waterways Association (Lichfield) – No objections
- West Midlands Fire Service – No response
- Local Access Forum – Support - Unlikely that the footpath will be impacted
- Pollution Control – No objection subject to a Method Statement, Air Quality Assessment, Construction Working Plan, Electric Vehicle Charging Point conditions and informative being imposed

Representations

12 Neighbours were notified via letter about the proposed development. Objections from occupiers of neighbouring properties (*Officers comments in italics*). These are as follow:

- Impact on the aesthetic
- Detrimental impact on No 36A
- Loss of light
- Impact on light to No.38A which is on a lower level
- Overshadowing on 36A to the north
- The proposed building will be imposing/higher than the neighbouring property.
- It is not in keeping
- There is no garage will there be a garage in the future. (*The application has been assessed on its merits. The LPA can't ascertain what an applicant*

proposes to do in the future. Permitted development rights will be restricted to allow the LPA to assess future impacts on neighbours)

- Concerns about noise, dust safety during the construction phase/ would like a construction management plan condition to be imposed if planning permission is granted. *(A Construction Management Condition is included)*
- Drawing doesn't show fence boundary treatment *(A boundary condition is included)*
- A majority of the neighbours are elderly *(This is a non- material planning consideration)*
- There is an issue with the towpath. Has the Canal and River Trust been consulted? *(The LPA consulted the Canal and River Trust. They have no objection subject to conditions and an informative to be added to the decision notice).*

Determining Issues

- Principle of Development
- Design and Character of the Area
- Neighbouring Amenity
- Drainage
- Access and Parking
- Protect Species
- Fire safety

Assessment of the Proposal

Principle of Development

The site is situated within a well- established residential area within a location served by public transportation into Walsall and Birmingham. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The proposal will not cause harm to the local area, will not adversely impact on the character and identity of the local area and will be consistent with the advice in the NPPF and that the house is within a residential location. An appropriate level of private amenity will be retained and the proposal would continue the residential street frontage Norman Road.

The principle of a replacement residential property fronting Norman Road is considered appropriate in this location.

Design and Character of the Area

Concerns the proposal would have an impact on the aesthetic on the site surrounding, detrimental impact on No 36 and effect the light/ overshadowing/ loss of light to No.38A. These concerns form part of the assessment, leading to revised plans being submitted.

The revised proposed house design reflects the evolving local character with similar characteristics including roof design and similar scale and proportion, on balance limiting the impact on the local character of the area.

Neighbouring Amenity

Neighbours concerns the proposed dwelling would have an impact on their privacy, overshadowing and detrimental impact on the neighbouring properties have been considered in the overall assessment of the planning application. Based on the revised proposed design, site meeting with the local residents and a site visit, it was noted there are neighbouring secondary side facing openings. Also, there was sufficient separation between the application property and the neighbouring properties. Therefore, the relationship between the proposed house and those on Norman Road would reflect the local character. It is considered that on balance in this instance, the proposal would not have an overbearing impact on adjacent houses or result in unacceptable levels of overlooking. A safeguarding condition restricting the additional windows and doors.

To ensure the satisfactory amenity of neighbouring occupiers is retained, it is considered permitted development rights for extensions and outbuildings.

Drainage

The proposed development would appear to have minimal impact on the existing sewage system and no condition is necessary. From this perspective, the proposal is considered acceptable.

Access and parking

Parking for 3 vehicles is provided at the new dwelling in the form of a driveway parking. The proposal accords with the Councils parking standards. Highways consider 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. Conditions and informative were imposed to planning permission.

Protected species

Whilst the Black Country Wildlife Trust didn't respond to the consultation, knowing the local area and previous decisions in the locality, in this instance, it is considered a precautionary bat condition is included.

Fire Safety

In the interests of fire safety as recommended by the West Midlands Fire Officer and in accordance with UDP policy ENV32 the development can be suggested to meet fire safety standards.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed extension would reflect the design of the existing dwelling and other properties around the area. The proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers. The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy and saved policies GP2 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding design, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Conditions and Reasons

1) This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

2) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

- Drawing Title: Existing and Proposed GF Plans – Drawing No D100 (Revision B) – Dated 11/01/2021
- Drawing Title: Existing Elevations – Drawing No D103 – Dated 11/01/2021
- Drawing Title: Block and Location Plan – Drawing No D100 (Revision A) – Dated 11/01/2021
- Drawing Title: Proposed Elevations – Drawing No D104 (Revision B)– Dated 11/01/2021
- Drawing Title: Proposed Second Floor and Roof Plans – Drawing No D102 – Dated 11/01/2021
- Drawing Title: Existing and Proposed First Floor Plans – Drawing No D101 – Dated 11/02/2021
- Preliminary Roost Assessment - – Dated 14/01/2021

Reason: To define the permission.

3a. Prior to commencement of the development hereby permitted, including any demolition or site clearance a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement

3c. Prior to commencement of any built form or engineering operations of the development here by permitted and post demolition and removal of the demolition material a validation report written by a competent person who was overseeing the works shall be submitted in writing to and approved in writing by the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved

Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

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.

5) Prior to the commencement of development hereby permitted, including demolition shall take place until a Construction Working Plan has been submitted in writing to and approval in writing by the Local Planning Authority. The plan shall include:

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

5b. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

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.

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

6b. Prior to first occupation of the development the approved electric vehicle charging

points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra -low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy

7a. Prior to occupation of the development hereby permitted a minimum of 3 off road parking spaces each measuring a minimum of 2.4m by 4.8m shall be provided on the drive within the curtilage of the application property. The parking spaces shall be consolidated hard surfaced and drained to prevent surface water from the driveway running on to the public highway or into any highway drain.

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

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

8a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

8b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

8c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;
-Class A (enlargement, improvement or other alterations),
-Class AA - enlargement of a dwellinghouse by construction of additional storeys
-Class B (additions to the roof),
-Class C (other alterations to the roof),
-Class D (porches),
-Class E (building incidental to the enjoyment of a dwelling house),
-Class F (hard surfaces incidental to the enjoyment of a dwelling house),
shall be installed in any part of this development.

Reason: To protect future occupiers from potential gas ingress and to safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2, ENV32 and ENV10 of the Walsall Unitary Development Plan.

10). No boilers shall be installed in any of the units hereby permitted, save for

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

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

11) No solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the approved development.

Reason: To ensure safeguarding of local air quality and to protect local residential amenity.

11a. Notwithstanding the bat survey carried out by Preliminary Roost Assessment – Dated 14/01/2021 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

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

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

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

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

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

Notes for Applicant

Canal and River Trust – Notes

Public Rights of Way Notes

There are no public rights of way requirements but I have included a note to applicants in case of any impacts on Footpath 104 Walsall during construction.

West Midlands Fire Service Notes

Approved Document B, Volume 1, Dwelling-houses, 2019.

Requirement B5: Access and facilities for the fire service

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Water

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

Severn Trent Water notes

There may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close

to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Pollution control notes

The development hereby permitted shall not be carried out otherwise than between the hours of 0800 hours to 18.00 hours Mondays to Fridays and Saturday, Sundays, Bank and Public Holidays no work should be carried out *see Notes for Applicant .

END OF OFFICERS REPORT