

## Planning Committee

Report of Head of Planning and Building Control on 02 December 2021

Plans List Item Number: 5

### Reason for bringing to committee

### Significant Community Interest

### Application Details

**Location:** LAND REAR OF 9, BASLOW ROAD, BLOXWICH

**Proposal:** OUTLINE APPLICATION FOR 1 X DORMER BUNGALOW AND 1 X DETACHED GARAGE TO INCLUDE ACCESS, APPEARANCE, LAYOUT AND SCALE. LANDSCAPING IS A RESERVED MATTER.

**Application Number:** 20/0838

**Case Officer:** Fiona Fuller

**Applicant:** Mr and Mrs Davies

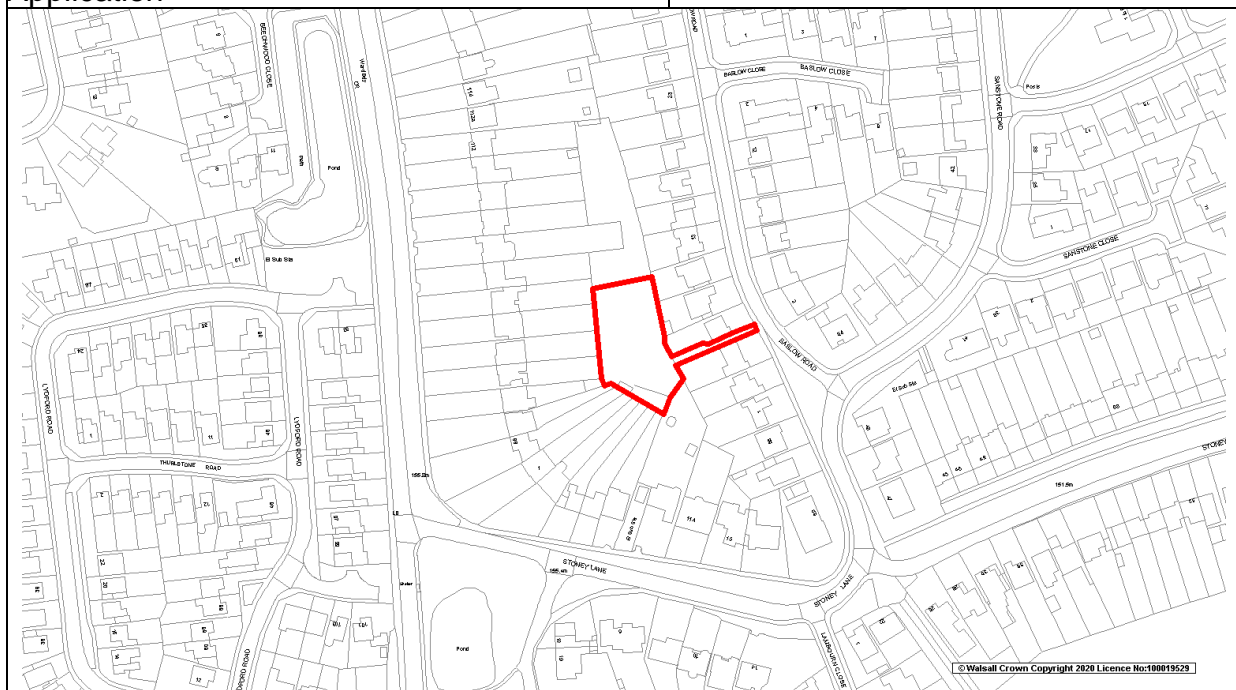
**Ward:** Bloxwich East

**Agent:** Adam Design

**Expired Date:** 16-Sep-2020

**Application Type:** Outline Permission: Minor Application

**Time Extension Expiry:** 05-Nov-2021



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## Recommendation:

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

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- The applicant must provide an amended plan which reduces the dormers, mass and the scale of the proposed dwelling.
- Resolving ecological and arboricultural concerns of suspected protected species and trees respectively on the application site.
- In the absence of the amended plans, resolving the ecological and arboricultural issues, the proposal is deemed unacceptable and is contrary to policies.

## Proposal

The applicant seeks outline planning permission for 1 x dormer bungalow and 1 x detached garage to include access, appearance, layout and scale. Landscaping is a reserved matter.

The applicant has provided the following document to support the application:

- Arborticultural Impact Assessment
- Preliminary Ecological Appraisal
- Tree Constraints Plan
- Tree Impact Plan
- Tree Protection Plan
- Tree Shadow Plan
- Tree Work Plan
- New Layout Plan
- Ecology Bat Survey

## Site and Surroundings

The site is on the western side of Baslow Road and comprises an area of land surrounded by residential gardens of properties in Baslow Road (Nos 5-23 odd), Stoney Lane (Nos 1-11 odd) and Stafford Road (Nos 88-112 even) and the site of No. 7 Baslow Road.

The application site is used as a garden area. There appears to be garden furniture on the site based on the existing site location plan. The agent explains there was an existing outbuilding which will be demolished.

There are protected trees and a group of trees within the site covered by a Tree Preservation Order (TPO). The access to the site is currently gained via a driveway set between 5 and 7 Baslow Road created through the removal of a single storey side garage at No 7, a detached two storey house. The site is roughly rectangular in shape with a projection of the rear garden of 104 Stafford Road reducing the width of the site.

The character of the area is a mixture of traditional detached houses with large frontages and rear gardens along Stafford Road and more modern 1960's houses in Stoney Lane and Baslow Road. The dwellings are constructed from bricked face materials, pitched roof, dormers and there doesn't appear any backland developments in the immediate area.

### Relevant Planning History

11/1552/FL, erection of one detached house and detached garage, refused 23-03-12.  
12/0435/TR, fell one willow tree, refused 11-06-12.

13/1675/OL, outline application for the erection of 5 dwellings and associated works, access and layout only for determination, refused 05-02-14.

#### Reasons for Refusal:

1. The development would create an unacceptable backland development that would be at odds with the established pattern, layout and general character of the area which is defined by street frontage properties. The proposed layout fails to respond to local character, reinforce local distinctiveness or reinforce the existing urban structure. The proposals fail to meet separation distance guidance within appendix D of Designing Walsall and as a result would have an adverse impact on the amenities of the occupiers of the surrounding residential properties in terms of overlooking and loss of privacy. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and the design principle: homes, policies DW3, DW4, DW6 and Appendix D of Supplementary Planning Document: Designing Walsall.

2. The proposals fail to demonstrate that the proposals would not have an adverse impact on highway and pedestrian safety through reversing movements onto Baslow Road due to the single track access drive and the continuous dropped kerb for the access drive and frontage parking for No 7 Baslow Road contrary to policy GP2 of Walsall's Unitary Development Plan. The level of parking provision for plots 2 – 5 fails to comply with policy T13 of Walsall's Unitary Development Plan and the bin collection point fails to comply with guidance contained within Department of Transport Guidance: Manual for Streets (2007) for refuse collection and travel distance for occupiers to drag bins. The width of the access drive and site layout (insufficient turning head) fails to comply with Fire Safety requirements of Approved Document Part B of Building Regulations.

3. The proposed development and layout is likely to result in unacceptable loss or damage to trees within and immediately adjacent to the site some of which are protected under Tree Preservation Order 16 of 2004, through the position of the houses, access drive and occupancy of the site and pressure from future occupiers to remove or prune trees that overhang and shadow the buildings, drive and amenity space, which would be detrimental to the overall amenity, aesthetic and landscape character of the area. As such the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policy ENV3 of the Black Country Core Strategy, saved policies GP2, ENV18, ENV32 of Walsall Unitary Development and policies NE7 and NE8 of Supplementary Planning Document Conserving Walsall's Natural Environment.

14/0893/OL, Outline application for the demolition of 7 Baslow Road, the erection of 4 dwellings (3 set to the rear and 1 fronting Baslow Road) and associated works, access and layout only for determination. Refused 09-10-15

Reason for Refusal:

1. The development would create an unacceptable backland development that would be at odds with the established pattern, layout and general character of the area. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CSP4 and ENV2 of the Black Country Core Strategy, saved policy ENV32 of the Walsall Unitary Development Plan and policies DW3 and DW4 of Supplementary Planning Document: Designing Walsall.

Subsequent Appeal Dismissed 09-06-16.

The Inspector concluded:

- That the intensification of activity across the frontage would be out of keeping with lower number of vehicular movements associated with the existing houses and their driveways along Baslow Road.
- The frontage of No 7 would be dominated by hardstanding which would be out of keeping with the more generously landscaped frontages within the street. Together with the intensification in vehicle movements the proposals would create a more urban character which would be out of keeping with the suburban character of the street.
- The replacement dwelling and plot on the frontage would be narrower than the predominant width of dwellings and plots in the area which would be incongruous in the street scene and out of keeping with the character of the area.
- Whilst the properties to the rear would introduce a backland development that is not characteristic of the area the properties would not be visible from the street therefore the harm of these dwellings to the character and appearance of the area would be limited.
- Positive benefits of the development, housing on an accessible site and good standard of amenity

17/0310- Outline application for the demolition of No. 7 Baslow Road and erection of 3 dwellings on land to the rear and associated works. Access and layout only for determination. GSC 09-10-17. Condition 4 listed the plans approved.

18/0383 - Variation of planning condition 4 of 17/0310 to alter the plans list to retain 7 Baslow Road – Refuse - 06-Jun-2018

19/0341 - T24 Willow Tree – Fell – Grant - 31-Oct-2019

## Relevant Policies

[http://cms.walsall.gov.uk/annotated\\_2011\\_udp\\_-\\_february\\_2011.pdf](http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf)

National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://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".

All the core planning principles have been reviewed and those relevant in this case are:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.
- Encourage effective use of land by using land that has previously been developed (brownfield land), provided that it is not of high environmental value.

Key provisions of the NPPF relevant in this case:

NPPF 4: Promoting Sustainable Transport

NPPF 6: Delivering a Wide Choice of High Quality Homes

NPPF 7: Requiring Good Design

NPPF 11. Conserving and enhancing the natural environment

On planning conditions the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On decision-taking the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

The Black Country Core Strategy

CSP2: Development Outside the Growth Network

CPS4: Making Places

HOU2: Housing Density, Type and Accessibility  
ENV1: Nature Conservation  
ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality  
TRAN1: Priorities for the Development of the Transport Network  
TRAN2: Managing Transportation Impacts of New Development

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Unitary Development Plan  
GP2: Environmental Protection  
ENV18: Existing Woodlands, Trees and Hedgerows.  
ENV23: Nature Conservation and New Development  
ENV32: Design and Development Proposals.  
ENV33: Landscape Design  
T7: Car Parking  
T10: Accessibility Standards – General  
T13: Parking Provision

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF

#### 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  
NE8: Requirement for arboricultural Impact assessment

British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations

Existing trees are an important factor on construction sites, whether on or near the working areas, and trees are a material consideration in the UK planning system. The British Standard is intended to assist decision-making with regard to existing and proposed trees in the context of design, demolition and construction. Root systems, stems and canopies, with allowance for future movement and growth, need to be taken into account in all projects, including those that do not require planning permission. The space required for any proposed new trees to become established is an important consideration.

### 3.3 Gardens and Open Spaces

At Least 50% of amenity areas should receive at least two hours of sunlight on 21st March.

## **Consultation Replies**

### **NATURAL ENGLAND**

To be updated at planning committee

### **TREE PRESERVATION OFFICER**

To be updated at planning committee

### **TRANSPORTATION (Local Highway Authority)**

To be updated at planning committee

### **SEVERN TRENT WATER**

To be updated at planning committee

### **WASTE MANAGEMENT**

To be updated at planning committee

### **POLLUTION CONTROL**

To be updated at planning committee

### **STRATEGIC PLANNING POLICY**

To be updated at planning committee

### **BIRMINGHAM AND BLACK COUNTRY WILDLIFE TRUST**

Seek for the development to follow the mitigation measures and additional bat survey of the onsite building should the building be impacted by the development.

### **ECOLOGY**

The applicant is required to carry out a nocturnal bat survey of the building during the bat active season in line with the relevant best practice guidance.

Bat active season runs to end September. If bats are found during the survey (low likelihood), a licence will be required before the building can be demolished. If the survey can't be done before the end of September (and again assuming the building is being demolished) there's a risk of delay to the scheme – potentially until the 2022 bat active season commences around April/May.



Subject to the additional information requested can be provided, and recommendations for further survey and mitigation, to ensure compliance, are outlined within the PEA report, it is considered the preliminary Ecological Appraisal of Land rear of 9 Baslow Road, Walsall, WS3 3SG is suitable to support planning application 20/0838.

To be updated at planning committee

## **COMMUNITY SAFETY**

To be updated at planning committee

## **WEST MIDLANDS FIRE SERVICE**

To be updated at planning committee

## **Representations**

Fifty-five occupiers of neighbouring properties were notified via letters and a site notice.

There were objections on the following grounds from fourteen neighbours and one letter of support (*Officer's comments in brackets and italics*):

- Access is too narrow for larger vehicles
- Pedestrian safety is compromised by vehicle crossing a pavement/less visibility.
- Where will the waste bin be collected?
- The neighbours' safety will be compromised (*No evidence has been provided to prove this point*)
- Noise and pollution at the rear of the property (*No evidence has been provided to demonstrate how the future occupiers of this property will contribute to this over and above the current situation*)
- Will there be any houses that will follow the proposed development (*The local planning authority must determine the application before them for a single dwelling*)
- Will the tree preservation (TPO) order stay in place.
- 5 bedroom with a 4 car parking – overlooking issues with the neighbour rear garden/ privacy issues to rear.
- The quality of the planning statement/ lacks a planning statement (It is sufficient for validation requirement)
- The devaluation of the current property (*not a material planning consideration*)
- Threat to wildlife and bats in the area. (*Resident has not demonstrated what or how there is a threat*)
- The building should be demolished – if not – it should be refused. (*The local planning authority must determine the application before them*)
- Backland development should be prevented as set out by the National Planning Policy Framework (NPPF). (*Government policy does not prevent backland development. The LPA must consider the proposal before it taking into account planning policy and the fact the LPA has previously approved a residential use at the site*)
- Other land where the development is more suitable. (*The local planning authority must determine the application before them for a single dwelling*)
- Over development of the site. (*The local planning authority must determine the*



*application before them for a single dwelling, taking into account the LPA has previously given approval for 3 dwellings)*

- The proposed development is 'not in keeping.' *(The proposal is a for a dwelling in a residential location)*
- Too close to the other properties, *(The local planning authority must determine the application before them for a single dwelling, taking into account the LPA has previously given approval for 3 dwellings)*
- Proposal lead to increase density. *(The local planning authority must determine the application before them for a single dwelling, taking into account the LPA has previously given approval for 3 dwellings)*
- Proposal will change the layout of the locality/ community which will cause more motorists/ pedestrians *(The local planning authority must determine the application before them for a single dwelling)*
- The development will lead to further amendment if passed (No evidence has been provided to prove this point. *The local planning authority must determine the application before them for a single dwelling)*
- The application doesn't represent people with disability.
- The objector questions the 21 days consultation period *(The planning legislation requires a 21day public consultation period for this planning application)*
- Application was refused 5 times. *(The local planning authority must determine the application before them for a single dwelling)*
- No designated place for the bins – where will it left in 24 /7 *(Safeguarding conditions can be imposed to deal with this issue)*
- What protection is in place to protect the existing trees and root protection? *(Subject to the tree officer comments, safeguarding conditions can be imposed to protect roots and existing trees)*
- Demolish existing dwelling to improve the access. *(The local planning authority must determine the application before them for a single dwelling)*
- Planning permission was declined because of the access – the garage must be demolished. *(The local planning authority must determine the application before them for a single dwelling)*
- Issues with the accessibility/ who will access the land. *(This is outside the scope of the planning application process to control who has access to the land if approval is given for a single dwelling)*
- Who will sell the land/ to who? *(Not a material planning consideration)*
- What will happen to the reset of the land
- The proposal will not be a bungalow *(The local planning authority must determine the application before them for a single dwelling)*
- Where is the transparency in the planning process? No address for the applicant? What is there to hide? *(The planning legislation does not prevent applicants from not putting their name of the application form if there is an agent representing them)*
- Applicant states there are no protected species on the application site – which is accurate? Signature is blank?
- There is no clearance methodology?
- What is happening to the land behind 9 Baslow.
- Conditions are not adhered to even when the land will be sold. *(If conditional approval is not complied with, this becomes a planning enforcement matter)*
- Fell trees should be replanted.
- The development should not be permitted if it damages and destroys trees and woodland protected by a TPO
- The application has disregard for the previous issues and conditions on the application site. *(The local planning authority must determine the application before*

*them for a single dwelling)*

- There is a boundary dispute between the 9 Baslow Road and 5 Baslow Road. *(This is a private civil matter between land owners and not a material planning consideration)*
- The Planning Inspector refused backland development doesn't fails to represent the open property frontage and character of the area
- Lack of parking in Baslow Road was always an issue. *(The local planning authority must determine the application before them for a single dwelling with 4 off road parking spaces)*
- Is the land divided into two. *(The local planning authority must determine the application before them for a single dwelling)*
- The proposal will impact on the health and the mental wellbeing *(No evidence submitted to justify this)*
- Consideration for the replacement of the Willow Tree at the southern end of the site.
- Take the residents views into consideration. *(In assessing any planning application, the LPA considers material planning consideration raised by residents)*
- Will someone in the council look at all the considerations. *(In assessing any planning application, the LPA considers material planning considerations)*
- The Planning Department has been on the side of the applicant. *(As set out in the national planning legislation, the LPA has to consider and determine the planning application before them in accordance with the development plan)*
- The proposal will look amazing
- The objector mentions the history of the application site.
- Application approved with a cul-de-sac.

If there are any further representations, the case officer will update at planning committee

## **Determining Issues**

- Principle of Development
- Sustainability Assessment of Proposal
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Site Access and Highways
- Trees Issues
- Ecology and Wildlife Issues
- Ground Conditions and Environment
- Flood Risk / Drainage
- Other Matters raised during the public consultation process

## **Assessment of the Proposal**

### **Principle of Development**

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development referring to this being a 'golden thread running through both plan-making and decision-taking'. In notes that, for decision takers, this means approving development proposals that accord with the development plan.

The National Planning Policy Framework for housing specifically states that housing applications should be considered in the context of the presumption in favour of sustainable development. Walsall's Unitary Development Plan reflects National Planning Policy.

The application site is situated within a predominantly residential setting in a sustainable location that is within walking distance of a regular bus service on Stafford Road and Bloxwich District Centre

The application site is not a traditional rear garden, the land is separated from and outside of the curtilage of No 9 and lies beyond the use for domestic purposes. The site has been subject to numerous planning appeals. The Planning Inspector summarised that the *'development would provide some positive benefits, not least the provision of housing on an accessible site and a good standard of amenity.'* Therefore, it is clear that the principle of backland development has previously been accepted by the Local Planning Authority.

### **Sustainability Assessment of Proposal**

The National Planning Policy Framework explains that the planning system has three overarching objectives to achieve sustainable development; economic, social and environment which should be delivered through

Development Plans and the application of other relevant policies in the NPPF. The assessment of this proposal against such policies is set out further within this report, and a summary is also provided below of how this proposal is considered to be a sustainable form of development.

Economic – the proposal is likely to contribute to a strong, responsive and economy through the creation of construction related jobs and ongoing contribution to the local economy.

Social – the proposal would contribute towards providing the supply of homes required to meet the needs of the present and future generations in the area.

Environment – the proposal would provide enhanced areas of open space and landscaping and a high-quality development which would enhance the appearance of the locality.

The site is located 300m from Stafford Road which forms part of the Strategic Highway Network and provides regular bus services, and 850m from Bloxwich District Centre.

Overall, the proposal is considered to represent a sustainable development and accords with local and National Planning Policy.

## **Design, Layout and Character**

Walsall's Unitary Development Plan states that development will be of a high-quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within existing settlements proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality and should respect the scale and density of surrounding development.

The site surrounding consists of residential buildings generally vary in height and façade.

Objectors concerned on the grounds of distance from the objector's dwellings the proposed development would not be 'in keeping' in the locality. The LPA considers that the proposal has taken into account local characteristics in its design and layout would help to enhance the locality. The proposal accords with the development plan policies.

The amended dwelling has been reduced in scale, mass and one dormer has been removed. The LPA considers the amended bungalow and the outbuilding are acceptable in the setting of the locality, minimising any visual impact on the surrounding. Conditions would be included on any permission to secure the use of appropriate external materials.

## **Amenity of Neighbours and Amenity of Future Occupiers**

Objections were received from occupiers of neighbouring properties on the grounds of loss of privacy, noise, traffic/ access/ highway issues, impact on residential and visual amenity issues. These concerns have been considered and taken into account when accessing this current application. It is considered the proposal is in accordance with the development plan policies and guidance.

Objectors have raised the issues of overlooking from the new dwelling. The amended layout of the dwelling within the site, exceeds the 24 metres separation to the windowed elevations of houses surrounding required by Appendix D of Designing Walsall. It is considered that any direct overlooking or loss of privacy would be avoided due to the angled position of proposed dwelling, the existing vegetation along the boundary and the separation is considered appropriate in this case to maintain privacy and outlook to neighbours and for future occupiers of the development.

The proposed garden size is substantial and reflects the local character of the area and are acceptable. Also, the proposed 1.8m high fence and hedgerow which further reduces impacts to amenity of neighbouring properties.

With regards to highways/ traffic issues. The highway (transportation) team were consulted, having no objection subject to parking conditions being imposed. The Local Planning Authority is chasing further comments based on the amended drawings.

Pollution controls comments regarding noise, acoustic boundary fencing, an electric vehicle charging point, an ultra-low NOx emitting boiler and a construction management plan will all be secured via conditions.

The proposal is considered unlikely to result in undue noise and disturbance for neighbouring residents over and above the existing situation subject to the imposition of the proposed conditions.

### **Site Access and Highways**

Walsall's Unitary Development Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can be suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy is considered to carry significant weight in the determination of the application as it complies with National Planning Policy which requires all schemes to provide safe access for all.

Issues of highway and pedestrian safety relating to the access and its position within Baslow Road raised by the objectors. The Highways Authority (Transportation) Team were consulted and raised no objection subject to a parking condition being imposed for the current proposal as it will provide sufficient off road parking to serve the development's needs.

With regards to the width of the access, the turning point is acceptable for two vehicles to pass without any difficulty. Furthermore, the Highways Authority (Transportation) raise no objection on the grounds of access but the West Midlands Fire Service's Officer were consulted and requested further clarification on the width of the access which has been provided.

It is unlikely the amended scheme will have an impact on the access or parking provision on the application site. Therefore, in this instance the amended scheme is deemed acceptable in parking and access terms.

### **Flood Risk / Drainage**

National Planning Policy Framework makes it clear that inappropriate in areas of flood risk should be avoided by directing development away from areas of highest risk. The contents of the National Planning Policy Framework in terms of flood risk and carries significant weight in the determination of this application. In terms of flooding, the site is within Flood Zone One as defined in the Environment Agency. Given that it is Flood Zone 1, it is considered acceptable for residential use.

On receipt of the revised drawings and information from the applicant, Severn Trent Water have no objections subject to a drainage plan.

### **Trees Issues**

The submission includes the original Arboricultural Assessment which includes the trees on site.

The layout is reduced the number of houses to a single dwelling which has allowed for a larger plot, reducing the impact on the trees within the site. The access drive takes away the concerns raised previously on applications on the site about the proximity of the access drive and passing place to the protected Willow Tree at the southern end of the site.

The proposed bungalow to the rear of 9 Baslow Road has reduced the scale of the dwelling minimising any impacts on the visual, residential and tree issues.

The Council's Arboriculturalist's comments are to follow.

### **Ecology and Wildlife Issues**

Based on previous applications, there appears to be protected species in the locality and this is concurred by the residents who have raised issues of sighting of bats. A nocturnal bat survey has been submitted and forwarded to the Council's Ecologists to review.

The Council's Ecologists comments are to follow.

### **Ground Conditions and Environment**

The Pollution Control Officer raised no objection subject to acoustic boundary fencing, an electric vehicle charging point and an ultra-low NOx emitting boiler conditions at the development which will prevent or minimise environmental impact during the course of building works. These issues can be secured by conditions.

### **Bins**

The Waste Management was consulted and raised no objection, offering an informative.

## **Conclusions and Reasons for Decision**

The applicant must resolve all outstanding issues. In the event there are no material planning considerations, the proposal should be recommended for approval subject to conditions.

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

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

## **Recommendation**

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

- The amendment and finalising of conditions;
- 
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- 
- The applicant must provide an amended plan which reduces the dormers, mass and the scale of the proposed dwelling.
- 
- Resolving ecological and arboricultural concerns of suspected protected species and trees respectively on the application site.



- In the absence of the amended plans, resolving the ecological and arboricultural issues, the proposal is deemed unacceptable and is contrary to policies.

## Conditions and Reasons

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Development shall not be commenced until details of the following Reserved Matters have been submitted to and approved by the Local Planning Authority:-

- Landscaping

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995

4. Development shall not be carried out other than in conformity with the following approved plans and documents: -

- Application Form –dated 20<sup>th</sup> July 2020 - Received 2<sup>nd</sup> September 2020
- Block Plan - Received 2<sup>nd</sup> September 2020
- Location Plan - Received 2<sup>nd</sup> September 2020
- Drawing No. 3 of 3 (plg) – Drawing Title: Proposed Layout (Amended) – November 2020 - Received 19<sup>th</sup> November 2021
- Drawing No. 1 of 3 (plg) – Drawing Title: Exstg & Propsd Site Location (Amended) – November 2020 - Received 19<sup>th</sup> November 2021
- Drawing No. 2 of 3 (plg) – Drawing Title: Proposed Elevations (Amended) – November 2020 - Received 19<sup>th</sup> November 2021
- Drawing No. 4 of 4 (plg) – Drawing Title: Propsd Garage Elevs & Lyt (Amended) – July 2020 - Received 2<sup>nd</sup> September 2020
- Arborticultural Impact Assessment - Received 26<sup>th</sup> November 2020
- Preliminary Ecological Appraisal - Received 26<sup>th</sup> November 2020
- Tree Constraints Plan –Dated 13/10/2020 - Received 26<sup>th</sup> November 2020
- Tree Impact Plan –Dated 13/10/2020 -- Received 26<sup>th</sup> November 2020
- Tree Protection Plan - Received 26<sup>th</sup> November 2020
- Tree Shadow Plan - Received 26<sup>th</sup> November 2020
- Tree Work Plan - Received 26<sup>th</sup> November 2020
- New Layout Plan- Received 26<sup>th</sup> November 2020
- Midland Ecology Bat Survey - September 2021

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

5a. Prior to occupation of the development hereby permitted details shall be submitted in writing to and approved by Local Planning Authority providing details of an acoustic barrier fencing between the access road and the residential premises on either side, the extent, height and density of the fence.

5b The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development

Reason: To protect local amenity and in compliance with Policies GP2 and ENV32 of the UDP.

6a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points and ultra-low NOx emitting boiler in the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

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

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

7a: Prior to the commencement of development hereby permitted a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- 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

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

8a Prior to the commencement of the development hereby permitted until details for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site have been submitted in writing to and agreed in writing with the Local Planning Authority.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development demolition and construction activities.

Reason: To minimise environmental impact during development and in compliance with Policies GP2 and ENV32 of the UDP.

9a. Prior to the commencement of the development hereby permitted, the replacement frontage parking for the existing dwelling no.7 Baslow Road to provide at least two x 2.4m by 4.8m spaces, shall be implemented and thereafter retained for the lifetime of the development and used for no other purpose. The parking area shall be consolidated, hard surfaced and drained to prevent surface water run-off in to a public highway or public highway drain.

Reason: To minimise parking on street during construction works and to ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

10a. Prior to the commencement of development above the damp proof course of the development hereby permitted until details of all facing and roofing materials including all proposed hard surfacing within the site have been submitted in writing to and approved in writing by the Local Planning Authority.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

11a. Prior to the commencement of the development hereby permitted until details of the disposal of both surface and foul water drainage have been submitted in writing to and approved in writing by the Local Planning Authority.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

12a. Prior to occupation of the development hereby permitted until the design and specification of all boundary fencing to be installed adjoining the proposed access road (No 5 and No 9 Baslow Road) shall be submitted in writing to and approved in writing by the Local Planning Authority. This fencing should achieve a minimum height of 2 metres and have a minimum mass of 10kgm-2

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers

13a. Prior to the installation of any external lighting on the site until details of the lighting including the intensity of illumination and predicted lighting contours have been submitted in writing to and approved in writing by the Local Planning Authority.

13b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan and to protect local bat populations.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;  
-Class A (enlargement, improvement or other alterations),  
-Class B (additions to the roof),  
-Class C (other alterations to the roof),  
-Class 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.

### **Notes:**

### **Natural England**

Internationally and nationally designated sites

The application site is within 15km of the Cannock Chase Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended). The SAC is notified at a national level as the Cannock Chase Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>.

<sup>1</sup> Requirements are set out within Regulations 63 and 64 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have. Therefore we would advise that a Habitats Regulation Assessment is undertaken which highlights the current mitigation strategy and zones of influence around Cannock Chase.

## Cannock Chase SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

### Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk). could potentially affect a European site. The steps and tests set out within Regulations 63 and 64 are commonly referred to as the 'Habitats Regulations Assessment' process. Page 2 of 5

### **Severn Trent Water**

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. 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.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

### **Highways Authority (Transportation)**

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

## **Pollution Control**

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 08.00 to 18.00; and 08.00 to 14.00 on Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

**END OF OFFICERS REPORT**