

Planning Committee

Report of Head of Planning and Building Control on 15 July 2021

Plans List Item Number: 5

Reason for bringing to committee

Councillor Application: Councillor Johal

Application Details

Location: 407, CHESTER ROAD, ALDRIDGE, WALSALL, WS9 0PH

Proposal: ERECTION OF 3 DETACHED DWELLINGS (2X 5BEDROOM AND 1X 4BEDROOM) FOLLOWING THE DEMOLITION OF THE EXISTING DWELLING

Application Number: 20/1070

Case Officer: Alfia Cox

Applicant: Johal

Ward: Streetly

Agent: James Brookes

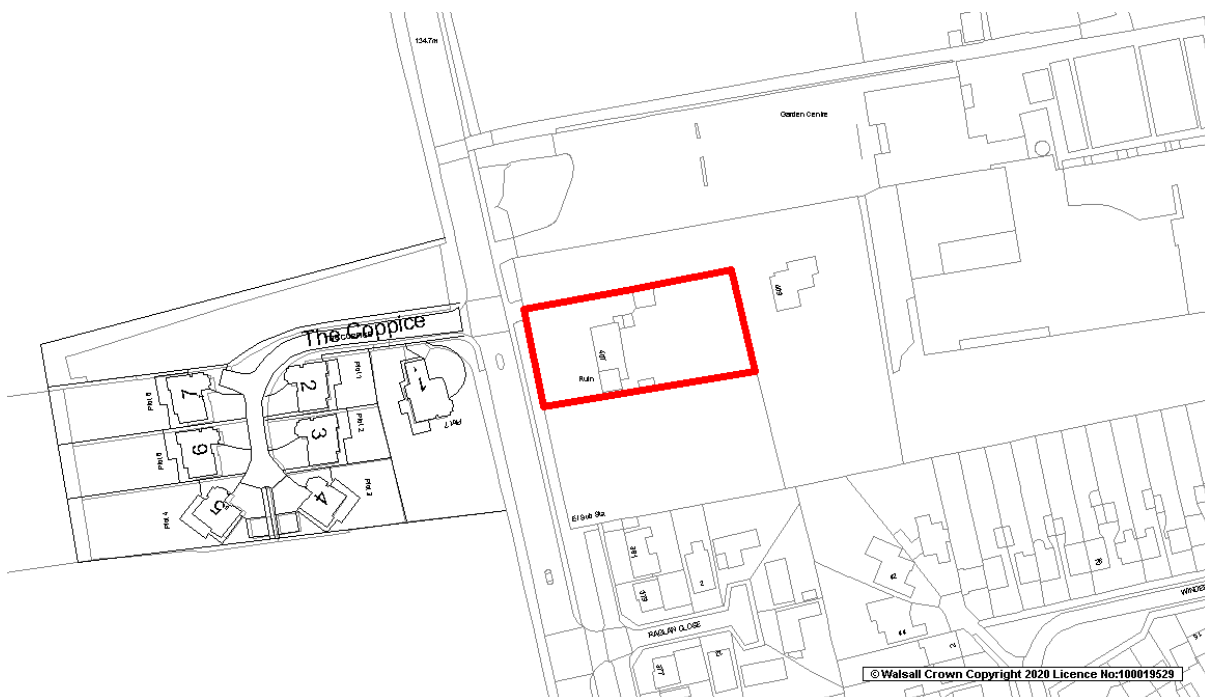
Expired Date: 08-Dec-2020

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

Time Extension Expiry: 09-Apr-2021

Recommendation

Refuse



Proposal

This proposal relates to the construction of three detached two-storey dwellings, along with access, parking and some landscaping, following the demolition of the existing single storey dormer bungalow and subdivision of the land into three plots. A swimming pool and outbuildings located to the rear of the property are also proposed to be demolished and removed. Each of the dwellings has been designed with individual off-road parking and garage with the vehicle access via a new central access road located between the two proposed houses (Plots 2 and 3), with a turning head within the site fronting Plot 1.

The originally submitted application comprising 4 dwellings has been amended and reduced to 3, following the discussions with the Local Planning Authority to aim to overcome some of the concerns related to overdevelopment of the site and tandem form of the development.

Plots 2 and 3 would be identical in appearance and internal layout and would front Chester Road. Each building footprint would measure 135m² and would be/ incorporate:

- Set back into the site approximately 8m measured from the back of the footpath on Chester Road.
- Set off the northern boundary by 0.9m and 1m from the southern boundary.
- Two-storey 1.8m forward projecting element with subservient hipped roof.
- Hipped roof with flat roof; maximum 13.8m in depth, 10m in width; 5.7m in height to eaves 9.7m high to pitch of the roof.
- Ground floor: garage, living room and kitchen/dining room, hall.
- First floor: one bathroom, 5 bedrooms, 2 of which with en-suits.
- Rear garden for Plot 2: about 13.2m in length and measured 158m².
- Rear garden for Plot 3: 13.3m in length and measured 168m².
- New retaining wall to the north of Plot 2 and to the south of the of Plot 3; retaining wall with the fence on top around the gardens and low fencing to front of the houses

Plot 1 would be located to the rear of Plots 2 and 3. The building footprint would measure 240m² and would be/incorporate:

- Irregular in shape, with the main section being rectangular in shape and rear, front and side single storey projections.
- Set back from Chester Road about 46.7m measured from the back of the footpath on Chester Road.
- 2 two storey front projecting gables and a bay window to the frontage.
- Front and rear facing dormers to the garage roof, which would light an office at the first floor and 7 roof lights to the main roof.
- Hipped roof to the main bulk of the house with flat roof with lantern.
- Staggered single storey rear projection, with the northern and southern elements measuring 1.8m and central element 4.2m.
- Set 3.6m off the north boundary; 6m to the rear boundary wall with No. 409 Chester Road at the ground floor level and 10m measured from first floor window; 11.5m to the south boundary at the rear.

- Maximum 9.2m in height and 5.8m in height to eaves.
- Rear garden: 381m² and separated to the rear with No. 409 by a new retaining wall and existing trees, with the rest of by 1.8m close-boarded boundary fence; low level fence to the front of the property.
- Ground floor: hall, garage, office, living room, kitchen/dining, snug and family room.
- First floor: office, 4 bedrooms, 2 of which are with en-suits, a bathroom and walk-in-wardrobe.

A tree constrain plan has been submitted which identifies trees in categories of B, C and U, as well as outlining tree protection measures. A total of 3 trees would be removed to accommodate the development.

A bat survey has been submitted, which concludes there are no roosting opportunities for bats within the existing house or outhouses. It also states that the trees in the garden offer little roosting opportunities.

Site and Surroundings

The application site is situated on the eastern side of Chester Road (A452 part of the Strategic Highway Network) and currently comprises a four bedroom detached dormer bungalow with a large attached flat roofed garage to the southern end and a detached single garage to the northern end. The site area is 0.23ha.

The site is situated to the north of the main built up area and is situated within the Green Belt. Immediately to the south is an area of woodland stretching about 40m to south which helps to provide a clear distinction between the Green Belt to north and detached houses to the south forming the urban edge of the settlement. To the east is a detached bungalow No. 409, which is set behind the site with access drive to the north of the site. To the north east is Pacific Nurseries Garden Centre, with open field beyond. All associated building and structures of the garden centre are set well back to the east. To the west on the opposite side of Chester Road is The Coppice (former Waterworks Farm) with 7 x detached houses.

There is a land level difference across the site, with the gentle incline from west to east by 0.4m.

The property is set back from the road with two driveways at either end of the frontage. The rear garden is enclosed and screened by mature hedgerow to the north, woodland area to the south and trees to the east.

The footprint of the existing building is measured 262m². The existing house is measured 3m in height to eaves and 6.6m in height to ridge.

The existing access to the site is via an access road to southwest corner of the site leading to the front driveway. The secondary access from the northwest corner leads to the outbuilding.

Relevant Planning History

13/0651/FL - Demolition of existing single storey garage and erection of two storey side extension – granted, subject to conditions on 23 September 2013

16/1138 - Waterworks Farm, Chester Road, Aldridge, Walsall (land on the opposite side of Chester Road) - Provision of 7 new dwelling houses and associated external works and landscaping, demolition of existing dwelling house and outbuildings, B2 General Industrial Units and B8 Storage/Distribution units – granted, subject to conditions on 13 December 2016

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 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 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- GP2: Environmental Protection
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing)

- T7 - Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts on New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- T5: Highway Improvement

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- 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
- 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

Consultation Replies

Ecology Officer – no objection

Local Highway Authority – no objection, subject to conditions requesting details of the Construction Method Plan, full engineering details of all works within the existing highway and hard surfacing of the access, parking and vehicle manoeuvring areas. It has been noted that the applicant should enter into S278 Agreement and cover any associated traffic management costs.

Natural England – no comments

Pollution Control - no objection, subject to conditions requesting installation of acoustic glazing, electric vehicle charging points and low NOx boilers; conditions are also required to provide a site survey for presence of any potential hazardous materials before demolition, ground contamination and prevention or minimising environmental impacts during the course of building works.

Severn Trent Water – no objection, subject to a condition requesting details of drainage plans for the disposal of foul and surface water flows.

Strategic Planning Policy – objection as the replacement of a single dormer bungalow with three detached houses would represent inappropriate development in the Green Belt.

Tree Preservation Officer – no objection, subject to a condition to secure replacement planting.

Representations

Two separate representations have been received objecting to the proposal for the following reasons:

- The proposed size and scale of the development would affect the openness of the Green Belt

- Overshadowing, overlooking and overbearing impact on amenities of No. 409 Chester Road.
- Loss of privacy
- Noise
- Loss of trees to the east boundary
- Traffic during construction works which would block the access to No. 409

Determining Issues

- Inappropriate development in the Green Belt, impact upon openness and very special circumstances
- Design and openness of the Green Belt
- Residential Amenity
- Highway Safety
- Trees
- Ecology
- Local Finance Considerations

Assessment of the Proposal

Inappropriate development in the Green Belt, impact upon openness and very special circumstances

The site lies within the Green Belt as defined by SAD Policy GB1. Para 145 of the NPPF states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development, with a small number of exceptions.

The applicant has provided a detailed assessment of the development and its effect on the Green Belt in the submitted Design and Access Statement. It should be noted that the list of policies in the Design and Access Statement is incorrect. It refers to UDP policies ENV2 and ENV3; these have been replaced by SAD policy GB1. NPPF paragraphs 88 to 90 were in the 2012 NPPF that have also since been replaced by the latest 2019 version. Paragraph 145 is the relevant section in the 2019 NPPF. Paragraph 145 sets out a 'closed list' of development that is not inappropriate in the Green Belt.

The applicant explains that the application site is classed as previously developed land and is not Green Belt and therefore it falls within the scope of exceptions as listed in para 145, such as *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant (excluding temporary buildings) or in continuing use, which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.* The applicant explains that the building within the application site has a footprint of 262m² and the remainder of the site is laid out in 876m² of surface hardstanding. No details of what elements amounted to hardstanding have been provided.

In this case, the proposal would involve the demolition of the existing dwelling and its replacement with three dwellings. NPPF Annex 2 provides a definition of previously development land and excludes any residential gardens and *land that was previously*

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. In this instance, the position of the new houses would occupy only part of the area of the demolished house. The footprint of the development would be more than double of that which is occupied by the existing house.

A fundamental aim of Green Belt policy, as set out in paragraph 133 of the NPPF, is to keep land permanently open.

Planning Practice Guidance states that, when assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case should be applied. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

There have been a number of court cases that have sought to clarify the issues around openness in the green belt:

- The High Court [R (Boot) v Elmbridge Borough Council (2017)] held that (in the case of a new sports stadium in the green belt) that a development cannot “preserve” the openness of the Green Belt when it causes harm to openness.
- Court of Appeal [Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA Civ 489] held that there is a need to consider the impacts of development on the green belt in visual as well as spatial terms. If a proposed development is likely to have visual impacts within the green belt, the policy implicitly requires a decision maker to consider whether those visual impacts bear on the issue of whether the development would have an impact on openness (Paul Brown QC, November 2018).

Spatially, the existing dormer bungalow occupies part of the application site with the remainder laid out in hardstanding and soft landscape. The bungalow is set 20m from the highway, 9m from the northern boundary and 42m from the eastern boundary. The existing outbuildings and structures, such as sheds, greenhouses and swimming pool to the rear occupy a part of the overall plot with the rest of the site being free from built form, as it currently exists. There is a garden centre to the north of the site; however, all associated building and structures are set well to the rear and not within the prominent views when approaching from south, north or direct views. The existing bungalow itself is largely screened by mature hedging when viewed from the countryside to the north and woodland from the south. Nevertheless, there is an open and spatial aspect element to the site as currently exists, as it maintains the open character of the Green Belt.

The proposed three houses at two storeys high would have a notable physical presence and would be of more than double in the footprint of the existing house. The houses would be substantially higher than the existing dwelling and, given the topography of the site, the rear dwelling Plot 1 would appear more dominating in the landscape against the existing backdrop and visually prominent at public vistas between Plots 2 and 3. Plot 1 would be located within the existing garden space, which is by definition as stated in Annex 2 of the NPPF is not classed as previously developed land. Plots 2 and 3 fronting Chester Road would be built on the currently landscaped section, which presently allows the open views into the countryside from the south, north and from the countryside. These views would be blocked by the bulk of the new dwellings and associated fencing and hardstanding. Furthermore, three dwellings would generate more traffic and parking, and would have a much greater impact on openness than one dwelling. Together with the new access and the boundary treatment, with little landscaping, the development would have a sense of permanence and would result in material increase in the amount of built form. The scheme would be significantly more noticeable on the approach from all views than the existing house.

The application site is located within the Green Belt but just outside the settlement boundary. The suburban housing bordering the woodland to the south is not visible when viewed from the north but it is within walking distance from the site. The area of woodland which is stretching about 40m along Chester Road, and its contrast with the agricultural fields to the north, east, west and housing, creates a strong boundary edge to this part of the settlement. The soft landscaping fronting the house and the existing single-storey dwelling itself provide an open visual aspect of the countryside to the north, east and west and therefore contributes to the open character of the Green Belt.

Overall, therefore, the proposal would have a greater impact upon both the visual and spatial dimension, failing to preserve the character and openness of the Green Belt as the proposal would have a harmful effect on the openness of the Green Belt and would undermine its purposes, namely safeguarding the countryside from encroachment. The development does not fall within the exceptions as set out in paragraph 145 of the NPPF. As such the development would be inappropriate development. The NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt. In accordance with national policy, such harm carries substantial weight.

No very special circumstances have been demonstrated which would outweigh the harm arising to the Green Belt and therefore fails to accord with NPPF Paragraph 144.

Design and Character

Policies GP2 and ENV32 of the UDP seek to ensure that developments make a positive contribution to the quality of the environment and do not permit poorly designed development which fails to properly take account of the context or surroundings, including the visual relationship of the development with the street and character of the area. This is reinforced by paragraph 127 of the NPPF which expects development to add to the overall quality of the area and be sympathetic to the local character, the built environment and landscape setting, while not preventing innovation or change.

Plots 2 and 3 would be set 8m away from the Chester Road. The design of the new houses would be traditional two storey detached houses, unlike the houses on The Coppice which have a wider frontage and of a differing design in Arts and Crafts style, fronting the streetscene. The submitted Design and Access Statement explains that the proposed design of the houses are inspired by the nearby houses within the settlement boundary. However these houses would appear substantially higher and deeper than the existing dwelling than any dwellings within the settlement boundary and The Coppice (the houses on the opposite side of Chester Road) due to their proximity to Chester Road than any existing built form in the nearby area and combined with the higher topography of this site. The current open soft landscaped area which contributes to the open character of the area would be lost to accommodate two buildings. Together with the proposed hardstanding and boundary fencing, the bulk of the houses in this sensitive location would be visually intrusive resulting in harm to the character of the area.

The application is not supported by the proposed land levels and based on the existing topographic surveys and, the rear dwelling Plot 1 would appear more dominating in the landscape despite it being 0.5m lower in height than Plots 2 and 3. The two-storey section of the house would be set 10m away from the east boundary and 3.7m from the north boundary. As the house would occupy the land which is currently free from the built form and contributes to the openness of the countryside, the building would visibly reduce the open character of the Green Belt in this location when viewed from north, east and west.

The originally submitted application containing 4 dwellings has been amended. The proposal now includes 3 dwellings and show Plot 1 positioned centrally with part of the house facing Chester Road. Nevertheless, the large sections of the house would be positioned behind Plots 2 and 3, creating a form of tandem development. Plot 1 would face an access road running centrally and the turning head serving the Plot 1 and also the rear of Plots 2 and 3. The houses would appear cramped with no space available to introduce adequate landscaping. The presence of the built form, the height and scale of the buildings, hardstanding, formal access, fencing, parking and activity from its occupation, which would be seen from the road frontage, would create a visually cramped backland development, which would further erode the character and appearance of this area.

There are a row of mature trees to the south of Plot 3. Given their proximity to the plot the dwelling and given the sun trajectory, much of that dwelling would be overshadowed. The proximity of the dwelling to the crowns of these trees reinforces the conclusion that the development would be cramped form of development. The occupiers of that dwelling would be under the pressure to fell or prune these trees to create more light and control the natural effects of the trees such as leaf fall. These trees are outside the site and are not protected by a Tree Preservation Order. Given the proximity of the dwelling to the trees, material works would be needed, which in turn would have an adverse impact on the character of the area, further eroding the Green Belt. There are no landscape details provided about any replacement trees that could be planted, so it is unknown what the effect of this would be on the local character.

Overall, it is concluded the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such it would conflict with

Saved Policies GP2 and ENV32 of the UDP. Consequently, it would also fail to accord with paragraph 127 of the NPPF.

Residential Amenity

The proposed development would result in a new dwelling occupying Plot 1 close up to the boundary with No. 409 Chester Road. A local resident has expressed a concern with regards to a loss of privacy, overlooking and loss of daylight arising as the result of the proximity of the new house.

Saved Policy GP2 of the UDP does not permit developments which would have an unacceptable impact on nearby property in terms of overlooking, loss of privacy and the effect on daylight and sunlight. This is supported by paragraph 127 of the NPPF which expects development to create a high standard of amenity for existing and future users. Appendix D of the Designing Walsall SPD sets a number of guidelines for residential development to ensure satisfactory levels of amenity, including separation distances.

The existing dwelling with dormers to be replaced by the proposal is set back from the side wall of the house at No. 409, at single storey height it has little effect on the outlook from the side windows of No. 409. A number of conifers and trees are situated along the rear boundary of the site, obscuring direct views to the bungalow to the rear. However, the proposed replacement dwelling of Plot 1 would introduce a two storey development close to the boundary with No. 409.

Although it would be visually prominent, Plot 1 would meet the numerical guidance as set out in Appendix D of Designing Walsall SPD in terms of separation distance between the two properties. The rear wall at the ground floor level would be set about 20m to the side elevation of No. 409 and 23m at the first floor level.

The neighbours are concerned about overlooking and loss of privacy due to the number of windows proposed at the first floor level and roof lights on the rear elevation of Plot 1. The photographic images provided by the neighbours show a number of conifers and trees along the rear boundary of the site, obscuring direct views to the bungalow to the rear. The proposed layout identifies some planting and a new retaining wall to be introduced to rear of Plot 1. No details have been provided showing the height and details of any planting. It is unclear whether or not the existing trees would be retained as these trees most likely to be affected following construction of the retaining wall. Should planning permission be granted a condition could be included to secure appropriate details. Similarly, a condition could be added removing permitted development rights for any extension to prevent adverse impacts through overlooking and loss of privacy to the neighbours. Subject to addition of the conditions, no unacceptable impacts on the amenity of the neighbours is anticipated.

Turning to living conditions of future occupiers of the proposed development, due to the tandem layout of the proposal, the access road would abut the length of the rear gardens of Plots 2 and 3 and the turning head would be close to their rear gardens. This access arrangement would bring noise from cars and service vehicles arriving and departing, including engines starting up and car door closing, into the private rear garden environment of these existing adjacent properties and tow of the proposed dwellings. Furthermore, the access to No. 409 to the rear of the site is to the north of Plot 2. In addition to the new access road, coupled with the busy traffic on Chester

Road and access and car parking to the busy garden centre to the north of that access to NO. 409, there would be very limited space for the occupant of that house where they would feel undisturbed by the traffic noise. This would cause an unacceptable level of disturbance to the future occupiers and conflict with the high standard of amenity sought by paragraph 127 of the NPPF and policy GP2 of the UDP.

Highway Safety

The proposed development layout shows a new centralised access off Chester Road and new parking arrangement for the occupiers of the houses.

The Local Highway Authority has raised no objection, subject to the recommended conditions and S278 agreement, including traffic management costs in implementing the necessary highway works. Should planning permission be granted the recommended conditions and notes to applicant could be added to ensure safe and satisfactory operation of the development.

The Highway Authority considers 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.

Trees

There are trees south of the site immediately adjacent to the boundary. The trees aren't protected by a Tree Preservation Order.

The development is unlikely to have any long term detrimental impact on the trees outside of and adjacent to the south boundary. The proposal would necessitate the removal of Lawsons Cypress trees on site to accommodate Plot 2. Council's Arboricultural Officer has raised no objection. There is adequate space for replacement tree planting in mitigation for the loss of the trees on site and, should planning permission be granted, the replacement planting could be secured by a planning condition.

Plot 3 building is located in the southern section of the site, close to the south boundary. Semi mature and mature trees within the woodland area outside the site adorn the south boundary. These could potentially cast significant shade over the development. There are no windows proposed on the side elevation of that house; however the trees could cast the shade over the rear windows of the house and the garden restricting access to direct light for most of the remaining day, although this would vary depending on the time of year.

Notwithstanding the above, in separate discussions with the Arboricultural Officer some concerns have been raised that the mature trees within the woodland area to the south side may be oppressive, in the long-term. This could potentially lead to inappropriate pruning or removal works to allow more light into the property, which has the potential to be detrimental to the amenity value the trees provide, and the verdant character of the area.

Ecology

The application is supported by bat and bird surveys. None of the protected species would be adversely affected by the proposed development. The Wildlife Trust raised no objection to the proposals.

The bat survey, identifies new bat boxes to be installed. However, as the development has been amended and now shows three houses instead of four, the exact locations for the new bat boxes are yet to be agreed. Should planning permission be granted, a condition could be added accordingly in order to ensure that any ecological enhancement measures are provided within the development.

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 a net of 2 new homes.

The Government has indicated that, for 2019-20, 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. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The proposal for the erection of three dwellings represents inappropriate development within the Green Belt, which by definition is harmful to the Greenbelt and as such, there are no very special circumstances to outweigh Green Belt policy. The proposal for the erection of three dwellings would have a greater impact upon the visual dimension of openness and spatial dimension failing to preserve the openness of the Green Belt and conflicts with the purposes of including land within it, in particular safeguarding the countryside from encroachment.

The proposal for the erection of three houses would fill the whole depth and width of the plot with built form, with the proposed houses higher than the original house and the bulk be visually prominent and visually intrusive, when viewed from the surrounding area, thereby eroding the open character of the area, removing the pockets of open space and failing to reflect the existing open character of the area and the Green Belt.

The back land tandem design and layout of the development would be out of character with the surrounding pattern of development and would expose the private rear gardens of Plots 2 and 3 to the public realm, with the introduction of dwellings, driveways and the resulting in noise, disturbance and loss of privacy, whilst exposing proposed private amenity to public access and the risk of anti-social behaviour.

Coupled with the busy traffic on Chester Road, the existing access to No. 409 and the access and car parking to the garden centre to the north, the occupants of Plot 2 would be exposed to noise and general disturbance, which would lead to unacceptable living environment.

It has not been demonstrated that trees within the woodland area to the south of the site would not be detrimentally affected by the development and would not result in inappropriate pruning or removal of trees to allow more light into Plot 3. This would significantly impact the amenity value that the trees currently provide and the verdant character of the area.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent. Although amended plans have been received, in this instance, the Officers are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The proposal for the erection of three dwellings represents inappropriate development in the Green Belt and results in unacceptable harm to the character and openness of the Green Belt. No very special circumstances have been demonstrated which would outweigh such harm and is therefore contrary to Policy GB1 of SAD, policies ENV2 and CSP2 of the Black Country Core Strategy and the NPPF.
2. The proposal for the erection of three houses would fill the whole depth and width of the plot with built form and, due to its size and scale, be visually prominent and visually intrusive when viewed from the surrounding area, thereby eroding the open character of the area, removing the pockets of open space and failing to reflect the existing open character of the site itself and wider area. As such the proposal is contrary to saved policies GP2, ENV32 and ENV33 of the UDP, policies ENV2 and ENV3 of the BCCS, DW3 of Designing Walsall SPD and the NPPF.
3. The backland tandem design and layout of the development would be out of character with the surrounding pattern of development and would expose the private rear gardens of Plots 2 and 3 to the public realm, with the introduction of dwellings, driveways and the resulting in noise, disturbance and loss of privacy, whilst exposing proposed private amenity to public access and the risk of anti-social behaviour. Coupled with the busy traffic on Chester Road and separate access and car park to the garden centre and access road to No. 409, the proposed layout would lead to unacceptable detrimental impacts through traffic noise and disturbance on the living conditions of the potential occupants of Plot 2. The development would therefore be contrary to the aims and objectives of the National Planning Policy Framework, policies ENV2 and ENV3 of the Black Country Core Strategy, saved policies GP2 and ENV32 of

the UDP and the Designing Walsall Supplementary Planning Document.

4. This application fails to demonstrate that trees within the woodland area to the south of the site would not be detrimentally affected by the development and would not result in inappropriate future pressure for pruning or removal of trees to allow more light into proposed Plot 3. Harm or loss of these trees would result in a significant detrimental impact on the amenity value that the trees currently provide and the verdant character of the area. Therefore, the proposal is contrary to saved policies GP2 and ENV18 of the UDP, NE8 (Retained Trees) of the Conserving Walsall's Natural Environment Supplementary Planning Document, Woodlands or Hedgerows and the NPPF.

END OF OFFICERS REPORT