



Planning Committee

Date: 21/02/19

Report of Head of Planning, Engineering and Transportation

SUPPLEMENTARY PAPER

Since preparation of the agenda, the following information has been received. Officer comments are provided in response along with any amendments to the recommendation.

Item Number: 1 Site Address: Site of the Former Moxley Tip, Moxley Road, Darlaston	
Supplemental Information	Officer Comments
Resolution update	Resolution on page 1 and page 31 should read; <i>Planning Committee resolve to delegate to the Head of Planning, Engineering & Transportation to grant planning permission subject to the signing of a Section 111 legal agreement requiring the signing of a Section 106 legal agreement for a Full Travel Plan to cover 5 years from first occupation with an annual review.</i>
	Recommendation: Planning Committee resolve to delegate to the Head of Planning, Engineering & Transportation to grant planning permission subject to the signing of a Section 111 legal agreement requiring the signing of a Section 106 legal agreement for a Full Travel Plan to cover 5 years from first occupation with an annual review.
Item Number: 2 Site Address: Site of Fromer 37 and 38 Bradford Street, Walsall	
Supplemental Information	Officer Comments
Following the applicants changes, update condition 9 regarding front and rear access to the property	Condition 9 to include the following; -Side entry 1.8 metre high gate to Bradford Street, to be flush with the building frontage, self closing, lockable and non climable and finished to match the proposed front doors -Rear entry 1.8 metre gate to Bradford Lane adjacent to number 39, shall be flush with the rear elevation of the proposed building, self closing, lockable and non climable to be finished to match the proposed rear doors/window frames

Comments received from the Highway Authority:

Notwithstanding the submitted additional information / justification, the Highway Authority reiterates its previous **objection** on parking grounds that:-

- *The development fails to provide any on-site parking of its own, contrary to UDP Policy GP2, T7 and T13. The absence of on-site parking provision is likely to lead to an intensification and exacerbation of the existing indiscriminate parking along the narrow Bradford Lane to the rear resulting in potential obstruction of the street which will have unacceptable road safety implications contrary to the NPPF para 109.*
- *Furthermore, it fails to meet Walsall Waste Management requirements contrary to UDP policy WM4, DfT Manual for Streets and highway safety.*

In addition any private waste collection arrangements will need to be secured by way of a Section 106 Agreement.

Comments from the Councils Clean & Green Services have confirmed the following:

*Based on the amended application: **'It is now proposed to provide a bin store within the building, a management company will place the bins on the highway (Bradford Street) on collection days and return them once they have been emptied.'** we can confirm that the arrangements are*

Comments acknowledged and noted

UDP Policy WM4 has been superseded by the BCCS Policy WM5 requires; **Major Developments should include supporting information on how waste from the development will be managed.**

Manual for Streets explains kerbside collections containers can be left out for collection without blocking the footway or presenting hazards to users. In this instance, the applicants management company for the building are suggesting they bring the bins out before collection and then return them to the bin store after collection, to minimise impacts to the footway which in front of the application site is approximately 3 mts wide.

The applicant has confirmed bin collections will be by the Council consequently there is no requirement for a Section 106 Agreement to secure private waste collections. It has been confirmed by the councils Clean and Green Services (see below narrative) that the proposed amendments and arrangements for bin storage and collection of waste by the council for the proposed development, are acceptable.

This aspect of the development is considered acceptable subject to a safeguarding condition 10 requiring submission of a "waste management plan" as part of any planning approval. In this instance, the condition to secure the waste management plan does not include on going monitoring, the condition meets the governments 6 tests.

<u>acceptable.</u>	
Representation received from occupier of no. 43 Bradford Lane commenting on the potential impact of the development during construction, access and parking / unloading on Bradford Lane	These issues have been addressed within the report.
	Recommendation: Grant Planning Permission subject to amending the conditions
Item Number: 3 Site Address: Former British Lion Works, Forest Lane, Walsall	
Supplemental Information	Officer Comments
The recommendation summary on page 67 is incorrect. The recommendation is as per that identified on page 68 of the report.	To note.
	Recommendation: Resolve to delegate to the Head of Planning, Engineering & Transportation to grant permission subject to conditions including the revision or removal of any conditions as required; subject to completion of a S106 Agreement to detail the future management/maintenance of the canal boundary scheme. In the absence of a completed S106 Agreement delegation is sought for the Head of Planning, Engineering & Transportation to refuse the scheme on this basis.
Item Number: 4 Site Address: The Orchard Residential Home, 1-2 Station Street, Darlaston	
Supplemental Information	Officer Comments
Condition 5a should be amended from 3 months to 6 months for the works to be carried out	Noted
	Recommendation: Grant subject to amended conditions
Item Number: 6 Site Address: 2A, Middleton Road, Brownhills	
Supplemental Information	Officer Comments

Condition 13 is already covered by the requirements of condition 8 and is removed.	To note
5 new neighbour comments have been received which raise no new considerations not already addressed in the report. One of the comments is not accessible due to a format issue.	To note
Condition 18 is expanded to remove permitted development rights for boundary treatment	To note
	Recommendation: Grant Planning Permission subject to amending the conditions
Item Number: 9 Site Address: 498-500 Pleck Road, Walsall	
Supplemental Information	Officer Comments
<p>Whilst the applicant had confirmed they required a site with '<i>external space to accommodate refuse, waste and service yard for deliveries</i>', the applicant has failed to provide adequate details to clearly demonstrate external space for refuse and waste recycling, relying on the pedestrian access to the flats above the commercial units for the bin store. This is considered to be inadequate, inappropriate and detrimental to the amenities of the residential users of the flats and the street scene. In addition, the applicant has failed to demonstrate servicing arrangements for the development, including the hours of servicing. It is considered this has the potential to be detrimental to the residential</p>	

amenities for surrounding residents, whilst potentially impacting on the sites car parking arrangements. Given the proposal is for a café/restaurant use, the applicant has failed to demonstrate adequate odour suppression for the use, including noise suppression from the odour suppression equipment, which would have a detrimental impact on residential amenity.

Clean and Green have confirmed; *The bin store marked on the map is the walkway to access 500 Pleck Road and the flats above the shops. We have had previous meetings with the landlord about storage of bins allocated to the flats. Both community protection and Clean and Green have been to site several times to discuss having the bins removed from the footpath and stored in the walkway which still isn't happening causing waste to be overflowing on the footpath.*

Each shop will need to provide adequate storage for the bins. Bins will need to be presented on collection day and returned to the bin store after collection. The plans submitted, if accepted, will only add to the current problems. Clean and Green confirm they would support the Local Planning Authorities approach in this instance.

The Highway Authority has no

This will form another reason(s) for refusal.

As the application is recommended for refusal, this will also form part of the reason for refusal

<p><i>objections in principle to the proposed COU, subject to the submission and approval in writing by the Local Planning Authority of a revised site and parking layout plan to take full account of the following operational requirements;-</i></p> <ul style="list-style-type: none"> <i>-A suitably sized and accessible refuse bin storage facility to serve the entire building that is not reliant on the public highway as a storage area and does not obstruct any access, pedestrian or otherwise, to the building,</i> <i>-An access ramp to the shop entrance for disabled users that accords with DfT Inclusive Mobility guidance,</i> <i>-Full details of the servicing arrangements to the premises, including an Autotrack demonstrating that the largest service/delivery vehicle expected to visit the site can safely and satisfactorily make a full turning manoeuvre and exit the site in a forward gear.</i> <p><i>This is to ensure the safe and satisfactory completion and operation of the development, in accordance with UDP Policy GP2, T7 and T13 and WM4, DfT Inclusive Mobility guidance, the NPPF 2018 and in the interests of highway safety.</i></p>	<p>As the application is recommended for refusal, this will also form part of the reason for refusal</p>
	<p>Recommendation: Refuse as set out in the committee report with an additional reason(s) for refusal as set out above.</p>
<p>Item Number: 10 Site Address: 47 Gorway Road, Walsall</p>	
<p>Supplemental Information</p>	<p>Officer Comments</p>

<p>Nine further letters of objection (3 from the same address) have been received reflecting comments already reported.</p> <p>In addition, residents have stated; <i>Gorway Road suffers with noise and traffic due to the university campus and cricket club</i></p> <p>Paragraph 4, page 189, the word 'not' is missing after UDP Policy H5 does...</p> <p>Condition 4 has a missing reason. Should say; <i>To define the permission</i></p>	<p>These issues have been considered within the report.</p> <p>Whilst noise from traffic due to the university and cricket club is noted, this is outside the scope of the current planning application</p> <p>Noted</p> <p>Noted</p>
	<p>Recommendation: Grant Planning Permission subject to amending the conditions</p>

