



Planning Committee

Date: 1/11/18

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: Winterley Lane	
<p>Supplemental Information: Amend recommendation to clarify grant subject to conditions and delegate to officers.</p> <p>Objection has been raised that the description is misleading and inappropriate, and about inaccuracies in the description</p> <p>19 objections from 13 households in response to consultation of additional parking spaces. The objections are mainly in relation to the whole scheme, additional objections are as follows:</p> <p>The site is of scientific interest.</p> <p>The application has been refused due to the burial ground being used by a single religious group.</p> <p>Concern raised about the scope of the consultation.</p> <p>The consultation period for additional parking spaces is not long enough, three days lost through post.</p> <p>The reconsultation was not on the weekly list.</p>	<p>Officer Comments: For clarity.</p> <p>The submission is considered sufficient to determine the application, amendments and clarification has been sought throughout the application process and the report makes clear what the proposal is for.</p> <p>The site has no designation.</p> <p>There have been no refusals for this use and the beliefs of anyone wishing to implement the use would not be restricted. The same use restrictions through condition would be applied to manage the proposal regardless of who uses it.</p> <p>The consultation meets the statutory requirements.</p> <p>14 days is considered sufficient time to raise any additional comments in relation to an additional 20 car parking spaces.</p> <p>The application has already appeared on the weekly list.</p>

<p>Within a quarter of a mile there are airshafts.</p> <p>The environmental issues alone are sufficient to refuse this application.</p> <p>Request for deferral of the application, to allow greater consideration of Conditions and needs for a Section 106 Agreement</p> <p>The agenda and report was not published 5 clear working days prior to the committee date.</p> <p>The officers report does not accurately reflect the representations submitted</p> <p>Submitted a Freedom of Information request in April and not yet responded, hindering my ability to make representations</p> <p>The report does not relate to the revised NPPF update in in July 2018.</p> <p>The proposal is for operational developemtn as well as change of use. Including the creation of a 50 space car park, and this is not adequately assessed in the report.</p> <p>There is no condition limiting the consent to only a natural burial ground.</p> <p>Condition 25 relating to wooden plaques is not precise</p> <p>A section 106 agrement should be secured to ensure that it operates as a natural burial ground to meet the openness of the greenbelt</p>	<p>Amendments to applications do not appear on the weekly list but all relevant parties are notified.</p> <p>Relevance not clear from the objection and outside of the application site.</p> <p>This is covered in the main report</p> <p>Officers do not consider it is necessary to defer this matter. The conditions are considered adequate to address all relevant planning matters an no S106 Agreement is considered necessary.</p> <p>Public deposit occurred in the One Stop Shop, within the Councils Civic Office and all public libraries in Walsall on Thursday 25th October 2018.</p> <p>The officers report summarises points of representation.</p> <p>This is separate legislation from the planning process. The details of the planning application is a public file and readily available for consideration by the public to make necessary comments on the proposed scheme.</p> <p>Policy section on page 5 of the main report relates to the revised NPPF and quotes chapters in this new document.</p> <p>This issue is addressed under the character and openness of the Green belt section on page 11 of the report.</p> <p>The implementation of the site of any other type of cemetery will need separate planning permission as it would be beyond the scope of this consent.</p> <p>See updated condition text below</p> <p>Officers do not consider that it is necessary to utilize a S106 agreement to limit and control the extent of the consent, as this is done by the description of development and conditions attached to the main report and update in</p>
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<p>The control of the number of burials per year can not be adequately controlled through a condition.</p> <p>One letter of support.</p> <p>Fire officer – No objections</p> <p>IWA – No objections to reconsultation</p> <p>Natural England – No objections to reconsultation</p> <p>Coal Authority – No objections to reconsultation</p> <p>Councillor Waters has raised concern about the lack of soil samples taken from the site, previous chemical waste deposited at Butterley Hole landfill and potential subsidence.</p> <p>Cllr Waters also forwards contents of a text message from a constituent complaining that the terms of the previous permission have not been complied with and it has gone on far too long.</p> <p>Condition 24 is amended as follows:</p> <p>24a) Prior to any increase in burials exceeding 50 per annum a revised transport statement shall be submitted and approved in writing by the local planning authority.</p> <p>24b) Any mitigation measures required by the Transportation Statement shall be carried out prior to burials exceeding 50 per annum.</p> <p>Reason: To minimise the impact on neighbouring amenity and to accord with saved UDP policy</p>	<p>this supplemental paper.</p> <p>Officers consider that a condition is a suitable method of control of this matter.</p> <p>To note</p> <p>These comments have been shared with Pollution Control and these matters are known to the Council. No objections subject to condition have been received by the Environment Agency and Pollution Control.</p> <p>This is the reason for the new application and other matters are addressed in the report.</p> <p>For clarity.</p>
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<p>GP2. Condition 25 is amended as follows:</p> <p>Condition 25) Graves shall not be marked otherwise than with a wooden plaques.</p> <p>Reason: To minimize the impacts on the openness of the green belt and to accord with saved UDP policies ENV2 and ENV32.</p>	<p>For clarity</p>
	<p>Recommendation: Amended to Grant Permission subject to conditions and Delegate to the Head of Planning, Engineering & Transportation subject to no new material planning considerations which have not already been assessed, following the conclusion of the consultation on the amended plans and subject to support from the Environment Agency in respect of amended condition 24.</p>
<p>Item Number: 2 Site Address: Land adjacent 17 Hatherton Street</p>	
<p>Supplemental Information:</p> <p>Pollution Control are satisfied that the site was remediated for contaminants, other than ground gas.</p> <p>Severn Trent Water have yet to confirm whether they are satisfied with the proposed drainage scheme and whether a condition requiring further details are required.</p> <p>On page 40 of the report delete reference to condition part 5d.</p>	<p>Officer Comment:</p> <p>Condition 3 to be amended to remove the requirements for further ground investigation but to require details of and implementation of ground protection measures.</p> <p>The recommendation to be delegated to the Head of Planning, Engineering and Transportation to amend, add to or delete the conditions are necessary.</p> <p>To note.</p>
	<p>Recommendation: Delegate to the Head of Planning, Engineering and Transportation to amend, add to or delete the drainage conditions following comments from Severn Trent Water.</p>
<p>Item Number: 3 Site Address: Site of former Oak Park leisure centre</p>	
<p>Supplemental Information:</p> <p>The plans list to be updated to include the levels plans.</p> <p>Some of the planning conditions</p>	<p>Officer Comments:</p> <p>Noted</p> <p>For clarity and enforceability.</p>

<p>towards improving the towpath, access points and public realm taking account of the potential for increased use of the towpath as a result of the proposals. They suggest a figure of £190,000 towards these works. In acknowledging the viability of the scheme CRT request £6000 as a minimum toward provision of new improved signage.</p> <p>The developer has also responded that they have fundamental concerns about the inclusion of a review mechanism when the costs of the scheme are fully known and its implications on the deliverability of the site. They state that <i>"sites such as this are inherently risky and it is only because we are reaching the peak of the market that the site can now be considered viable with no financial contributions or affordable housing are provided"</i>. They suggest a potential clawback should relate to provision of 10% affordable home ownership only as there is no provision in other policies for a clawback in relation to other contributions. They request a trigger "prior to first occupation" to give more certainty to the housebuilder about how much affordable housing is required. The review should focus on the abnormal costs because this is the element where uncertainty exists. Any improvement in viability should be shared 50/50 between the Council and developer.</p>	<p>improvements/signage are reassessed once the viability is reviewed. If viability allows then it is recommended that measures can be secured by a S106 Agreement.</p> <p>The policy requires provision for affordable housing and urban open space and does not require a policy to determine the mechanism for securing this provision hence should not discount the need for a clawback clause to secure urban open space provision.</p> <p>Despite the independant valuer's advice to seek 10% affordable homes provision in line with the NPPF the Council's own affordable housing policy seeks 25% provision, hence officers are now recommending to seek a minimum of 10% in accordance with the NPPF but also up to 25% affordable housing provision.</p> <p>The highway improvements are necessary to bring the development forward so are non-negotiable and will also form part of the S278 works.</p> <p>If external funding is provided to support the viability of the scheme it is expected that this will carry clawback conditions based upon the scheme viability and any required overage payments. It is recommended the Council should only seek their own S106 Obligations for</p>
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	affordable homes above 10% provision, open space and canal towpath improvements/signage once the external funding clawback has been determined. Officers will commence any negotiations with the developer to secure the S106 obligation clawback provision with an appropriate review point. Officers recommend the review point should be upon occupation of 75% of the homes when the developer will be required to open an ESCROW account and on practical completion of all units there will be a requirement for the viability review.
	Recommendation: Amended to Grant permission subject to conditions and a future review of the viability of the development to be secured by way of a Section 106 Agreement to provide for affordable housing, urban open space and canal towpath improvements/signage if the scheme is found to be viable. Delegate to Head of Planning, Engineering & Transportation to amend, add to or delete conditions where required to address consultee comments and to negotiate with the developer in regards to the clawback conditions of the S106 Agreement and any future viability review points that will have regard to any grant assistance that is provided and once a further viability assessment has been provided when all costs are known.
Item Number: 5 Site Address: 66 Bescot Road	
Supplemental Information: The neighbour at no. 2 Slaney Road considers that traffic on Slaney Road has not been considered, there is no additional parking on street. Also that neighbours have not been consulted. Conditions 3b and 4b - Replace the words "implemented" with "constructed"	Officer Comments: Highway matters have been fully addressed in the report, no objections received from Transportation. With regards to consultation all neighbours adjacent to the application site were consulted and a site notice displayed on 11 th July, 2018. To note. For clarity and enforceability.
	Recommendation: As set out in the officers report.
Item Number: 6 Site Address: Land to the rear of 57 Lichfield Road, Bloxwich	
Supplemental Information: Conditions need to be renumbered, condition 5b to be amended and conditons 6a, 14a and 15 amended.	Officer Comments: For clarity and enforceability.
	Recommendation: As set out in the officers report.

Item Number:8 Site Address: House in the Wood	
<p>Supplemental Information: A neighbour has highlighted that the description of development does not include reference to the re-orientation of the building referred to in the committee report.</p> <p>Page 153 third paragraph refer to a scheme of replacement “planning”. This should read “planting”.</p>	<p>Officer Comments: For clarification the dwelling has moved approximately 4 degrees anti-clockwise rather than clockwise referred to in the report. This has resulted in the southern edge of the building nearest to Castleguard now being between 7m and 7.8 away from the neighbour where before it was between 7m and 7.2m away. It is also marginally closer to Streetly Wood (now 22.6m away instead of 24m away).</p> <p>The Committee report assessment describes the changes proposed as part of this S73 application including the re-orientation. The nearest neighbour is aware of the change and has commented that there is <i>“already little space between the buildings”</i> which is addressed in the report. In this case the re-orientation of the dwelling moves it further away from the neighbouring property at Castleguard. There remains adequate separation distance and screening between the re-oriented dwelling and existing dwelling “House in the Wood” and properties to front and rear in Streetly Wood and Featherston Road respectively to protect residential amenities and not harm the character or appearance of the street scene.</p> <p>A further consultation to include the amended description referring to the re-orientation of the dwelling has been requested which expires after committee (15 November) hence the amended recommendation below.</p> <p>To note.</p>
	<p>Recommendation: Amended recommendation to grant permission subject to conditions and Delegate to the Head of Planning, Engineering and Transportaion subject to no new material planning considerations following publicity of amended description.</p>
Item Number: 10 Site Address: 5 Clockmill Plaace	
<p>Supplemental Information: 3 further objections received in relation to amended plans. Additonal objections are summarised as follows:</p> <p>Concerns regarding the use of the exisitng three sheds within the garden.</p>	<p>Officer Comments:</p> <p>The existing sheds do not form part of the application, nevertheless their use is incidental to the enjoyment of the dwellinghouse.</p>

<p>Reference made to the deeds by Bellway Homes with regards to breeding animals and annoyance, nuisance, damage and disturbance.</p> <p>Comments have been raised regarding the behaviour of persons associated with the applicant towards neighbours.</p> <p>Other comments made in these representations are similar to those already submitted and have been addressed within the officer report.</p> <p>Condition 4 - Replace the word "occupied" with "used".</p>	<p>A restrictive covenant is not a material consideration for the Local Planning Authority to take into account when considering a development proposal.</p> <p>This is a civil matter, it is not material to the determination of the application.</p> <p>For clarity and enforceability.</p>
	<p>Recommendation: As set out in the officer's report.</p>