



## Planning Committee

Date: 28/11/19

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: Land at Winterley Lane	
Supplemental Information	Officer Comments
<p>Six additional letters of objections received since the publication of the agenda, including 1 letter from Wendy Morton Conservative Party Candidate and 1 from Councillor Worrall.</p> <p>Wendy Morton:</p> <ul style="list-style-type: none"><li>• Support to residents concerns, daily burials will be detrimental to the local environment and members of the public</li><li>• Winterley Lane too narrow for the anticipated traffic exacerbated by lack of footpath</li><li>• Lane already heavily used by vehicles and pedestrians the addition of a daily destination will prove too great</li><li>• No provisions for pedestrian or disabled access to site, may have been ok for weekly funeral but not for daily, against accessibility guidelines</li><li>• Conditions and timescale for reinstatement works too long, Walsall lax in enforcement</li><li>• Reiteration of previous</li></ul>	<p>Many of these matters have been addressed in the main report, any new comments are addressed below</p>

<p>comments re ground water contamination.</p> <p>Councillor Worrall:</p> <ul style="list-style-type: none"> <li>• Additional information provided by applicant less than impressive</li> <li>• The four natural burial sites mentioned are all rural and directly served by A or B roads, unlike Winterley Lane that is narrow, has blind bend, hump backed canal bridge etc</li> <li>• No mention of pedestrian and disabled safety at the other sites, key issue at Winterley</li> <li>• Traffic problems with vehicles unable to pass on arrival of funeral corteges</li> <li>• Applicant deliberately underplays the significance of and numbers of visitors to the site. With total of 6,000 burials this will have a cumulative affect on levels of visitor traffic</li> <li>• There will be occasions of large funerals, when they wont all be able to enter the site, where parking wont be adequate , where will mourners park, the applicants information is silent on this.</li> <li>• The site is different to other natural burial sites, uniquely difficult and unsuitable access</li> <li>• If approved the local community will have to live with the adverse consequences for many years</li> </ul> <p>Copies of the objection speeches by Councillor Worrall and Ruth Meeks at Planning Committee on 31/10/19 enclosed.</p> <p>Three further letters received from local residents. One includes an extract copy of a Notice from the local paper regarding Road Traffic Regulations which confirms a 3 tonne weight restriction on Winterley Lane, and one</p>	<p>Transportation have assessed the proposals and consider the access to be safe</p> <p>This is addressed in the Current Status</p>
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<p>includes a number of annotated photos to show the true nature and state of the Lane.</p> <p>Additional objections not highlighted in main report:</p> <ul style="list-style-type: none"> <li>• Query over the impartiality of Members of the Committee</li> <li>• Lack of enforcement by Walsall Council on 3 tonne weight limit</li> <li>• Who will check the vehicles used to complete the infilling are in weight limit?</li> <li>• Continual disgarded rubbish</li> <li>• Never a second access to the site</li> <li>• The Committee has destroyed Rushalls heritage</li> <li>• Large funerals can generate much more traffic than the applicant predicts and could include coaches</li> <li>• For large funerals the parking would be inadequate</li> <li>• Only burial site to be serviced via an unsuitable narrow road, other sites included on additional information are on A or B roads</li> <li>• Streetly Cemetery has 57 parking spaces but visitors can drive around and park in wide roads preventing congestion, similarly at Willenhall Lawn cemetery and North Walsall cemetery, Heath Lane cemetery has no parking but wide roads around the cemetery</li> </ul>	<p>This is not a material planning consideration</p> <p>This is a Police matter</p>
	<p><b>Recommendation: Grant Planning Permission subject to conditions</b></p>

Item Number:3      Site Address: European Industrial Group, Maybrook Road	
Supplemental Information	Officer Comments
Transportation have queried the materials and access road shown on the plans.	This has been covered in the report.
	<p>1. <b>Recommendation:</b> Planning Committee resolve to Delegate to the Head of Planning, Engineering &amp; Transportation to Grant Planning Permission Subject to Conditions and subject to ...</p> <ul style="list-style-type: none"> <li>• undertaking a 14 day re-consultation on the amended block plan submitted and no new material considerations being received within the consultation period;</li> <li>• The amendment and finalising of conditions;</li> <li>• No further comments from a statutory consultee raising material planning considerations not previously addressed;</li> <li>• Submission of a new ownership certificate</li> </ul>
Item Number:5      Site Address: Former Metafin Site, Green Lane	
Supplemental Information	Officer Comments
Healthy Spaces Team have advised that following consultation with the Friends Group, it is recommended that the £2,454.15 open space contribution be spent on access improvements at Reedswood Park, which sits in close proximity to the site.	Noted
	<p><b>Recommendation:</b> Planning Committee resolve to Delegate to the Head of Planning, Engineering &amp; Transportation to Grant Planning Permission Subject to Conditions and a S106 Agreement to secure contributions towards the provision of Affordable Housing and Urban Open Space.</p>

Item Number: 6	Site Address: The Armstrong Building, Darlaston, WS10 8JP
Supplemental Information	Officer Comments
<p>Page 137 second paragraph has a typographical error confirming Walsall town centre is 0.8miles away from the application site. It should state 3.66 kilometres.</p> <p>Condition 2 replace drawing no. D17 details with the following as the drawing has been superseded; Plans and Elevations Plots 21-24, drawing no. D17, deposited 27/06/19</p> <p>From the application site, measured in metres (as the crow flies), there are the following urban open space locations;</p> <p>280 m's to Owen Park  580 m's to Victoria Road  650 m's to The Crescent  730 m's to Darlaston Cemetery  740 m's Bentley Leisure Pavilion  740 m's to Victoria Road/Slater Street  790 m's to Victoria Park  840 m's to Shepwell Green  840 m's to Heath Road  840 m's to Hall Street  870 m's to Park Lane/Cook Street  1080 m's to George Rose Park</p>	<p>Noted</p> <p>Noted</p> <p>Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:</p> <ul style="list-style-type: none"> <li>• necessary to make the development acceptable in planning terms;</li> <li>• directly related to the development; and</li> <li>• fairly and reasonably related in scale and kind to the development.</li> </ul> <p>These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.</p> <p>Based on the three tests in the legislation, it is considered that an urban open space contribution is considered necessary to make the development acceptable in planning terms. For the monies to be spent and meet the second test, the local planning authority advises planning committee to direct the £31,185.00 contribution towards Owen Park urban open space. This urban open space would be considered directly related to the development as it is within a reasonable walking distance of the development site. Given the urban open space contribution is relatively small, it is advised the money is</p>

<p>For clarity and inconjunction with housing strategy, it is suggested that planning committee accept 6 houses, being a mix of 2 and 3 bed as 4 social rent and 2 shared ownership.</p> <p>Further comments have been received from Pollution Control who are now satisfied with the information provided and recommend the inclusion of planning conditions in respect of acoustic mitigation and validation.</p>	<p>spent at Owen Park as it is the closest location to the development site. Should planning committee wish the money spent at a different urban open space, they would need to provide a planning land use justification why the closer urban open space locations have been discounted and explain why the alternative location would be directly related to the development site. The urban open space contribution, given its value, is considered it would meet the third test of being fairly and reasonably related in scale and kind to the development.</p> <p>The recommendation is updated to take account of the above matters;</p> <p>Planning committee resolve to delegate to the Head of Planning, Engineering &amp; Transportation to grant planning permission subject to amended conditions and;</p> <p>I. The confirmation of a Section 106 legal agreement to provide 25% affordable housing (6 houses, being a mix of 2 and 3 bed as 4 social rent and 2 shared ownership) to be retained in perpetuity.</p> <p>II. Provide an urban open space Section 106 contribution of £31,185 for Owen Park</p> <p>III. Landscape management plan for the in perpetuity maintenance of the hard and soft landscaping within the development site</p>
	<p><b>Recommendation: Planning committee resolve to delegate to the Head of Planning, Engineering &amp; Transportation to grant planning permission subject to amended conditions and;</b></p> <p><b>I. The confirmation of a Section 106 legal agreement to provide 25% affordable housing (6 houses, being a mix</b></p>

	<p>of 2 and 3 bed as 4 social rent and 2 shared ownership) to be retained in perpetuity.</p> <p>II. Provide an urban open space Section 106 contribution of £31,185 for Owen Park</p> <p>III. Landscape management plan for the in perpetuity maintenance of the hard and soft landscaping within the development site</p>
<b>Item Number: 7</b> <b>Site Address:</b> Land Adjacent 48, Wolverhampton Road, Walsall	
<b>Supplemental Information</b>	<b>Officer Comments</b>
<p><b>Incorrect drawing number included in Condition no. 2 due to typo. Amend item to;</b></p> <ul style="list-style-type: none"> <li>GA Plans Block_03, Drawing no. WLVRD-MCB-B3-ZZ-DR-A-0117 Status D5-P9 deposited 30/09/19</li> </ul>	<p>Update the recommendation accordingly</p>
	<p><b>Recommendation:</b> Planning committee resolve to delegate to the Head of Planning, Engineering &amp; Transportation to grant planning permission subject to amended planning conditions, plus planning committee confirming the Section 106 triggers for the receipt of the urban open space monies, whether the Section 106 includes either an uplift clause to reassess the development value during construction/occupation or that protects the Councils 25% affordable housing policy should the land be transferred to a private developer. Also, to secure a landscape management plan for the in perpetuity maintenance of the hard and soft landscaping within the development site</p>
<b>Item Number: 8</b> <b>Site Address:</b> Former British Lion Works, Forest Lane	
<b>Supplemental Information</b>	<b>Officer Comments</b>
<p>On page 202 of the report it refers to retraction of the application site boundary to exclude the retaining wall alongside the canal. The application site has not been retracted, rather the garden boundaries have been shortened and a gated access created to allow the Canal &amp; River Trust to</p>	<p>For clarity. A condition will be included to secure this.</p>

maintain their retaining wall.	
	<p><b>Recommendation:</b> Planning Committee resolve to Delegate to the Head of Planning, Engineering &amp; Transportation to Grant Planning Permission Subject to Conditions and subject to;</p> <ul style="list-style-type: none"> <li>- The amendment and finalising of conditions;</li> <li>- No further comments from a statutory consultee raising material planning considerations not previously addressed.</li> </ul>
<b>Item Number: 9 Site Address: 31 Warren Place</b>	
<b>Supplemental Information</b>	<b>Officer Comments</b>
<p>As referred to on page 226 of the report the applicants have double gates at the rear and are illegally crossing the highway to park vehicles on the side garden which is now subject to this application. Although this is not official parking there is a need to demonstrate where alternative parking provision for the existing dwelling will be located. In the absence of such information a fourth reason for refusal is recommended.</p> <p>The Transportation officer has revised comments and considers the failure to demonstrate off-street parking for the existing dwelling is likely to result in on-street parking near the junction detrimental to highway safety.</p>	<p>Additional reason for refusal:</p> <p>4. The applicant has failed to demonstrate where off-street parking for the existing dwelling 33 Warren Place will be provided and is thus likely to result in vehicles parked on-street near the highway junction having an unacceptable impact on highway safety in the vicinity of the highway junction contrary to saved UDP policies GP2, ENV32 and T13.</p>
	<p><b>Recommendation:</b> Refuse with the additional reason for refusal.</p>