



Planning Committee

Date: 23-07-20

Report of Interim Head of Planning and Building Control

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: Offshore Stainless, Lichfield Rd, Brownhills	
Supplemental Information:	Officer Comments:
Some amendment to wording of conditions required to ensure enforceability	To note, no change to recommendation
Recommendation: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalisation of Conditions	

Item Number: 2 Site Address: Manor Hospital	
Supplemental Information:	Officer Comments:
Proposed Site Plan omitted from Condition No.2 in original report.	Condition No.2 to be updated. No change to reports recommendation.
Draft Construction Environment Management Plan submitted.	This will be consulted on and Condition No.3 will be updated if necessary. No change to reports recommendation.
Local Highway Authority - additional comments received requiring clarification on the submitted Travel Plan content and disparities between the Travel Plan and Transport	To be dealt with as part of the Section 106 negotiations to secure the Travel Plan, and in the finalising of planning conditions where necessary. No change to reports recommendation.

Statement.	
Additional comments received from the Archaeology Officer following submission of a Desk Based Archaeology Assessment. No objection subject to condition to secure a programme of archaeological work including a trial trench evaluation and any necessary mitigation in the form of excavation or watching brief.	<p>Condition No.6 to be updated where necessary.</p> <p>The recommendation has been updated to reflect this position; the first bullet point has been deleted relating to archaeology matters, and the reference to archaeology in the second bullet point is also removed.</p>
Working with Legal Services; amendments to the wording of proposed conditions are required to meet the Government 6 tests for planning conditions;	Noted. Conditions will be updated accordingly. No change to reports recommendation.
<p>Recommendation: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 to secure a Full Travel Plan, and subject to:</p> <ul style="list-style-type: none"> • Satisfactory revised drainage scheme; • The amendment and finalising of planning conditions; • No further comments from a statutory consultee raising material planning considerations not previously addressed; • Overcoming the outstanding objection raised by the Lead Local Flood Authority. 	

Item Number: 3 Site Address: Local Homes, Airfield Drive.	
Supplemental Information:	Officer Comments:
Some amendment to wording of conditions required to ensure enforceability	To note. Recommendation to be adjusted in order to allow for these changes.
<p>Recommendation: Delegate to the Interim Head of Planning & Building Control to grant planning permission subject to the amendment and finalisation of conditions</p>	

Item Number: 4 Site Address: land at former Caparo Works, between Wyrley and Essington Canal, Miner Street, Green Street and Old Birchills	
Supplemental Information:	Officer Comments:
Amended comments were received from Canal and River	The comments welcomed the additional information and withdrew the previous objection, recommending conditions regarding colours of boundary treatments, compliance with

Trust as a result of additional information provided.	landscape management plan, and compliance with Supplementary Site Investigation Report.
Correction of accommodation schedule received from the applicant: 20 no. 1 bedroom apartments 30 no. 2 bedroom apartments 72 no. 2 bedroom houses 91 no. 3 bedroom houses 39 no. 4 bedroom houses	The correction is in line with the layout as assessed therefore no change is required to the recommendation.
Updated Acoustic Report provided.	This will be consulted on and conditions amended as necessary.
Some amendment to wording of conditions required to ensure enforceability	To note. No change of recommendation
Recommendation: Delegate to the Interim Head of Planning & Building Control to grant planning permission subject to the amendment and finalisation of conditions and subject to no further comments from consultees raising material planning considerations not previously addressed.	

Item Number: 5 Site Address: Unit 1 & 2 land between Acorn St/Albion St	
Supplemental Information:	Officer Comments:
Pollution control conditions to secure low NOX boilers and EV charging to be included.	To amend conditions to include appropriate conditions.
Some amendment to wording of conditions required to ensure enforceability	To note. No change to recommendation.
Recommendation: Delegate to the Interim Head of Planning & Building Control to grant subject to the amendment and finalisation of conditions	

Item Number: 6 Site Address: land at Queslett Road East, Streetly	
Supplemental Information:	Officer Comments:
Comments from Conservation officer; Doe Bank Farm draws its	The comments of the conservation officer are noted and the reason for refusal will be updated to take account of the commentary

significance primarily from the interrelated associations between the existing building group and the way they can still be appreciated, experienced and understood as historic farm buildings within its semi-rural context, protected by the Great Barr Conservation Area to the east of Doe Bank Lane.

Although the former petrol filling station would not have been a positive feature of the Conservation Area, the structure would have had a more modest scale and height than the proposed replacement blocks of flats. The petrol station would also have been well-screened by the surrounding conifers. This would not be the case for the proposed block of flats, due their height and mass.

The area to the east of the Doe Bank Lane and north of the A4041 represents a residual area and semi-agricultural land. The introduction of the substantially taller 3 to 4 storey blocks in this location would introduce a built form which is out-of-scale with not just the remainder of the Conservation Area and Listed Buildings, but also the surrounding modern housing in the vicinity.

In particular the mass of the buildings when combined with the development up to 4 storeys, even in a peripheral location, cannot be considered to achieve the required to 'enhance or preserve the character or appearance of the Conservation Area' or preserve the settings of the nearby Listed Buildings.

Conclusions

<p>In respect of the historic built environment the main policy considerations are:</p> <p>i) the statutory duty for the local planning authority to <i>'pay special attention to the desirability of preserving or enhancing the character or appearance'</i> of Conservation Areas as defined in Planning (Listed Buildings and Conservation Areas) Act 1990 Section 72 (1) in relation to the Great Barr Conservation Area, and</p> <p>ii) the statutory requirement for the Local Planning Authority to consider the impact of this development on the setting of the nearby heritage assets (Listed Buildings and Conservation Areas) Act 1990; and NPPF para.190).</p> <p>The height of the proposed buildings, in particular, would exceed the height of the surrounding buildings which, when combined with its mass, would visually detract from the setting of the Listed Buildings and Conservation Area.</p> <p>The change in the setting of the Listed Buildings at Doe Bank Farm would harm the significance of the Grade II Listed Buildings on the site by introducing an out-of-scale element into the streetscene.</p> <p>The proposal site is also within the Great Barr Conservation Area which has an article 4 direction in place, placing further limits on permitted development within the Conservation Area.</p> <p>The proposed development, being located within the Great</p>	
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<p>Barr Conservation Area, is not considered to <i>‘enhance or preserve the character or appearance of the Conservation Area’</i> or <i>preserve the settings of the nearby Grade II Listed Doe Bank Farmhouse and Grade II Listed barn adjoining it.</i></p> <p>As such from building conservation / historic environment point of view this application is not supported.</p>	
<p>Typographical error page 115, last sentence of paragraph 6</p> <p>Additional reason for refusal regarding safety and security to be added</p>	<p>The sentence is to be removed.</p> <p>As set out in the body of the report, there are concerns regarding the safety of future occupiers, hence the additional reason for refusal;</p> <p>The properties design, including lack of clear visibility of the building entrances, relatively remote location, creation of potential hiding places raises concerns regarding the safety and security of the future residential occupiers contrary to NPPF, BCCS, UDP and Designing Walsall SPD</p>
<p>Councillor Andrew has made reference to a petition originally presented to 17 July 2019 cabinet, stating it was signed by 300 signatures. The LPA has only seen the front page of the petition yesterday so has been unable to check the the number or location of the of the residents. The petition organized by Councillor Andrew states; We the undersigned support Walsall Council work with the owners of the former petrol stations on Queslett Road and Moreton Avenue, Pheasey. These sites are a blight on the community. We would support the provision of much needed affordable retirement properties on these sites to improve provision for older people in this community who wish to downsize but stay in this community close to family, friends and their support network</p>	<p>Whilst the councillors reference to the petition is noted, there is no date to explain when the petition was collected. Based on the signature being presented to the July 2019 cabinet, this would have been before the planning application was submitted and neighbours notified. There is no evidence that residents had seen the current planning application before signing, limiting the value and weight of the petition in the planning process. The petition also refers to the former Moreton Avenue petrol filling station adjacent to the local centre and next to housing. The LPA recognizes that this has been a problem site for many years and has processed a number of planning applications for its redevelopment in the past. Moreton Avenue is not within the green belt and not the subject of this planning application, so also contributes to limiting any planning weight in the determination of this particular planning application. The petition refers to much needed affordable retirement properties on these sites to improve provision for older people who wish to downsize. The applicant has confirmed they do not want to provide affordable dwellings on this site and have confirmed they consider the development will be unviable to do this. Again, this limits the weight that can be attributed to the petition in the determination of the planning application. For the reasons set out above, planning committee are</p>

<p>The LPA has received an additional request for a Doe Bank Lane resident to speak in support of the report recommendation confirming;</p> <ul style="list-style-type: none"> -4 storey building is to high for the area, -That part of Queslett Road is accident black spot -It is green belt 	<p>advised to give limited weight to the petition in the determination of the planning application. The recommendation remains as set.</p> <p>Unfortunately, the speaker has not given either a telephone number or email address for the planning authority to be able to make contact. The residents comments received reflect the material planning concerns set out in the report and the recommendation</p>
<p>Recommendation: Amended to take account of the additional security reason for refusal and amending the conservation reason for refusal</p>	

<p>Item Number: 7 Site Address: Land corner of Arkwright Road/Edison Road</p>	
Supplemental Information:	Officer Comments:
The application description has been amended to confirm access is from Edison Road.	Planning application description is; Erection of a three storey block of flats to accommodate 9no. self contained flats with amenity, boundary treatment, parking and vehicular access from Edison Road
	Recommendation remains as set out in the committee report
<p>Recommendation: Refuse</p>	

<p>Item Number: 8 Site Address: car park rear of 160-174 Westbrook Avenue</p>	
Supplemental Information:	Officer Comments:
Some amendment to wording of conditions required to ensure enforceability	To note.
	Recommendation amended to allow for finalisation of conditions
<p>Recommendation: Delegate to the Interim Head of Planning & Building Control to grant subject to the amendment and finalisation of conditions</p>	

Item Number: 9 Site Address: 815 Sutton Road	
Supplemental Information:	Officer Comments:
Officer site visit of 10 th July 2020 confirms that the depth of the rear extensions as built accord with the plans approved for reference 16/1528.	To note. No change to officer recommendation.
The planning agent has submitted a further supporting document identifying a number of existing properties in the locality.	<p>Whilst some of the properties shown have elements of modern alterations and additions, their predominant characteristic is of a two storey traditional appearance which are in keeping with the character of the area.</p> <p>A review of recent planning history of the submitted properties has been carried out which has identified that the majority fall outside of the Green Belt. Of the four properties that do fall in the Green Belt, none of the planning permissions relate to a replacement dwelling as is the case for this current proposal. It is therefore considered that the extensions carried out at the submitted properties carry little weight in the determination of this current application. In particular, it should be noted that planning permission was granted at No.793 Sutton Road for a revised submission which offered a reduced height, and revised design of extensions following a previous refusal on grounds of disproportionate additions and harm to the Green Belt.</p> <p>It is considered that this submitted information does not amount to 'Very Special Circumstances' nor does it provide adequate justification to outweigh the harm arising to the Green Belt, to the character of the area, and it does not address the identified harm which would arise to neighbours amenity. The applicant may claim a personal need to accommodate their family. This is not a material consideration in the determination of the planning application. Harm from the development outlives the applicants personal need</p> <p>No change to officer recommendation.</p>
Recommendation: Refuse Planning Permission	

Item Number: 10 Site Address: 63 Lime Street, Walsall, WS1 2JL	
Supplemental Information:	Officer Comments:
Condition 3 wording amended to ensure enforceability.	Noted, the condition wording will be updated

Recommendation: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to amending and finalising the planning conditions.

Item Number: 11 Site Address: 44 Mellish Road	
Supplemental Information:	Officer Comments: Addendum to the report
<p>Objection received from 40 Mellish Road:</p> <p>The proposed outlook for us as residents of 40 Mellish Road is completely unacceptable. The proposal creates a blank facade which would completely dominate our outlook especially as most of our living accommodation (including main bedrooms at rear and main bathroom) is on the ground floor and would be a detriment to us as occupiers of the neighbouring property.</p> <p>Minimum separation distances are set out in this document SPD; for a habitable room window and blank wall is 13m; result in an overbearing impact; The extensions and alterations at 44 Mellish Road are excessive, create a dwelling that is substantially larger than what is there at present, and fail to create subservience to the host property.</p>	<p>44 Mellish Road contains single storey pitched roof extension on the shared boundary with 40 Mellish Road. Due to covid restrictions, a visit to 40 Mellish Road has only been able to take place recently. The height of the existing extension on the boundary is 3.7m. The proposed height of the extension, 7.5 height (max height) and 5.1 eaves level. The proximity and height of the 2-storey extension rising up on the boundary to the neighbouring property at No 40 would result in shadowing and an overbearing effect of the neighbours property to the detriment of their amenities.</p> <p>No 40 Mellish Road is a dormer bungalow with at a lower height in comparison to the application site. On the ground floor there are a number rear facing windows which serve the bedroom and living area including the rear conservatory. The height and position of two storey extension, it would have an unduly overbearing impact on the outlook from windows of habitable rooms in the rear elevation of No 40. The introduction of a substantial built structure close to these windows will also reduce the amount of daylight that they receive.</p> <p>It is also noted, the 45 degree line would also be breached from the neighbours nearest habitable room window resulting in a loss of light to the detriment of the neighbours amenity.</p> <p>The proposed development would cause detrimental harm to the living conditions of the occupiers of 40 Mellish Road with regard to outlook and daylight, contrary to Walsall's Unitary Development Plan saved policies, GP2, ENV32 and H10, Black Country Core strategy policies ENV3 and 'Designing Walsall' supplementary planning document.</p> <p>Overall proposed development for larger extensions in comparison to the previously refused schemes which now includes to the side and rear of the dwelling impacts on the living conditions of No 2, 4 Rushwood Close and No 40</p>

<p>The protected tree refusal reason is to be amended to take account of Conserving Walsall's Natural Environment supplementary paper which has been adopted since the original reasons for refusal were sought and the tree has continued to grow</p>	<p>Mellish Road contrary to the councils development plan policies leading to a reduction of amenity and the quality of life of the nearby residents</p> <p>Refusal Reason added: Two storey rear extension by reason of its size, scale and location adjacent to the boundary with 40 Mellish Road would have an overbearing impact, result in loss of outlook and loss of light to the rear habitable windows resulting in a detrimental impact on the living conditions of the occupiers of 40 Mellish Road; therefore the development is contrary to the saved policies of Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, Black Country Core strategy ENV3 and 'Designing Walsall' supplementary planning document.</p> <p>In the absence of the applicant providing a tree impact assessment to demonstrate that the extension would not be detrimental to the health and amenity of the protected tree in the garden of 2 Rushwood Close because of the need to heavily prune the crown of this tree in order to accommodate the extension. The development would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV18 and Supplementary Planning Document to the Black Country Core Strategy and the Walsall Unitary Development Plan conserving walsall's natural environment NE8.</p>
<p>Four additional objection letters from Rushwood Close neighbours; The previous three refused applications 07/1523/H1 (also appealed and then dismissed), 08/1440/FL and 09/0011/FL. The new and amended Application 19/0277 contains the same overbearing nature of First Floor Side Extension over Garage as the previous three applications – therefore our objection to this application remains the same: we object due to overlooking, loss of privacy and proximity of the overbearing proposed structure.</p>	<p>The current proposal, is larger than the previously refused application and dismissed appeal that the objectors have referred too. Due to the scale of proposed first floor side extension in close proximity to the shallow Rushwood Close gardens – The local planning authority considers the proposal would impact on the neighbours' outlook, although it is considered the extension adjacent to Rushwood Close would not cause loss of privacy to the residents. The planning inspector agreed with the local planning authority in its assessment of the previous planning application.</p>
<p>Bat Survey</p>	<p>Bat report was submitted by the applicant; As no bats or evidence of bats or nesting birds were found on the property at the time of the survey on 8/5/2019 the survey does not request further work through emergence surveys;</p>

	<p>The only exception to this would be if any part of the buildings surveyed have drastically changed in the year since the survey was carried out; applicants to contact their ecology consultants to get their bat survey updated to reflect any changes.</p> <p>Suggested Planning Conditions in case the decision is overturned:</p> <p>The following precaution shall be taken when implementing the planning permission:</p> <ul style="list-style-type: none"> i) Contractors undertaking demolition works shall be made aware that bats may be present and the steps to be taken if bats are discovered. ii) All cracks and crevices on the building, under roof tiles, behind stonework etc. shall be dismantled carefully using hand tools. iii) If there is more than a 12 month time period between chase ecology bat report and works taking place, a site check by a suitably qualified and licensed ecologist will be necessary to determine that any bat utilisation of the buildings has not substantially changed <p>If no bats or evidence of bats are found during these operations, the approved works can continue.</p> <p>If bats or evidence of bats are found during these operations:</p> <ul style="list-style-type: none"> i) bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated. ii) no further destructive works shall be carried out to the building until the need for Natural England licence has been established. iii) within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation iv) work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued.
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<p>This week, the applicant has submitted two additional plans, One illustrating a potential single storey 8 metre deep rear extension across the whole depth of the house as it stands today.</p> <p>The other plan illustrates a potential 2 storey 3 metre deep rear extension. The applicants agent claims these can be used to demonstrate a permitted development fall back position. They continue to explain, that if that which requires planning permission gives rise to the same impact or a lesser impact to that which may be undertaken</p>	<p><i>Reason:</i> To conserve local bat populations.</p> <p>Reference to a single storey 8 metre deep extension as a fall back position in this instance is incorrect. In order for the applicant to claim this, they would first need to pursue a formal prior approval process, which gives neighbours the opportunity to comment on and the local planning authority to make an assessment regarding the impact on neighbours. As illustrated, the 8 metre deep extension would not comply with the permitted development legislation, as it requires the extension to be from the original rear elevation of the house. As drawn on the plans the extension is extending from a side extension next to number 40 and the garage extension adjacent to Rushwood close. Neither of these features are original. In addition, it would be wrong to use a single storey rear extension to justify the harm that would occur from a first floor side extension adjacent to Rushwood Close or the first floor extension adjacent to 40 Mellish Road. Consequently, the planning committee are advised to discount any reference to the applicants suggestion that this is a fall back position in the determination of the planning application. To take it into account and rely on the applicants suggestion they can add an 8 metre deep single storey rear extension as illustrated, to justify the approval of the current planning application would be to misdirect themselves in approving the application based on inaccurate information.</p> <p>As set out above, the fall back position for the two storey rear elevation must be from the original rear elevation of the house. Unfortunately, based on the councils records, the applicant is relying on an existing side extension next to 40 Mellish Road. Consequently, the suggestion cannot be used as a permitted development fall back in this instance. The planning committee are advised to discount any reference to the applicants suggestion that this is a fall back position in the determination of the planning application. The suggested extension also includes a side facing window facing Rushwood Close. If the suggested extension complied with the requirements of the permitted development legislation, the side facing window would be required to obscurely glazed, non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. To take it into account and rely on the applicants suggestion they can add a 3 metre deep two storey rear extension as illustrated, to justify the approval of the current planning application would be to misdirect</p>
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	<p>themselves in approving the application based on inaccurate information.</p> <p>The application remains as set out below</p>
<p>Recommendation: Remains as refuse, amended to take account of policy change and to take account of the impact on 40 Mellish Road by the larger proposed extension</p>	

<p>Item Number: 12 Site Address: Hingleys Cottage</p>	
<p>Supplemental Information:</p>	<p>Officer Comments:</p>
<p>Comments received from the agent on 7 July 2020</p> <p>The agent advises the following:</p> <p>“Question your comment relating to the increased activity upon the site, the proposed Park Home will be subservient to main house and will only be used by family and guests visiting the site, so will not result in any greater activity on the site compared with the current situation when family and friends visit the applicant. It should also be noted that since my client (the applicant) originally purchased the site it has been used as a residential site with minimal agricultural activity, resulting in substantially less activity on site compared with the horse stabling and riding that the site was formally used for.</p> <p>Regarding the Agricultural Holding status, I attach the Applicants DEFRA Holding Number 46/472/0322 Certificate and advise that currently there is no livestock on the site application site following the restoration of the meadow field which once completed will enable livestock to be sustained by the meadow grass.”</p>	<p>Unfortunatley, the additional information does not justify a departure from the development plan to justify the additional harm the proposal would bring to the green belt if approved both in outlook and visually. The information provided only clarify the current use of the land and offers nothing further to review or change the recommendation as set out.</p>

Recommendation: Refuse	

PETITION FOR ITEM 6

We the undersigned support Walsall Council to work with the owners of the former petrol stations on Queslett Road and Moreton Avenue, Pheasey. These sites are a blight on the community. We would support the provision of much needed affordable retirement properties on these sites to improve provision for older people in this community who wish to downsize but stay in this community close to family, friends and their support network.

ACTION ON DERELICT GARAGE SITES ON QUESLETT ROAD AND MORETON AVENUE

NAME (please print)	ADDRESS & POST CODE (please print)	EMAIL OR MOBILE NUMBER	SIGNATURE
	47 BRACKENFIELD RD B44 9BG		
	63, PARKFARM RD		
	71 ROMNEY WAY Redwood Pinfold LA.		
	44 Aviemore Crescent		
	90 STONEHURST		
	43 Foxwood AVE B43 7QX		
	35 PARKFARM RD		
	16, Clausen Close		
	St Greenaway Close		

Organised by Cllr Adrian Andrew

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