



Planning Committee

Date: 15/10/20

Report of 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.

Agenda Item: 6 Site Address: 17 Fallowfield Road

Supplemental Information:	Officer Comments:
The local highway authority have confirmed a dropped kerb from Fallowfield Road has been installed to allow vehicular access to the property frontage	The steps to remedy the breach of planning control remain as set out at 3.2 of the report
Recommendation as set out at 2.0 of the report.	

Agenda Item Number 8: Planning Reform White Paper – Walsall Response

Supplemental Information:	Officer Comments:
Comments may also be received from the Pollution Control Team.	Any comments received would be included in the final response to government. No change to recommendation.
Comments received from Strategic Housing: <ul style="list-style-type: none">• Essential that affordable housing is provided on-site to ensure mixed and sustainable communities.• Infrastructure Levy should seek in-kind payment for on-site rented accommodation.	These comments will be included in the final response to government. No change to recommendation.

<ul style="list-style-type: none"> • Affordable housing provision should be ring-fenced, but flexibility provided to allow the types needed in each locality. • Developers should be required to ensure affordable housing meets local and national design and quality standards. 	
<p>Comments received from Building Control:</p> <ul style="list-style-type: none"> • Developers need to clearly understand what is being asked of them, and enforcement action should be taken if they are not complying. However, this will only be achievable if sufficient resources are implemented to Local Authorities. 	<p>These comments will be included in the final response to government. No change to recommendation.</p>
<p>Comments received from Local Highway Authority:</p> <p><i>Initial Comments</i></p> <ul style="list-style-type: none"> • It has a disjointed and conflicting approach; it puts additional burden on the LPA, Planning Inspectorate, and consultees. • A national design code should include key aspects of urban design but is likely to restrict flexibility at a local level. • The proposed reforms are a missed opportunity and would disintegrate the collaborative cross-boundary framework. • Fails to recognise the role of Statutory Consultees in assisting to deliver quality, sustainable communities, and providing essential links to allow people to live, work and travel safely. • Unclear on role of a Chief Design Officer. • Reduced ability to influence design and ensure highways safety through proposed automatic permission for proposals of 'replicable design'. • 'Fast track' process likely to result in lower quality and less sustainable development. • Infrastructure Levy needs to allow for non-financial provisions i.e. to secure Travel Plans and highway works. • Developers and landowners should be discouraged from land-banking and instead deliver the homes granted permission by LPAs which would counter the need to re-build the planning system. • Investment in strategic infrastructure should be a government priority to incentivise development. • Priority should be given to reviewing shared spaces. 	<p>These comments will be included in the final response to government. No change to recommendation.</p>

<ul style="list-style-type: none"> • Government should incentivise use of expensive technology to SMEs. • Definition of 'key workers' is required. <p><i>Pillar One - Planning for development</i></p> <ul style="list-style-type: none"> • Proposed single statutory sustainable development test would fail to take account of site-specific constraints along with increased densification is unlikely to deliver a safe or sustainable environment. <p><i>Pillar Two - Planning for beautiful and sustainable places</i></p> <ul style="list-style-type: none"> • 'Beautiful Places' is subjective and open to interpretation and future challenge. • Combatting climate change will require a holistic approach rather than reliance on speeding up the planning system. • High quality places should continue to be achieved through local negotiation and consultation on planning applications and not by automatic consents, prior approvals or enforcement. • An example of poor-quality unsustainable homes arising from reduced input from planning professionals and key consultees is the current policy on creating Houses of Multiple Occupancy (HMO's). HMO's are often of very poor-quality design, do not integrate well with local communities and fail to include satisfactory parking or highways improvements. • Removal of Duty to Co-operate would restrict ability to plan strategically over the wider highway network. 	
<p>Recommendation: That Committee delegates authority to the Head of Planning & Building Control and the Head of Regeneration, Housing and Economy to submit a Walsall response to the consultation on the White Paper.</p>	

Item Number: 1 Site Address: land north east of shaylor anchor brook industrial park, wharf approach Aldridge	
Supplemental Information:	Officer Comments:
Recommendation has a typographical error	Recommendation should read; Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions, subject to; No new material considerations being received within the consultation period; and The amendment and finalising of planning conditions.

<p>In response to an Updated Preliminary Ecological Assessment received on 10 October 2020 the council's Ecologist confirms no objection subject to including further conditions requiring:</p> <ul style="list-style-type: none"> • A Precautionary Working Method Statement (PWMS) including a Pollution Prevention Strategy regarding the watercourse and including measures for reptiles; and • A sympathetic external lighting scheme to safeguard local bat populations. 	<p>Additional ecology conditions to be included as recommended.</p> <p>Recommendation updated to reflect the removal of original objection from this consultee.</p>
<p>Planning agent has requested amendments to the planning conditions.</p>	<p>Conditions to be revised and finalised where necessary in line with the current recommendation.</p>
<p>Amendments to the wording of the planning conditions to ensure they meet the 6 tests and to address any further responses from consultees.</p>	<p>Noted.</p>
<p>Recommendation: Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions, subject to; No new material considerations being received within the consultation period; and The amendment and finalising of planning conditions.</p>	

<p>Item Number: 2 Site Address: Former A B Waste Management LTD, Cemetery Road, Darlaston</p>	
Supplemental Information:	Officer Comments:
Public Rights of Way Officer – No objection.	Noted
Fire Officer – No objection but makes comments on water	Noted.

<p>supplies etc in accordance with Building Regulations.</p> <p>The planning agent has submitted cross section plans showing land level differences across the site, including the level difference changes to the car park.</p> <p>Canal and River Trust (CRT) have advised improvements to the Bentley Mill towpath and way finding signage are agreed through a section 106 agreement. The planning agent has advised they are willing to contribute a sum towards works sought by the CRT and work with the CRT to seek improvements.</p> <p>Two letters of objection have been received to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • Extending the railway onto Eurofoods site will constraint the site. • Disruption to the operation of Eurofoods • Concerns about access arrangements from Kendricks Road • Screening opinion previously undertaken not valid, as the application site is larger. • Balancing act to consider the impact the proposal on Eurofoods not undertaken 	<p>Noted. The plans show the car park will be set at a higher level than Cemetery Road, which overall is considered acceptable to try and address flooding issues across the site. Conditions will be updated.</p> <p>There are ongoing negotiations with the Canal and River Trust and the planning agent regarding the improvement works and the financial sum to cover the works. The recommendation is updated to take account of this.</p> <p>The planning agent confirms they have notified and been in negotiations with Eurofoods since 2018.</p> <p>There is no evidence to suggest the proposal would impact upon the operation of Eurofoods business.</p> <p>The Highway Officer has no objection to the proposal and works to the highway would be sought by a stopping up order.</p> <p>The application site now includes the former railway tavern Kendrick's Road and Darlaston Road and extends west along the railway to Forster Bridge. Whilst the site boundary has changed, it considered to have limited impact regarding the screening opinion.</p> <p>There is no evidence to suggest the proposal would impact upon Eurofoods. There are no proposals currently submitted for any works within the Eurofoods site.</p>
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<ul style="list-style-type: none"> • Flood risk area includes Eurofoods car park, not clear if proposal will displace flooding onto Eurofoods site. • received notification from both the LPA and applicant regarding the proposal. <ul style="list-style-type: none"> • Will the car park be free • What measures will be taken to prevent on street parking <p>The planning agent has submitted a letter addressing the above objection stating:</p> <ul style="list-style-type: none"> • West Midlands Combined Authority have engaged with representatives from Eurofoods since 2018. • Public consultation undertaken at Darlaston • unreasonable to suggest that the railway station development should not proceed on the basis of hypothetical expansion plans that may or may not come to fruition. • The red line boundary has increased to allow for OLE upgrades along the railway, which would not result in any significant adverse environmental impacts. • Screening opinion issued in March is reliable. However, content for LPA to undertake a further screening opinion. 	<p>There is on-going work regarding the Flood Risk with the LPA working with both the applicant and local Lead Flood Authority to resolve as per the resolution.</p> <p>Noted</p> <p>The LPA is working on a suitable worded condition to ensure the car park is free of charge to prevent on street parking issues.</p> <p>Noted comments.</p>
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<ul style="list-style-type: none"> • Strategic Policy have advised the proposal would benefit the whole wider area. • Objections from flood risk officer to address and drainage details sought by severn trent water. 	
Coal Authority – No objection to amended plans.	Noted
Highways England – No objection	Noted
Transportation – No objection subject to further conditions to secure the car park is charge free and works to the ramped pedestrian access onto Kendricks Road.	Noted. Planning conditions to be included.
Amendments to the wording of the planning conditions to ensure they meet the 6 tests and to address any further responses from consultees.	Noted
Historic England – No objection	Noted
<p>Recommendation: Planning Committee resolve to delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and the securing of a S106 Agreement for a river level gauge, plus off-site way finding along Bentley Mill Way and works to the adjacent canal towpath including improving accessibility via a financial contribution for the proposed improvement works and subject to ...</p> <p><input type="checkbox"/> No new material considerations being received within the consultation period;</p> <p><input type="checkbox"/> The amendment and finalising of conditions;</p> <p><input type="checkbox"/> No further comments from a statutory consultee raising material planning considerations not previously addressed;</p> <p><input type="checkbox"/> Overcoming the outstanding objections from the Local Lead Flood Authority and Archaeologist plus finalising negotiations between the applicant the Canal and River Trust regarding wayfinding and improvements for accessibility and use of the towpath.</p>	

Item Number: 3

Site Address: Land Adjacent Railway at Bilston Street/ Rose Hill, Willenhall

Supplemental Information:

Officer Comments:

Public Rights of Way Officer – No objection.	Noted
Fire Officer – No objection but makes comments on water supplies etc in accordance with Building Regulations.	Noted
Conservation officer – No further visualisation plans are required and previous comments suitably	Noted
Transportation – No objection subject to further conditions to secure the car park is charge free	Noted
The planning agent has advised the conservation officer that the design of the proposed station is in accordance with Network Rail guidelines, materials can be conditioned, the comments by the conservation officer refer to an entrance building, if considered will be part of a separate application. They also advise the proposal would not be seen from the Conservation Area and signage will be submitted as a separate application.	Noted
The planning agent has submitted cross section plans showing land level differences across the site, including the level difference changes to the car park.	Noted. The plans show the car park will be set at a higher level, part of addressing flooding issues across the site. Planning conditions will be updated.
Amendments to the wording of the planning conditions to ensure they meet the 6 tests and to address any further responses from consultees.	Noted
Recommendation: Planning Committee resolve to delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to <input type="checkbox"/> No new material considerations being received within the consultation period; <input type="checkbox"/> The amendment and finalising of conditions;	

- ☐ No further comments from a statutory consultee raising material planning considerations not previously addressed;
- ☐ Overcoming the outstanding objection[s] from Conservation and the Local Lead Flood Authority.

Item Number: 4 Site Address: George Street and Upper Hall Lane, Walsall	
Supplemental Information:	Officer Comments:
Recommendation amended to require submission of acceptable Archaeology desk top study prior to issuing approval.	<p>Recommendation should read; Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and subject to;</p> <p>The submission of an Archaeology desk top study, re-consulting the council's archaeologist to overcome their objection</p> <p>The amendment and finalising of planning conditions, Overcoming the outstanding ecology, lead local flood authority objections</p>
<p>Recommendation: Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and subject to;</p> <p>The submission of an Archaeology desk top study, re-consulting the council's archaeologist to overcome their objection</p> <p>The amendment and finalising of planning conditions,</p> <p>Overcoming the outstanding ecology, lead local flood authority objections</p>	

Item Number: 5 Site Address: George Street and Upper Hall Lane, Walsall	
Supplemental Information:	Officer Comments:
Recommendation amended to require submission of acceptable Archaeology desk top study prior to issuing approval.	<p>Recommendation should read; Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and subject to;</p> <p>The submission of an Archaeology desk top study, re-consulting the council's archaeologist to overcome their objection</p> <p>The amendment and finalising of planning conditions, Overcoming the outstanding ecology, lead local flood authority objections</p>
<p>Recommendation: Planning committee resolve to delegating to the Head of Planning and Building Control to grant planning approval subject to conditions subject to;</p> <p>The submission of an Archaeology desk top study, re-consulting the council's archaeologist to overcome their objection</p> <p>The amendment and finalising of planning conditions,</p>	

Overcoming the outstanding ecology, lead local flood authority objections

Item Number: 6 Site Address: Land off Darlaston Road between canal and Bentley Mill Way	
Supplemental Information:	Officer Comments:
Recommendation has a typographical error	Recommendation should read; Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and Securing a S106 contribution for works off site to improve pedestrian links along the canal, subject to; The amendment and finalising of planning conditions, Overcoming the outstanding ecology matters, Addressing any concerns of the Environment Agency And Highway England's concerns
Amendments to the wording of the planning conditions to ensure they meet the 6 tests and to address any further responses from consultees.	Recommendation remains as set out.
Recommendation: Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and Securing a S106 contribution for works off site to improve pedestrian links along the canal, subject to; The amendment and finalising of planning conditions, Overcoming the outstanding ecology matters, Addressing any concerns of the Environment Agency And Highway England's concerns	

Item Number: 7 Site Address: 107-110 Paddock Lane Walsall	
Supplemental Information:	Officer Comments:
Recommendation has a typographical error and work to finalise and amend planning conditions to make them enforceable	Recommendation should read; Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and securing a S106 for urban open space contribution, subject to; The amendment and finalising of planning conditions
Condition 11 will be deleted	Recommendation remains as set out.
Amendments to the wording of the planning conditions to ensure they meet the 6 tests and to address any further responses from consultees.	

**Recommendation: Planning committee resolve to delegate to the Head of Planning and Building Control to grant planning approval subject to conditions and securing a S106 for urban open space contribution, subject to;
The amendment and finalising of planning conditions**

Item Number: 8 Site Address: 22 Forest Close, Streetly	
Supplemental Information:	Officer Comments:
Recommendation has a typographical error	Recommendation should read; Planning committee resolve to grant planning approval subject to conditions
Recommendation: Planning committee resolve to grant planning approval subject to conditions	