



Walsall Council

Development Management

PLANNING COMMITTEE

Report to the Head of Planning and Building Control

Plans List Supplementary Paper

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

Plans list Item number: 1	
Application site address: Former Cerro	
Supplemental Information	Officer Comments
Comments received from Lead Local Flood Authority as follows: We are now satisfied with the submitted proposals and have no objection to the granting of planning permission. We would however recommend that the condition below is attached to any planning permission in order to secure the implementation of the scheme in accordance with the submitted documents.	To note. No change to officer recommendation

<p>Condition</p> <p>The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:</p> <ul style="list-style-type: none"> • GOS-HYD-XX-XX-RP-D-5001-P1.3 – Flood Risk Assessment and Drainage Strategy 	
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to:</p> <ul style="list-style-type: none"> • No new material considerations being received within the consultation period; • Amendments in line with consultee comments; • The amendment and finalising of conditions; • No further comments from a statutory consultee raising material planning considerations not previously addressed 	

<p>Plans list Item number: 2</p> <p>Application site address: Land off Upper Navigation Street</p>	
Supplemental Information	Officer Comments
<p>Additional Conditions to be worked up and included:</p> <ul style="list-style-type: none"> • Removal of permitted development rights • Revised bin collection point • Full landscaping scheme • Boundary treatments • Submission of internal layouts • Land stability • Water contamination • Construction Environment Management Plan • Ecology enhancements 	<p>To note. Officer recommendation includes provision for amendment and finalisation of conditions.</p>
<p>Conservation Officer comments of 23/12/2020 explain that the revised proposal is an improvement and would result in 'less than substantial harm' to the Conservation Area and an</p>	<p>Report on page 52 updated to reflect impacts on Conservation Area. It is considered that public benefits arising in terms of provision of new homes and enhanced public open space</p>

assessment should be made as to whether any public benefits arising sufficiently outweigh this harm.	areas weighs in favour of the proposal and outweighs any harm arising. No change to officer recommendation.
Applicant's planning agent has queried the need for condition 8b (Watching Brief).	Further discussions are required to conclude this matter which can be done under the current recommendation. No change to officer recommendation.
Page 49 of report to be updated to reflect latest Canal and River Trust comments of 17/12/2020 which confirms no objection subject to conditions, a Planning Obligation, notes to applicant and general advice.	To note. These points are already addressed in the report. No change to officer recommendation.
The application has already been advertised in accordance with the relevant regulations.	To note, the recommendation is to be updated accordingly.
A review of NPPF Paragraph 97 confirms the housing proposal does not meet part (c) of these tests.	Page 54 updated accordingly.
Applicant's agent has queried the need to refer this application to the Secretary of State.	Recommendation updated to allow continued discussion and to allow referral to the Secretary of State if appropriate.
The applicant has requested reference is made to the Council's current housing land supply position.	Whilst the latest figures published show less than a 5 year supply, this is based on the position 2 years ago. Latest information helps to demonstrate the Council is now likely to have the necessary supply which will be published in due course. No change to officer recommendation.
Environmental Health comments of 14/12/2020 to require odour control at Peri Fino which falls outside of the application site cannot be secured as part of this current planning application. Conditions on noise and odour to be finalised as necessary.	Conditions on noise and odour to be revised and included where they meet the government's tests on planning conditions. No change to officer recommendation.
Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to: <ul style="list-style-type: none"> • the amendment and finalising of conditions; • the completion of a Section 106 Planning Obligation; • no new material considerations being raised by consultees; and • referral to the Secretary of State if appropriate. 	

Plans list Item number: 3 Application site address: Sunnyside Farm, Northgate	
Supplemental Information	Officer Comments
The planning agent has sought amendments to planning conditions regarding plans list, contaminated land, landscaping and boundary treatments.	Noted. The boundary treatment and landscape condition to be removed and plans listed in the plans list. Discuss with Pollution Control contaminated land conditions.
A new enclosure plan showing boundary treatments has also been submitted for consideration.	Noted, plan to be added to plans list condition.
Pollution Control have requested an additional condition on acoustic noise.	Noted
The planning agent has submitted further drainage information to address the Flood Risk Officers objection and Severn Trent Waters drainage condition.	Noted. Re-consultation with the Flood Risk Officer and Severn Trent Water to be undertaken.
Recommendation amended to subject to a S106 Agreement to bind the site to the original permission and to include clawback provision OR to include any necessary policy required obligations.	Noted and amended
Applicant's planning agent has queried the need for condition on archaeology site investigation.	Further discussions are required to conclude this matter which can be done under the current recommendation. No change to officer recommendation.
The planning agent has queried whether the contaminated land condition needs to be replicated and whether the condition can be re-worded. Pollution Control have advised the condition will need to remain otherwise all relevant documents and re-consultation with the Environment Agency needs to be undertaken.	Noted and discussed with Pollution Control. Condition to remain and revised if necessary to meet the government's tests.
The planning agent advises that the separation distances referred to in the officer's report are incorrect and has submitted a plan showing the proposal complies with the residential standards.	Noted. Officers have re-checked the separation distances and confirm the separation distance between the rear of 1 Sunnyside and the side elevation of plot 14 is 12.5m, a shortfall of 0.5m. The separation distance between the rear of 9 Sunnyside and plot 13 is 13.5m. On balance, it is considered the proposal would not unduly harm the amenities of the occupiers as set out in the report.

Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- District Valuer's Advice on scheme viability and completion of a Section 106 Agreement to bind the site to the original permission and to include clawback provision OR to include any necessary policy required obligations;
- Overcoming the objections from Flood Risk Officer and Severn Trent Water.

Plans list Item number: 4

Application site address: Land Adj Kwik Fit, High Street, Brownhills

Supplemental Information	Officer Comments
Pollution Control Officers require amendments to the wording of Condition 3 to ensure enforceability.	<p>Replacement condition 3 wording as follows:</p> <p>3. a) Notwithstanding the details submitted and prior to commencement of the development hereby approved, a revised site clearance plan and methodology shall be submitted in writing to and approved in writing by the Local Planning Authority.</p> <p>b) The development shall not be carried out otherwise than in accordance with the approved details.</p> <p>Reason: In order to address the potential contaminated land concerns and in the interests of health and safety in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.</p>

Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to the amendment and finalising of conditions

Plans list Item number: 5

Application site address: 1 Hope Street, Walsall, WS1 3RG

Supplemental Information	Officer Comments
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Under policy comments on pg 127 of the report it refers to “emerging SAD Policy SLC1” - to note as the SAD was adopted January 2019 and policies now have full weight in considering proposals. Also to note that there is a legal requirement to determine planning applications in accordance with the development plan unless material considerations suggest otherwise.	To note. The report highlights how the case officer considers the material considerations in this instance outweigh the lack of adherence to all aspects of BCCS policy CEN6 policy in this instance i.e. It is an appropriate scale and nature, in convenient safe walking distance of the community it is intended to serve and would not divert investment away from an established centre to an unacceptable degree given the limited size of the proposals. It also allows retention of aspects of a Locally Listed Building.
Recommendation: Planning Committee resolve to delegate to Head of Planning & Building Control to grant planning permission subject to conditions and subject to: <ul style="list-style-type: none"> a. No new material considerations being received within the consultation period; b. The amendment and finalising of conditions; c. No further comments from a statutory consultee raising material planning considerations not previously addressed; 	

Plans list Item number: 6 Application site address: 17 Rushall Close, Walsall, WS4 2HQ	
Supplemental Information	Officer Comments
The application details on the cover page refer to a front balcony but this element of the proposal has been removed.	To note description of development to be amended.
Recommendation: Grant Permission subject to Conditions.	

Plans list Item number: 7 Application site address: 26 Mellish Road, Walsall, WS4 2ED	
Supplemental Information	Officer Comments
The application has been withdrawn from this agenda to allow the applicant to consider revising the scheme.	To note. Consideration not required at tonight’s meeting.
Recommendation: n/a	