



Planning Committee

Date: 21/3/19

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: Challenge Building, Hatherton Road, Walsall	
Supplemental Information	Officer Comments
Condition 27 typographical error for the reason. Should state birds not bats	Noted
Comments have been received from a ward councillor on the following grounds; <ul style="list-style-type: none">• Concern for accessibility for Paddock patients• Majority of people using health facilities are elderly/disabled/children• Important to have good transportation links, easily accessible, safe pedestrian access, good pedestrian crossing from bus station	<p>These grounds are already referred to in the committee report.</p> <p>Bus route 74 brings park hall residents into the town centre bus station. There is a pedestrian crossing between the bus station and the application site, plus a further pedestrian crossing at the corner of Hatherton Street and Hatherton Road. It is noted that the Broadway North site is not serviced by any public transport links, which would require patients and staff to rely on the car, which has potential negative environmental impacts as it would be considered an unsustainable location.</p> <p>Disabled parking bays would comply with the requirements of the highways requirements</p> <p>Car park management plan required by highways to ensure the car park is managed for future patients.</p>
Condition 15 to be amended to require the provision of a car park management	To enable the developers to consider a range of alternative options which are as effective as those initially proposed.

<p>plan in writing for approval by the Local Planning Authority.</p> <p>Additional condition regarding opening times of the medical centre between 8am to 8pm Mondays to Sundays</p>	<p>This allows flexibility for future patient care whilst being acceptable in planning terms for a town centre</p>
	<p>Recommendation: Planning Committee resolve to delegate to the Head of Planning, Engineering & Transportation to grant planning permission subject amended conditions and subject to</p> <ul style="list-style-type: none"> (i) resolving the Environment Agency objection (including by way of safeguarding conditions or addition to the legal agreements, as required); (ii) the completion of a Section 111 legal agreement and a Section 106 planning obligation to: <ul style="list-style-type: none"> a) confirm certainty of funding to address the requirement that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred, b) confirm that the planning permission is satisfactory to the developer c) secure demolition and ground investigations, to submit and agree a full remediation strategy and to carry out the agreed remediation and construct a development platform d) to secure a full travel plan to cover 5 years from first occupation with an annual review e) to treat and remove Japanese knotweed.
<p>Item Number:2 Site Address: Willenhall Lane Industrial Estate, Willenhall Lane</p>	
Supplemental Information	Officer Comments
<p>The Canal and Rivers Trust have no objection subject to planning conditions relating to:</p>	<p>Noted. These conditions will be included within the planning conditions list.</p>

<ul style="list-style-type: none"> - slope stability assessment and construction methodology - drainage details - contamination - landscaping - lighting - construction and environmental management plan <p>Pollution Control have no objection subject to planning conditions relating to air quality, contaminated land, asbestos, lighting and hours of work.</p> <p>The Wildlife Trust advise the Ecological Survey and Impact Assessment report undertaken by Clarkson and Woods Ecological Consultants (November 2018) is sufficient.</p> <p>Some amendments to the wording of the planning conditions to ensure enforceability.</p> <p>Coal Authority have no objections to the rewording of the coal authority conditions.</p>	<p>Noted. These conditions will be included within the planning conditions list, apart from the hours of work condition, which are covered under Environmental Health legislation.</p> <p>Noted.</p> <p>Noted these will be amended as part of the delegation sought as set out in the officers report.</p> <p>Noted</p>
	<p>Amended Recommendation: Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and section 106 agreement to secure a travel plan and landscape management plan and subject to:</p> <p>i. The amendment and finalising of conditions</p> <p>ii. No further comments from a statutory consultee raising material planning considerations not previously addresses.</p>
<p>Item Number: 3 Site Address: Site of former 37 and 38 Bradford Street, Walsall</p>	
<p>Supplemental Information</p>	<p>Officer Comments</p>

<p>Due to technical software issues the system brought through the 21/2/19 status. The 21/3/19 planning committee report status is as follows; The 21st February, 2019 planning committee deferred determination of this application in order for the applicant to clarify details in respect of:</p> <ul style="list-style-type: none"> (i) waste management and the location of waste collection point (ii) disabled access arrangements (iii) parking requirements <p>The applicant has provided further amended plans: front elevation and ground floor plan to indicate a bin collection point within the boundary of the application site located at the front of the building. The area is to be gated with metal railings as proposed around the frontage of the development, which reflects similar boundaries along Bradford Street which previously formed part of the grant aided Bradford Street HERS programme.</p> <p>The applicant has confirmed the bins will be taken from the internal bin store, via the side alley and placed in the front bin collection point (<i>not on the public highway</i>) on the bin collection day by the applicant's management company. They will be returned to the internal bin store after collection. This removes any bin storage on the adopted highway for the collection day.</p> <p>Waste management have now confirmed the flats would require 3 x 660litre euro bins for domestic waste (each 1200mm X 700mm) and 3 x 1100 litre euro bins (each 1270mm X 1000mm) and 1 x 660litre euro bins (1200mm X 700mm) for recycling</p> <p>Regarding planning committees concerns about disabled access, the proposed plans indicate a Part M compliant entrance at the rear of the building to accommodate wheelchair users.</p>	<p>Noted</p> <p>It is considered, that in planning terms this overcomes the highway authority concern for leaving bins on the footway during the collection day. Condition 10 of the report includes the bin management plan.</p> <p>Based on waste managements requirements, the bins will fit within the bin collection point on the frontage for the day of collection.</p> <p>The construction of the building would need to meet Part M of the Building Regulations</p>
---	--

<p>The applicant has investigated the use of parking permits via the Council and nearby private parking providers. Their preference would be to use Council operated parking options in the first instance and awaiting a response from the Councils Group Manager (road Traffic Network).</p> <p>The applicant has now confirmed that in view of this highly sustainable town centre location they are unable to provide any off site parking for the scheme. They have requested planning committee determine the application before them on the basis that no parking is provided. The applicant continues, planning committee should only consider refusing the application if they can evidence impacts on highway safety or the cumulative impact on the road network would be severe.</p>	<p>Noted. As previously explained to committee, this is a town centre location, with a public car park to the rear of the application site, that is free to park between the hours of 6:00pm and 7:30am. There are other car parks, including Asda's in the vicinity, that could be used by prospective residents during the day, there is some limited on street parking available, there's a bus interchange 200metres away in Bradford Street, main bus station 400metres away and the railway station 500 metres away from the application site.</p>
<p>Planning conditions 2, 3, 7, 8, 10 and 11 require minor amendments for clarity and enforceability.</p>	<p>Noted</p>
	<p>Recommendation: Planning Committee resolve to delegate to the Head of Planning, Engineering and Transportation to approve subject to amended conditions.</p>
<p>Item Number: 4 Site Address: 11 Portland Road, Aldridge, Walsall, WS9 8NS</p>	
<p>Supplemental Information</p>	<p>Officer Comments</p>
<p>A statement of use has been provided by the applicant. The first page is in relation to the existing building. The three points raised relate to the proposed building and provides opening hours which differ to the application forms which state that they are not known. The proposed opening hours are Monday and Tuesday 8am to 6pm, Wednesday and Thursday 3pm to 6pm and closed Friday and Sunday. (no mention of Saturday)</p> <p>A noise report has also been submitted which provides the following application information which differs to the application submission.</p>	<p>It should also be noted that the Google maps, Facebook and web page entries for the current business state different opening hours as follows:</p> <p>Website & Facebook - Monday to Friday 8am to 8pm Google Maps - Monday to Friday 8am to 8pm Saturday 8am to 1pm</p> <p>Limitations of the report: Car noise levels only consider the noise from cars driving not opening and shutting doors and car radios.</p>

Application Detail	Noise Report	
3 Full time staff and no part time	The site will accommodate up to 5 members of staff	<p>The report takes account of an existing car park in the rear being in use and identifies this parking area as an existing noise source. This element of the scheme is unauthorised and requires planning permission and is part of the scheme being considered. A rear 3 space car park has been approved for private parking but not in connection with the Chiropractic practice which has just 2 public spaces approved to the front.</p> <p>The conclusion of the noise report is that noise from the new clinic would not be excessive with the greatest noise coming from the associated car park.</p>
Suggests no increase in patients. Previous approval for just two rooms.	4 clients per hour can be treated with up to 8 on site at any one time.	
Not known on original form, but clarified to be: 8am to 6.30pm Monday, Wednesday and Thursday. Tuesday 1pm to 6.30pm. 10 to 3pm Friday and closed on Saturday and Sunday.	The application building opening hours are to be 8am to 6pm Monday, Tuesday, Thursday and 3pm to 6pm Wednesday. Clinic to be closed Friday and Sunday	
<p>Since the submission of the above documents the case officer has re visited the site. The main building is considered to provide no residential accommodation and is entirely used for the chiropractic practice. Contrary to the report there is drainage the length of the unauthorised hard surfacing.</p> <p>Refusal Reason 1 to include a full stop after <i>test</i>.</p> <p>Refusal Reason 2 to be amended to:</p> <p>The provision of a large exercise room with a reception area providing 6 seats for visitors, a desk with 2 seats for staff, examination room, x-ray room, and the provision of a large car park to the rear in close proximity to the neighbouring gardens at numbers 9 and 11 would significantly increase the comings and goings causing noise and disturbance</p>		<p>Noted</p>

<p>and out of character with the predominantly residential area characterized by private houses with private rear gardens, in particular the use of the car park would result in noise and disturbance including car doors slamming, car radios, people talking, car lights and pollution etc resulting in loss of amenity to these neighbouring occupiers which would cause significant loss of amenity to residents contrary to the NPPF paragraph 127, policies CSP4 and ENV3 of the BCCS and saved policies GP2, ENV32, and ENV10 of the UDP and Policy DW3 of Designing Walsall SPD</p> <p>Refusal reason 3, after <i>residential setting</i> replace <i>and</i> to include the following text <i>The introduction of a commercial use is out of keeping with the established</i></p>	
	<p>Recommendation: Refuse in accordance with above amendments.</p>
<p>Item Number: 5 Site Address: Three Crowns PH</p>	
Supplemental Information	Officer Comments
<p>In the second reason for refusal the word 'not' needs to be removed from the first sentence.</p> <p>Valerie Vaz MP objects to the application on the following grounds:</p> <ul style="list-style-type: none"> • Applicant makes no reference to any very special circumstances which outweigh the harm to the Green Belt • The development would encroach onto the Three Crowns Pasture SINC. • Demolition of the Inn would be a change to the character of the area. • Proposal does not meet the criteria laid out in policy EN5 of the SAD regarding development in Conservation Areas. • The Three Crowns Pasture is a SINC, local authorities must take account of biodiversity in their service delivery. • Removal of hedgerows would be 	<p>Noted.</p>

<p>inappropriate changes to the landscape as the arboricultural report list the hedge on the east boundary as species rich.</p> <p>One further letter of objection has been received on the grounds already referred to in the report.</p> <p>One further letter offering support to the application subject to:</p> <ul style="list-style-type: none"> • Not encroaching into the SINC. • Protecting the SINC with very strong planning conditions. • Remove plot 1. <p>The Civic Society maintain an objection to the application on the following grounds:</p> <ul style="list-style-type: none"> • Unacceptable that neglectful ownership of a historic property can be rewarded in this way. • Would set an unhelpful and dangerous precedent. • Do not see reason for the committee to support the demolition of the building. • No reason why could not incorporate retention and conversion of the building. <p>The Council's consultant Ecologist responded this afternoon confirming the <i>'2019 Long term Maintenance Requirements for the Three Crowns Pasture'</i> which is the management plan that has been put forward and does not satisfy the requirements of Conserving Walsall's Natural Environment SPD policy NE3 as it omits the following information:</p> <ul style="list-style-type: none"> • A description of the features to be managed –it is not clear how much of the SINC will be subject to action under the management plan. • The aims and objectives of management – a clear objective is required against which the outcomes of management can be measured. Clear threshold levels should be identified, at which any further 	<p>Noted. These points are addressed in the report</p> <p>Noted.</p> <p>Noted.</p> <p>Noted. In regard to precedent each planning application is considered on its individual merits.</p> <p>Noted. This is reflected in the committee report</p>
--	---

<p>remedial action would be triggered, to ensure the objectives of management are met.</p> <ul style="list-style-type: none"> • A five-year detailed work plan – a detailed plan indicating when restoration / ongoing management / monitoring is proposed and the mechanisms by which this will be undertaken is required. • A start date for management to commence. • The organisations and personnel responsible for implementing the plan – it is not clear who will be responsible for implementing the management plan. • The success criteria and monitoring measures – there is no mention of ongoing monitoring to ensure the proposed management is having the desired effect. <p>Limited information is provided with regard to the management proposed. The report indicates that the preferred option for management of the SINC would be grazing by horses. However, it does not provide any detail regarding the grazing regime. Both over-grazing and under-grazing could have a negative impact on the condition of the SINC and its floral diversity and a grazing regime should be considered prior to management.</p> <p>Confirmation as to the hedgerows that will be covered by the Habitat Management Plans is required as it is considered the hedgerow along the northern boundary (that associated with the rear gardens) of the development may be managed by homeowners.</p> <p>It is recommended that the details of the refurbishment of the stables be discussed with an ecologist and that their potential to support roosting bats is established prior to works.</p>	<p>and the reasons for refusal.</p> <p>As detailed within section 5.34 of the Conserving Walsall's Natural Environment SPD and with consideration to any protected or notable species that may be using the habitat currently present. The following information should be included within the plan:</p> <ul style="list-style-type: none"> • The personnel responsible for implementing the plan. • A figure indicating the extent of the SINC which will be managed / monitored / enhanced. • A timetable for the management work to include details of what management is proposed across the five-year period and when this will be undertaken. This should also include details of how and when the SINC will be monitored and the targets which it will be monitored against. • Details of remedial action and when these will be triggered, should the management regime not have the desired effect on the SINC. If remedial action involve reseeding, details of the seed mix proposed, and the timings / methods of sewing should be included within the plan. • Details of which hedgerows will be managed and how / when this will be undertaken. • A grazing regime to include the type of livestock, the stock levels, when they will be used to graze the site (in terms of months) and for what length of time they will remain on the site when grazing. • Information relating to which months the site will be managed by cutting if a grazier is unavailable. • Provisions to safeguard trees / hedgerows to be retained. • Location, type and number of bat boxes proposed to provide net gains for biodiversity. <p>This will now need to be shared with the applicant for them to carry out due diligence</p>
---	---

The applicants agent has this afternoon confirmed a qualified ecologist is currently preparing an up to date report on this with full details to enable it to be used as part of a Section 106 which the applicant would agree to.

The agent continues, their ecologist has confirmed, the new report will include much of the detail that was included in the 2010 report, which became part of the approved documents included with the previously approved application 11/0675/FL but it would need to be updated to make reference to the current condition of the SINC land which has deteriorated significantly since 2010.

The agent explains that currently the SINC land has no protection and if the application is not approved that land could continue to deteriorate and then be lost. The granting of planning consent would allow the saving of that SINC land and allow for its long term protection and maintenance which we believe is a significant very special circumstance and gain to the Green Belt and the local area.

The agent explains that Three Crowns public house closed over 12 years ago. Conversion to meet current building regulations would be unviable.

The previously consented application on exactly the same application site was a slightly larger scheme than the current application proposes in terms of both area and volume and we see no reason why this smaller scheme could not be supported and consent be granted.

A separate planning application has been submitted seeking permission for a separate field access from the Sutton Road some 75m from the existing eastern vehicle access to the public house. It is explained this would be to provide a safe private access to the Three Crowns Pasture to enable to SINC to be successfully maintained into the

At the current time the Three Crowns Pasture SINC is considered deficient in information and does not provide sufficient detail regarding the management regime to determine whether it would be effective in restoring and maintaining the floral diversity for which the SINC is designated. Refusal reason three remains. Once the applicant submits the new management plan, the Council will need to consult on this and the Council's Ecologist will need to assess it.

As explained in the report this does not amount to very special circumstances.

As explained in the report this does not amount to very special circumstances.

As explained in the report the very special circumstances committee gave for the previous planning approval was on the grounds of bringing back into use both an iconic building and redundant land. The current proposal does not amount to very special circumstances.

This application will need to be considered on its merits and will be subject to full consultation. Given the applicants reason for applying for this access, it would need to be bound to the current housing application via a Section 106 should the application be approved.

future.	
	Recommendation: Planning Committee resolve to delegate to the Head of Planning, Engineering and Transportation to refuse planning permission providing no new material planning considerations are raised pending conclusion of current consultation period and ownership notice period.
Item Number: 6 Site Address: 19 Cameron Road	
Supplemental Information	Officer Comments
Due to technical software issues the application description for the planning committee report failed to update to the following description with an amended roof height; <i>"Two storey side and rear extension, replacement roof raised by 0.23 metres including the addition of rear dormers, plus two storey front gable addition, single storey rear extension and garden structure."</i>	Noted
A further letter of objection has been received confirming their earlier comments still stand on grounds already referred to in the committee report.	Noted
A third party, Mr Arif has asked that the committee report is clear on the 45 degree angle.	Noted. The report is considered to be clear explaining the relationship to neighbours and the 45 degree code.
	Recommendation: Refuse as set out in the report
Item Number: Site Address: 166 Clarkes Lane	
Supplemental Information	Officer Comments
Planning condition 2 needs a minor amendment for clarity and enforceability.	Noted
	Recommendation: Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant

	Planning Permission Subject to Conditions and subject to no new material considerations being received within the consultation period and subject to the amendment to condition 2.
Item Number: 8	Site Address: 35 West Bromwich Street
Supplemental Information	Officer Comments
Planning conditions 2, 3,4 and 7 need minor amendments for clarity and enforceability.	Noted
	Recommendation: Grant subject to amended conditions