



## Planning Committee

Date: 10/12/2020

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 Number: 6

#### Site Address: 169 Lowe Avenue

Supplemental Information:	Officer Comments:
Residents/Councillor Bott report a trench is being dug on site	Noted. The report remains as recommended as the trench appears to be related to the unauthorised extension that has been built.
Typographical error for paragraph 13.11	Paragraph 13.11 should read; The unauthorised two storey side extension is considered an overbearing addition to the existing dwelling, unacceptably impacts on the character of the area, by way of an 87.47% footprint increase, which is a disproportionate addition to the original dwelling at a prominent corner location, being obtrusive, harming the visual amenities of the street scene, which is contrary to policies ENV32 and GP2 of Walsall Council's Unitary Development Plan.
Typographical error for paragraph 13.12	Paragraph 13.12 should read; Therefore, enforcement action to demolish the side extension and remove all waste materials arising from the site to an approved

	site licenced to accept such materials is considered expedient as it is sufficiently harmful. The action is reasonable and commensurate with the breach, cost effective and in accordance with planning policies.
<p>Valerie Vaz MP has provided a letter in support of the local residents and supports the recommendation to pursue enforcement action for the following reasons;</p> <p>1.The unlawful development was undertaken without planning permission and has been ongoing for several months</p> <p>2. The applicant has continued to undertake the work without planning permission in breach of planning law</p> <p>3. The application was refused by Walsall council in September however the applicant has continued to carry out further work to the property.</p> <p>4. the development is clearly overbearing and disproportionate as well as unacceptable for the character of the area.</p> <p>5. Given the council's decision to refuse permission and the owners continued development in defiance of this decision, the proper and legitimate expectation of neighbours and the local community is that the planning committee now authorises the commencement of enforcement action to remedy the breach of</p>	<p>Noted</p> <p>Noted</p> <p>Hence this committee report seeking authority to pursue enforcement action</p> <p>Noted</p> <p>Noted</p>

<p>planning control and uphold the rule of law.</p> <p>6. Demolition is the correct remedy; the owner has a history of showing complete disregard for the welfare of others and the legal process which is entirely consistent with his behaviour in this case. In 2016 Bristol City council took proceedings against him following continual complaints from tenants regarding leaks, floods and drainage issues in properties managed by his previous company ... and... found guilty of letting properties in substandard condition and ordered to pay ..costs ... in his absence as he failed to attend the court hearing.</p> <p>7. On Thursday 3<sup>rd</sup> December 2020 residents notified me of a recently dug trench at 169 Lowe Avenue which appear to be sewage pipes and may constitute further breach of planning regulations.</p>	<p>Noted</p> <p>Residents have shared the pictures with the Local Planning Authority, as they appear to be related to the unauthorised extension will be covered by any enforcement work authorised by planning committee. Recommendation has been updated.</p>
<p>Further correspondence from the MP on behalf of her constituents, including photographs of what appears to garden land being cleared, with earth being dragged out on to the public highway</p> <p>The land owner advises that the works carried out to the front garden have been to remove overgrown bushes in excess of 10 feet and levelling a garden which once had a pond that had been filled in with waste including a fridge. This has been removed and the land levelled. When asked if he was intending to create hardstanding</p>	<p>The works appear to be related to the unauthorised extension and will be covered by any enforcement work authorised by planning committee. Recommendation has been updated</p> <p>The soil and debris dragged on to the public highway is being reported to community protection (highways enforcement) to investigate</p> <p>Noted</p>

he advised Intentions for the front of the property are undecided but he is considering artificial grass.	
<b>Recommendation:</b> Remains as set out in paragraph 3.2 of the report; Demolish the side extension, plus any related ground works, boundary changes and remove all waste materials arising from the site to an approved site licenced to accept such materials	

Item Number: 1	
Site Address: Former allotments rear of 1 to 9 Cricket Close	
Supplemental Information:	Officer Comments:
<p>Typographical error page 69 first paragraph. Affordable housing on site is 25% not 48%</p> <p>Applicant has asked for clarity regarding paragraphs 3, 4 and 5 of page 69</p>	<p>Noted.</p> <p>For clarity, the applicant submitted a viability assessment that has been independently assessed, confirming that the proposed development is viable and can deliver planning policy compliant contributions for 25% social rent affordable housing, urban open space contributions. Whilst the applicant recognises this position, they would prefer the 25% affordable housing to have a shared ownership tenure.</p> <p>The council's independent assessor also considered this housing tenure and confirmed, if 25% shared ownership is agreed, the development is viable and can pay an off-site contribution of £300k towards affordable housing.</p> <p>As an alternative to this, the applicant has asked for 25% of the development to be shared ownership tenure and to provide an off-site payment of £100k towards affordable housing, as the council's assessor, in following government advice has not been able to consider land costs in this instance, given the applicant has owned the land for several years. The applicant states, their offer is made, confirming that the development is more likely to be built out rather than the policy compliant options.</p>

	<p>Hence planning committee need to confirm for the Section 106, one of the following options.. either:</p> <ul style="list-style-type: none"> <li>a. Policy compliant contributions</li> <li>b. 25% shared ownership affordable housing and £300k off-site contribution towards affordable housing</li> <li>c. The developers offer of 25% shared ownership affordable housing and £100k off-site contribution towards affordable housing</li> </ul>
<p>Councillor Sohal has objected to the planning application for the following reasons; Cricket Close not suitable for additional traffic, small street not cope with additional traffic turning right onto Birmingham Road, access should be via Broadway.</p> <p>Councillor confirms he is not objecting to the development just the access.</p>	<p>Noted. These matters are covered in the report.</p>
<p>Councillor Martin has objected to the planning application for the following reasons although confirmed not objecting to building new homes on the former allotment site;</p> <p>traffic/transport impact on this small close,</p> <p>Cricket Close unsuitable for any increase in traffic generated from 29 properties, safest entrance would be from Broadway which has less traffic and has no bends like Cricket Close and can absorb more traffic than Birmingham Road,</p> <p>I refer to Mr Woods (independent highway transportation report) and committee should consider his findings,</p>	<p>Noted</p> <p>The access via Cricket Close from the proposal serves 27 houses and two houses are accessed via Broadway</p> <p>Mr Woods comments were based on the original application for more houses, not the current proposal before planning committee</p>

<p>Cricket Close is narrow with bends and would be unacceptable to residents who already have parking problems,</p> <p>I believe the level of traffic will be unsafe and breach highway safety,</p> <p>Report states only 14 cars from 29 properties,</p> <p>Find this hard to believe, this tiny close will be hard pressed to accommodate that number,</p> <p>Exit from Cricket Close to A34 extremely problematic for residents at peak times,</p> <p>Fail to see how a ghost island will improve traffic flow off all junctions-in close proximity to Ravensdale/Metro Inn and Lake Avenue all directly onto Broadway Island which sees lots of accidents</p> <p>Urge committee to consider Broadway entrance to site,</p> <p>Also point out at some stage another application to build properties on Tennis Court land... possibility of more traffic</p>	<p>The Local Highway Authority confirms that 27 dwellings using TRICS database, predicts the development will generate 15 additional two-way trips in the am peak traffic period and 14 in the pm period.</p> <p>Noted</p> <p>The ghost island is not part of the current planning application. Ravensdale, Metro Inn and Lake Avenue have their own access points to Birmingham Road and are not part of the planning application before planning committee.</p> <p>The proposal does not propose an access on to Broadway island</p> <p>Planning committee is required to determine the planning application before them</p> <p>If the tennis courts come forward for redevelopment, traffic will be considered at the time of that planning application</p>
<p>Occupier of 11 Cricket Close has commented further on the following;</p> <p>Private drive at no. 11 is only 1.9 metres in length between garage door and proposed back of footway and not long enough to</p>	<p>This has been covered in the committee report</p>

<p>park a car. Proposed two parking spaces would be on the public highway, open to abuse, not secure, not convenient and would not provide any private parking whatsoever. Land should be dedicated to the owner of no. 11. They have CCTV at the front and they object to parking outside of their visibility and natural surveillance for this area is considered unacceptable.</p> <p>Detrimental impacts on the safe and free flow of pedestrian and vehicular traffic and visibility at the proposed nearby road junction.</p> <p>Shortages of car parking spaces on the proposed development</p> <p>No one from WHG or the developers spoke to them about the two parking spaces proposed for no. 11. They became aware when they were notified of the planning application</p>	<p>Please refer to Local Highway Authority comments below</p> <p>Please refer to Local Highway Authority comments below</p> <p>Not a material planning consideration</p>
<p>Transportation Comments received.</p> <p>On the basis that West Midlands Fire Service are in agreement that an appropriately positioned fire hydrant overcomes the necessity for an emergency access link to the development, the Highway Authority supports the development subject to the inclusion of planning conditions</p>	<p>Noted. Highway conditions (meeting the 6 tests) and informative notes can be included in respect of adoptable highway works, infrastructure works, installation and consolidation of parking and manoeuvring areas, construction methodology statement and measures and incentives to promote non-car borne transport modes.</p>

<p>UDP T13 Parking requirement is 71 spaces as proposed. This equates to over 240% provision with some of the larger 5 bedroom dwellings having 3 or more parking spaces.</p>	<p>Noted. This accords the development plan policy.</p>
<p>2 spaces are provided for existing dwelling 11 Cricket Close within the access road to the side as a result of the present frontage parking being lost due to the extension of Cricket Close under the development.</p>	<p>Noted.</p>
<p>Anecdotally, according to 2011 Census data, only 13% of households in this part of Paddock Ward have 3 cars or more and only 9% across the whole Paddock Ward.</p>	<p>Noted.</p>
<p>A Transport Statement has been submitted to support the application. In terms of predicted vehicle trip generation based upon 27 dwellings using TRICS database, it is predicted that the development will generate 15 additional two-way trips in the am peak traffic period and 14 in the pm period.</p>	<p>Noted</p>
<p>This equates to 1 additional trip every 4 minutes on the local highway network in the peak traffic periods, with around a 50% split between east and westbound trips.</p>	<p>Noted</p>
<p>The Cricket Close/Birmingham Road junction has been tested with the predicted additional traffic would operate within capacity.</p>	<p>Noted</p>



<p>Subject to the Fire Service caveat, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.</p> <p>Pollution Control comments received.</p> <p>The results of additional investigation work in respect of contaminated land and ground gas. The inclusion of full standard contaminated land investigation conditions to be included within any permission.</p> <p>A planning condition is recommended based on the applicant's acoustic report submitted. The applicant may wish to speak to their consultant to establish whether the same specifications will be required for properties that are further away from the main noise source (Broadway). A planning condition in respect of acoustic measures is recommended if permission is granted.</p> <p>No major concerns about air quality in this locality. Planning conditions 17 and 19 in the committee report address the Air Quality SPD requirements. Air Quality SPD notes have not been included in the committee report.</p>	<p>Noted</p> <p>Noted. A contaminated land investigation condition (meeting the 6 tests) can be included within any permission.</p> <p>Noted. A planning condition (meeting the 6 tests) regarding acoustic measures can be included within any permission.</p> <p>Pollution Control have no major concerns about air quality in this locality. Planning conditions 17 and 19 in the committee report address the Air Quality SPD requirements. Air Quality SPD notes have not been included in the committee report; however, this can be addressed later.</p> <p>Noted. The Air Quality SPD notes can be included with any permission</p>
<p><b>Recommendation:</b> Planning Committee resolve to Delegate to the Head of Planning &amp; Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open</p>	

space contribution, 25% affordable housing and landscape management company to manage landscaping subject to:

- Securing comments from the Council's Arboriculturist,
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Finalising the District Valuer's advice;
- Planning committee to confirm which of the 25% Affordable Housing option for the Section 106 (either a, b or c as set out above)

## Item Number: 2

**Site Address: West Midlands Constabulary, Darlaston Police Station, Crescent Road, Darlaston, Walsall**

Supplemental Information:	Officer Comments:
The application site is within a High Risk Coal Area. Coal Authority confirm no objections subject to safeguarding conditions	Conditions that meet the 6 tests can be imposed in accordance with the coal authority's commentary

**Recommendation:** Planning Committee resolve to delegate to Head of Planning & Building Control to grant planning permission subject to conditions and a s106 to secure open space contributions and subject to ...

- a. No new material considerations being received within the consultation period;
- b. The amendment and finalising of conditions;
- c. Receipt of amended plans to retain the existing front pedestrian accesses into the original building to serve two flats.

## Item Number: 3

**Site Address: 1-7 Heath View, Wilkes Avenue, Bentley, Walsall**

Supplemental Information:	Officer Comments:
Typographical error page 115 first paragraph S106 obligation requirements, it refers to Victoria	Noted.

<p>Park open space 200 metres away, it should read Wilkes Avenue open space 12 metres away</p> <p>Local highway Authority want further details of the position of the speed humps and details of what is proposed</p> <p>The application site is within a High Risk Coal Area. Coal Authority comments have not been received</p>	<p>Noted</p> <p>Noted.</p>
<p><b>Recommendation:</b> Planning Committee resolve to delegate to Head of Planning &amp; Building Control to grant planning permission subject to conditions and Section 106 to secure and urban open space contribution and subject to;</p> <ul style="list-style-type: none"> <li>a. No new material considerations being received within the consultation period;</li> <li>b. No new material considerations received from the Coal Authority,</li> <li>c. Further details of the speed hump positions and design</li> <li>d. The amendment and finalising of conditions.</li> </ul>	

## Item Number: 5

### Site Address: Christ Church School, Harden Road, Bloxwich

Supplemental Information:	Officer Comments:
Technical supporting information received on 27 <sup>th</sup> November is supported by Pollution Control and does not require public re-consultation.	Recommendation updated.
Typographical errors	There are a number of typing errors within the report, however they do not materially impact on its substance or the recommendation
Pollution Control request a that a condition be included to require an electrical vehicle charging point	A condition (meeting the 6 tests) should be included to require the provision of a charging point. This would be in line with the Air Quality SPD.
Last condition in report to be numbered No.16.	Noted.

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

## Item Number: 6

### Site Address: 252 Chester Road

Supplemental Information:	Officer Comments:
<p>Two letters have been received from the applicant.</p> <p>The first letter is dated 24<sup>th</sup> October 2019. The content of letter is summarised as follows:</p> <ul style="list-style-type: none"><li>• Reason for submission of the application include:</li><li>• local area has changed over several years</li><li>• Reduction in plot sizes in keeping with other plots in area</li><li>• Proposal would provide a more manageable home for applicant and family</li><li>• Co-operation from applicant and agent with suggested amendments to the scheme</li><li>• An extension of time was agreed but decision was not issued within this time frame</li><li>• Subsequent lack of communication from the department until new case officer appointed</li><li>• Disappointment with case officers' suggestions for amendments</li></ul>	<p>Noted.</p> <p>An appeal has been made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission. The letter forms part of the supporting documents from the applicant to be considered by the Planning Inspectorate.</p> <p>Not sufficient to overcome the harm the development would bring</p> <p>This is a personal benefit and not a reason to justify the harm the development would bring</p> <p>The LPA has suggested a number of amendments that have not been accepted</p> <p>Noted</p> <p>Noted</p> <p>The LPA suggested changes to the proposal in line with the development plan</p>

<ul style="list-style-type: none"> <li>• Suggestions put forward by agent in response to officers' suggestions not responded to by department</li> </ul> <p>The second letter is dated 25<sup>th</sup> February 2020. The content of the letter is summarised as follows:</p> <ul style="list-style-type: none"> <li>• Pre -application advise was sought on an amended scheme following advice from the department.</li> <li>• Failure of department to provide a response to pre -application enquiry and acknowledge follow up emails.</li> <li>• Advise given from applicant's lawyer with regards to making a formal complaint include submitting a revised planning application and using the letter dated 25<sup>th</sup> February 2020 in an appeal for non-determination if application is not processed within the determination period.</li> </ul>	<p>They did not address the concerns set out previously</p> <p>An appeal has been made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission. The letter forms part of the supporting documents from the applicant to be considered by the Planning Inspectorate.</p> <p>The pre-application enquiry did not address the previous concerns and impacts to the locality raised with the applicant</p> <p>Noted. As above</p> <p>Noted. The applicant has submitted a non-determination appeal. The Council is unable to determine the current planning application it is a matter for the Planning Inspectorate. This report is to confirm the council's position in accordance with the development plan. Formal complaint is separate to the planning application/appeal process.</p>
<b>Recommendation: Refuse</b>	

## Item Number: 7

### Site Address: Land adj 16 Bentley Lane

#### Supplemental Information:

Legal services have made comments regarding planning conditions.

#### Officer Comments:

Noted.

<b>Recommendation: Planning Committee resolve to Delegate to the Head of Planning &amp; Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalisation of planning conditions</b>	

<b>Item Number: 9</b>	
<b>Site Address: 44 Mellish Road</b>	
<b>Supplemental Information:</b>	<b>Officer Comments:</b>
Page 168 to be updated to clarify the proposal which would result in a 0.1m higher ridge height of the previously approved rear gable nearest No.40 Mellish Road but with a shallower pitch and set-in of 0.9m from the main roof.	To note. No change to recommendation.
Condition 2 to be amended to include the original bat survey.	Recommendation updated
Amendments to the wording of planning condition No.6 to ensure it meets the 6 tests.	Recommendation updated
A neighbour raised concerns that the case officer shares the same last name as the applicant and might be a relation.  A neighbour raised concerns over loss of privacy and light and devaluation of properties.	The case officer is not related to the applicant. The reason for reporting to Planning Committee is clearly set out in the report.  Impacts on amenity have been considered in the report. Property value is not a material planning consideration. No further change to the recommendation.
<b>Recommendation:</b> Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.	

**Item Number: 8****Site Address: 15D Emery Street, Walsall**

<b>Supplemental Information:</b>	<b>Officer Comments:</b>
A third objection letter (7/12/2020) received from the neighbour in respect of the loss of light, loss of ventilation as their sole bedroom window has been covered by a metal panel. A photograph of the covered window has been provided supporting their comment.	These matters are addressed in the report. No change to recommendation.
<b>Recommendation: Refuse</b>	