



Walsall Council

Development Management

PLANNING COMMITTEE

Report to the Head of Planning and Building Control

07 October 2021

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 Allotments at Cricket Close	
Supplemental Information	Officer Comments
Applicant correspondence questions the validity of the second deferral by Planning Committee on 4 th February 2021 which sought to consider land falling outside of the application site boundary which they consider should not be a material planning consideration in the determination of this planning	To note. Planning Committee is entitled to form a different view to that of its professional officers and to differ from the recommendations set out in the officer's report. The committee's decision to defer was to enable officers and the applicant to explore alternative proposals. Probity In Planning for Councillors and Officers, prepared jointly by the Local

Page 1 of 13

<p>application and explains that all reasonable and justified options have been explored and set out to Members.</p>	<p>Government Association and the Planning Advisory Service states, "Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations." In accordance with this guidance, if planning committee makes a decision contrary to the officers' recommendation a detailed minute of the committee's planning reasons is made, explaining the reasons for not agreeing with the officer's recommendation.</p> <p>Members of Committee were informed the last time that this matter came before committee that if the matter were refused or deferred the applicant may decide to appeal and in officers' views such an appeal may be successful and that should the applicant make an application for costs, that also may be successful. Nonetheless, the committee considered it important that there be an opportunity for alternative proposals to be submitted by the applicant.</p>
<p>Applicant has provided an updated offer via Unilateral Undertaking forming part of their appeal submission:</p> <ul style="list-style-type: none"> • £93,799 off-site open space contribution (same as previous) and payable up-front. • 25% shared ownership housing on site (same number of units as previous - 7 units) but based on new Government model. • Reduced off-site affordable housing offer from £266,362 to £195,819 payable only in the event of an independent valuer finding the site to be viable within 6 weeks of request for a valuer's report. 	<p>Council's Strategic Housing Team re-confirms that a policy compliant level of affordable housing for this site would be 25% social rent on-site.</p> <p>Whilst noting the provided justification and change in circumstances, in the absence of obtaining an independent financial appraisal of this revised offer, Officers are unable to confirm whether this reflects the overall viability of the proposed development.</p>

<p>Applicant's justification for this revised offer is:</p> <ul style="list-style-type: none"> • New model of shared ownership properties have a lower valuation (occupiers can now buy share at 10% instead of previous 25% and new 10 year maintenance requirement on landlord). • Higher material and labour costs. • Incurred additional holding costs because of the delays in processing the planning application. • Additional costs and commercial risk need to be factored into the viability of the scheme which is based upon a blended profit level of 18.46% (across the market sale and affordable units) - within 15-20% profit level contained within the Government's viability guidance. <p>Applicant wishes to express that their appeal submission explains WHG are the 'parent' of Cricket Close LLP and any profits arising would be 'recycled' back to WHG to help deliver further affordable housing in future.</p>	<p>It was previously confirmed that the scheme could achieve a policy compliant level of 25% social rent tenure along with the urban open space contribution of £93,799, and viable whilst providing 25% shared ownership tenure along with an off-site commuted affordable housing sum of £266,362 and the urban open space contribution of £93,799 (although further review was suggested to consider delayed payment triggers to assist in delivery).</p> <p>Members are asked to confirm which Planning Obligations officers should pursue as part of the Council's appeal submission in the event the appeal is successful:</p> <ul style="list-style-type: none"> a. Policy compliant level of contributions / provision; OR b. The developers previous offer of 25% shared ownership affordable housing, £266,362 off-site contribution towards affordable housing and £93,799 towards open space; OR c. The developers current offer (as above but with a reduced off-site affordable housing sum subject to testing against future profit levels); OR d. Further independent review to be carried out to inform the final level of obligations. <p>Recommendation updated accordingly.</p>
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;</p> <ul style="list-style-type: none"> • Further independent review of Planning Obligations to inform final level of obligations (should Members choose this option) • To resolve tree issues raised by the Council's Arboriculturalist • The amendment and finalising of conditions • No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed 	

Plans list Item number: 2 Application site address: Unit 1, Former Magnet PLC, Rose Hill, Willenhall	
Supplemental Information	Officer Comments
Confirmed reason for being called in to Planning Committee by Councillor Coughlan - the development is intrusive on the area and a nuisance to neighbours.	To note. No change to officer recommendation.
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.	

Plans list Item number: 3 Application site address: Voujon Lounge, The Green, Darlaston	
Supplemental Information	Officer Comments
Typographical error at the start of paragraph 3 in the description of the Site and Surroundings "There is a bust stop..." which should read "There is a bus stop..."	To note. No change to officer recommendation.
Planning Policy Comments received confirming the additional submitted information is sufficient to demonstrate the proposal would meet a local need in-line with Saved UDP Policy S6.	Recommendation updated to omit the requirement to overcome the outstanding objection raised by the Planning Policy Team.
Recommendation: Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.	

Plans list Item number: 4 Application site address: 185 Sandwell Street, Walsall	
Supplemental Information	Officer Comments
Neighbour objection received after the case officer completed her committee report on grounds of too many HMOs in St Matthews, increased overcrowding, existing 5-bedroom HMO in Sandwell Street, parking and traffic issues in Sandwell Street	No new material planning matters raised which haven't already been considered and addressed in the report. No change to officer recommendation.

<p>and lack of parking on the application site, HMOs will increase noise, pollution and be disruptive.</p>	
<p>Consultation response from the Community Safety Team as follows:</p> <ul style="list-style-type: none"> • Consideration is to victims and reduction of victimisation. • The area suffers from a high turnover of residents who are minimally invested in their homes and the wider community. • It is in this context which HMOs tend to naturally fall due to the transient nature of tenancies. • Applicant does apply many methodologies to determine the status of potential tenants and that there is an ASB policy in place. • Would welcome the opportunity to work with the applicant in establishing and maintaining best practice for future HMOs. <p>These points were provided to the applicant and a subsequent additional supporting community and crime reduction statement has been submitted which the Community Safety Team confirmed no objection subject to evidence that they have managed a similar property in a built-up area successfully and without incident within the last 6 months.</p>	<p>To note. Whilst a request has been made for further information on the management of other HMOs, the LPA has a duty to determine an application based on the merits of that particular case. On balance, it is not considered reasonable to seek the requested information which is considered would not warrant a reason for refusal. The submitted supporting community and crime reduction statement would be added to the approved plans list condition should the application be approved.</p> <p>No change to officer recommendation.</p>
<p>Consultation response from the Local Highway Authority. Objects on the following grounds:</p> <ul style="list-style-type: none"> • The application has failed to satisfactorily demonstrate that the proposed level of parking provision is adequate to serve the needs of the development. 	<p>Saved UDP Policy T13 would usually require 3 parking spaces to serve the existing 6 bedroom dwelling however none are currently provided within the application site. On-street parking is therefore likely to be utilised at present. There is no specific policy level of parking required for a HMO but Saved UDP Policy H7 does seek to ensure the proposal does not impair the free flow of traffic or highway safety.</p>

<ul style="list-style-type: none"> • The southern-most rear parking space fails to provide adequate pedestrian or vehicular inter-visibility. • The proposed rear gates open outwards across the public highway contrary to highway safety. <p>The details of objection were provided to the applicant and further information and plans have been submitted to aim to address these concerns. The Highway Authority is now satisfied that the rear gates will not cause obstruction to the highway but maintains its objection on lack of parking and inter-visibility.</p> <p>An additional plan has been received today showing only one proposed parking space at rear for visitor parking and the applicant now advises that the HMO would be occupied by professionals.</p>	<p>The latest change to parking and likely intended occupiers is considered requires further consultation with the Local Highway Authority should Members be minded to approve this application.</p> <p>Recommendation updated accordingly.</p>
<p>Consultation response from the Housing Standards Team and the HMO, Supported Housing or Hostel Team objects on the following grounds:</p> <ul style="list-style-type: none"> • Access to bedroom 3, 4 and 5 on the ground floor is through the kitchen dinner, which is a high-risk room for fire. Although bedroom 5 does have a separate entrance, this would need to lead directly to a place of safety. • The set up for the kitchen dinner seems to be an open plan, which is not acceptable in an HMO. • Fire door would need to be fitted to either ends of the kitchen dinner so as to create a minimum of 30-minute 	<p>Points raised regarding internal arrangements and fire risk would fall under the separate remit of Building Regulations. In terms of comments made on an 'oversupply' of HMOs in Walsall, Walsall Council does not have a specific policy which limits the number of HMOs and no evidence has been submitted to demonstrate this to warrant a refusal.</p> <p>No change to the officer recommendation.</p>

<p>separation between the kitchen dinner and the fire escape route.</p> <ul style="list-style-type: none"> • We have an oversupply of supported HMO accommodation in the Walsall. <p>The applicant subsequently provided a supporting document which includes an ASB document to aim to mitigate these concerns.</p> <p>On receipt of the additional information, the Housing Standards Team objected on the following grounds:</p> <ul style="list-style-type: none"> • Primary means of fire escape in an HMO cannot be through a kitchen. Alter the layout. • The fire safety measures are standard rather than a specific remedy. • The room sizes clearly meet our minimum amenity standards. We however strongly advise that bedrooms are a minimum of 7sqm in such settings considering that they must contain wash hand basins within. • Oversupply of supported HMO accommodation in the Walsall area currently which is resulting in inward migration from a significant number of people with drug and alcohol problems. 	
<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"> - The amendment and finalising of conditions; - No further comments from a statutory consultee raising material planning considerations not previously addressed arising from the re-consultation on amended plans and information. - Resolving highways concerns regarding parking provision for the application site and demonstrate there is adequate parking to serve the needs of the development and adequate pedestrian or vehicular inter-visibility. 	

Plans list Item number: 6 Application site address: Abbey Primary School, Glastonbury Crescent, Walsall	
Supplemental Information	Officer Comments
<p>Consultation response received from Sport England as follows: Sport England are of the view that the proposal broadly meets exception E3 of our playing fields policy, in that:</p> <p>'The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> • reduce the size of any playing pitch; • result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); • reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; • result in the loss of other sporting provision or ancillary facilities on the site; or • prejudice the use of any remaining areas of playing field on the site.' <p>This being the case, Sport England does not wish to raise an objection to this application.</p> 	<p>Recommendation updated accordingly.</p>
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.</p>	

Plans list Item number: 8 Application site address: 17 Hawthorne Road, Walsall	
Supplemental Information	Officer Comments
<p>Error at the start of paragraph 2 of the considerations relating to 'Amenity of Neighbours and Amenity of Future Occupiers.</p> <p>Paragraph 2 states, "There are habitable room windows in the side elevation of the adjacent neighbouring property at no. 19 Hawthorne Road that would face the proposed extension."</p> <p>This should read, "There are no habitable room windows in the side elevation of the adjacent neighbouring property at no. 19 Hawthorne Road that would face the proposed extension."</p>	<p>To note. No change to officer recommendation.</p>
<p>The applicant has submitted an External Amenity Space Consideration Statement acknowledging the lack of private amenity space at the site and describing other activities that the children would be involved in such as full-time education, sports clubs/classes, weekend family visits, park trips, cinema trips, religious provisions etc. This statement also refers to the use of the rear amenity space for short times such as when a child wants some fresh air but does not wish to go for a walk with an adult. It also notes the large garden that is available at the front of the house which could be used for supervised activities.</p>	<p>It is acknowledged that there is a large garden at the front of the property but as this is highly visible from the public vantage point, surrounded only by a low boundary treatment, it cannot be considered as private amenity space.</p> <p>However, it is considered that this statement has fulfilled the additional information that was requested by specifying a range of additional activities that the children would be involved in that would mitigate for the lack of private amenity space at the application site.</p> <p>Recommendation updated accordingly.</p>
<p>The Local Highway Authority requested clarification on the number of children and staff for the proposal.</p>	<p>The submitted Design and Access Statement states a minimum of one staff member will be on site at all times, increased to a minimum of two staff members whilst children are on site and that additional staff may be present on an ad-hoc basis.</p> <p>An example weekly rota in the submitted Outline Operations Statement explains there would generally be two/three staff</p>

	<p>members on duty during the day in addition to the home's registered manager and assistant manager. As some of the staff's shift patterns are overlapping, this means that there is the potential for more than 2 members of staff to be on site at any one time on occasion.</p> <p>On balance, given the likely infrequency of more than 2 vehicles being present at any one time, the net gain of parking spaces with this application, and the ability to park on-street with no restrictions in place this proposal would not result in severe highway impacts and is acceptable in this instance.</p> <p>No change to officer recommendation.</p>
<p>Pollution Control Comments Received:</p> <p>The Noise Assessment dated 15th January 2021 by Blue Acoustics submitted along with the application has come to the follow conclusion "The existing party walls may not be fit for purpose and be vulnerable to high level noise events such as shouting. The sound insulation properties of the party walls can be significant improved by the addition of a stud wall with genie clips & furring channel, and high-density plasterboard. Calculations indicate that with the recommended wall treatment, shouts would be barely audible within the next-door rooms. Calculation indicate that the existing glazing is adequate, and that shouting would be just audible at the nearby properties with windows closed."</p> <p>These works would fall under the requirement of a Building Control application and should be agreed and inspected by an appropriate Building Control office to ensure amenity of the neighbouring property.</p>	<p>An advisory note to the applicant will be included should Members support the officer recommendation to approve.</p> <p>No change to officer recommendation.</p>

<p>Petition received 07/10/2021:</p> <p>The petition to 'stop the change of use' has been signed by 43 objectors from 21 addresses in Hawthorne Road and Botany Road and from 2 addresses on other nearby estates within 1 mile of the application site.</p>	<p>The petition does not include any material planning reasons and is therefore considered to carry limited weight in the determination of this planning application. All other representations received have been considered and addressed in the report.</p> <p>No change to officer recommendation.</p>

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

- The amendment and finalising of conditions; and
- No new comments received from residents or consultees raising material planning considerations not previously addressed.