



Walsall Council

Development Management

PLANNING COMMITTEE

Report to the Head of Planning and Building Control

15th July 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.

Enforcement Agenda Item Number: 6	
Application site address: 53 Charlemont Road	
Supplemental Information	Officer Comments
Request received to consider planning status of Air Conditioning Units.	Whilst these are a departure from the original approved plans for the replacement dwelling and may therefore constitute a breach, harm arising may be limited to noise and disturbance given they are located away from most public vantage points thus not resulting in significant detrimental harm to visual amenity.

	Report to be updated to include this potential breach, and to seek authority to take appropriate enforcement action against these air conditioning units, after further consultation with the Council's Pollution Control Team and an assessment of possible harm to neighbours' amenity has been completed.
Request received to consider planning status of side retaining walls.	<p>These walls are a departure from the original approved plans for the replacement dwelling and are associated with the unauthorised increase in ground levels which constitutes engineering works requiring permission. Due to the increased height (around 1m at its highest to the north-west section) combined with the large expanse of hard-surface driveway it is considered that this results in detrimental harm to the character of the area.</p> <p>Report to be updated to include this breach, and to seek authority to take appropriate enforcement action against these retaining walls, after further consideration of drainage implications associated with the hard-surfaced driveway and topography.</p>
During an officer's site visit relating to application reference 21/0498, it was explained by the applicant that the original approved frontage design was never intended to be implemented as it would not match the scale and appearance of the replacement dwelling. Application 21/0498 was withdrawn at the request of the applicant on 21 st June 2021.	Noted. No change to recommendation.
Request received to consider potential encroachment onto shared drive to the north west.	Initial desk-based investigations have been carried out and a further detailed on-site assessment is necessary to identify whether any breach has occurred, and to consider what level of harm might arise from the breach to assess the expediency of any potential subsequent enforcement action. Report to be updated to note this point, to allow further investigation prior to any action being taken on this element and inclusion within the enforcement notice if appropriate.

Request received to consider whether the replacement dwelling has been constructed at a higher land level.	Initial desk-based investigations have been carried out and a further detailed on-site assessment is necessary to identify whether any breach has occurred, and to consider what level of harm might arise from the breach to assess the expediency of any potential subsequent enforcement action. Report to be updated to note this point, to allow further investigation prior to any action being taken on this element and inclusion within the enforcement notice if appropriate.
Recommendation: Updated to include the matters set out above.	

Plans list Item number: 1 Application site address: Land south of Narrow Lane, Walsall	
Supplemental Information	Officer Comments
<p>A letter has been received from Valerie Vaz, MP on 14 July 2021 with an objection to the proposed transit site. A number of concerns have been raised; however, material planning matters relevant to this application are summarised as follows:</p> <ul style="list-style-type: none"> • Insufficient consultation and lack of transparency with regards to the Council's site selection process • air and noise quality in the area, which has a harmful effect to children who live in caravans on this site; • the omission of any comments from Public Health for Walsall on the suitability of this site to accommodate children and families from a community who suffer from high rates of respiratory problems living in caravans and vehicles in an area of harmful air quality; 	<p>All matters are largely covered in the Officer's report to the Planning Committee.</p> <p>The additional representations received following the publication of the Officer's report and comments are noted. No other material planning objections in addition to those which have been considered in the report have been raised</p> <ul style="list-style-type: none"> - Site selection is not a function of the Planning Committee when it considers an application for planning permission for the site (see report page 30) - Air quality and noise have been considered in the assessment of the application and included in the report. - Public Health has been consulted as part of the application and raised no objections. Air Quality has been assessed by pollution control officers. - There are no objections from the Highway Authority to the principle of development in terms of traffic and road

<ul style="list-style-type: none"> • no mitigation of traffic and road safety; • planning permission should be refused if its proposal for disposal of foul and surface water flows have not been accepted by Severn Trent Water; • Concerns over Waste Management ('Clean and Green') objection. 	<p>safety and appropriate conditions are recommended to ensure highway safety</p> <ul style="list-style-type: none"> - A condition has been recommended to secure drainage details prior to the commencement of any development on site (condition 13) - The recommendation seeks delegation to officers to resolve this outstanding matter as highlighted in the report <p>No change to recommendation.</p>
<p>Additionally, a copy of a letter from Ms Vaz MP has also been received, with a request to a Secretary of State to call-in the application for their consideration. This request has not yet been confirmed.</p>	<p>To note. The proposals are considered to comply with the policies of the development plan and are therefore not a departure from it so the Secretary of State has not been formally notified of the application to date.</p>
<p>Further additional representations from public have been received; 4 anonymous (stating no name or address); 2 from the residents who already commented on the application previously and 1 is a new representation.</p>	<p>To note</p>
<p>Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:</p> <ul style="list-style-type: none"> • Re-consultation on an amended drainage scheme and refuse collection scheme to overcome consultee objections; • No objections from the Lead Local Flood Authority and the Council's Clean and Green Team (Waste Management); • No new material considerations being received within the consultation period; and • The amendment and finalising of planning conditions. 	

Plans list Item number: 2 Application site address: The Former Police Station, Green Lane – 20/1103	
Supplemental Information	Officer Comments
Local Highways Authority have confirmed that the site has good pedestrian links with the Town Centre and were recently upgraded.	Noted
Strategic Planning Policy have design concerns and consider the initial proposal has not been significantly amended. The building design remains bland and is considered does not reflect the landmark design that is required in this prominent location. It takes little account of the adjacent Presbytery and church, the need to improve the crossing to the town centre or the desirability of incorporating the adjacent Magistrates Court Car Park. While none of these issues would by themselves justify refusal it is disappointing that the opportunity to create a high-quality development in this location may be missed.	Noted. Design, character, layout and heritage assets have all been considered and addressed in the report. Officers have negotiated improvements to this proposal which is now considered on balance to provide an acceptable development. No change to recommendation.
Planning Obligations The applicant's Financial Viability Appraisal concludes that without any payments (deferred or otherwise) towards off-site affordable housing or open space, the proposed development is not currently viable in the open market. The Financial Viability Appraisal has been independently reviewed by Lambert Smith Hampton and areas of professional disagreement remain, particularly in respect of the adopted build cost and approach to benchmark land value. The parties involved have been unable to reach a provisional agreement and are of the opinion that the scheme can support the following from a purely viability perspective:	Noted and a conclusion is required. Recommendation updated.

<ul style="list-style-type: none"> • £1,020,000 - S106 contribution or equivalent in on site-affordable housing provision <p>The assessment concludes that the above is the ceiling figure that the development is able to sustain without prejudicing its delivery. Sensitivity testing based on increasing construction costs in line with the BCIS Median cost range would reduce the S106 contribution to £120,000.</p> <p>The planning agent has confirmed that the construction costs used for appraisal purposes should be in line with the BCIS meridian number and agree that the S106 contribution should be reduced as indicated. The applicants are therefore prepared to offer the Council a S106 payment (before deduction of the Council's surveying and legal costs) of £120,000.</p>	
<p>Clean and Green/Waste Management - The gates can often result in missed collection when they inevitably fail to open. If access is not possible no return attempts to empty the bins will be made until the next scheduled collection. A gate code will be needed to add to collection schedules.</p> <p>The drawing shows the bin store, then a separate collection point. Further clarification will be required to establish whether the bins are going to be brought out of the bin store and placed in the collection area prior to arrival of the refuse collectors.</p> <p>The doors to the bin store opening onto a footpath at the rear of parking spaces will likely create issues. Poor parking often causes the bins to be very close to the parked cars and bins have trolley type wheels that can sometimes go slightly astray cause damage if the space between bin store and parked cars is insufficient. Based on the number of flats and bedrooms, the</p>	<p>Noted and clarification sought from applicant.</p>

site will require 9x 1100ltr bins for general waste and 17x 1100ltr bins for recycling.	
<p>Severn Trent Water - request the provision of foul sewage proposals for the site. Regards to surface water; surface water is shown to discharge to the public 225mm surface water sewer (manhole 9952) with no discharge rate provided.</p> <p>For information, before STW would consider a connection to the public sewer for surface water discharge they request that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) they would consider a connection to the public surface water sewer with flows restricted to a maximum discharge rate of 5 litres/second - if a higher rate is required, please provide calculations on how the rate was achieved. They therefore would ask that the drainage related condition is not discharged at this stage.</p>	Noted and conditions discharge would be dealt with later if the proposal received planning approval.
Pollution Control have considered the revised Environmental Noise Report Rev A, deposited 7/7/21 and have recommended a planning condition for the installation of acoustic glazing and ventilation as recommended in the noise report. Noise mitigation measures will need to be agreed and installed in any shared floors/walls/ceilings adjacent to the residents' lounge along with any proposed amplification equipment and use during anti-social hours.	Noted and information can be included in planning conditions if approved. Recommendation updated.
Applicant has confirmed the internal layout will achieve compliance with the necessary building regulations and fire escape routes.	Noted and recommendation updated.
<p>Recommendation:</p> <p>1. Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and Section 106 Agreement to secure an urban open space contribution, a commuted sum for affordable housing and the ongoing landscape management and maintenance and subject to:</p>	

- **No new material considerations being received within the consultation period;**
- **The amendment and finalising of conditions;**
- **No further comments from a statutory consultee raising material planning considerations not previously addressed;**
- **Overcoming the outstanding concerns raised by Waste Management; and**
- **Concluding Lambert Smith Hampton's Advice on Financial Viability Appraisal.**