



Committee Delegation Note

26-Jul-2023

Determination of Planning Application by Officers Under Delegation from Planning Committee

Application Information

Application Number:	23/0106
Site Address:	THE ALLENS CENTRE, HILTON ROAD, WILLENHALL, WV12 5XB
Proposal:	OUTLINE: RESIDENTIAL DEVELOPMENT OF UP TO 59 DWELLINGS, WITH ALL MATTERS RESERVED (NEAR TO PROW NDA151)
Application Type:	OUTLINE PERMISSION: MAJOR APPLICATION
Date Valid:	16-FEB-2023
Expiry Date:	17-MAY-2023
Time Extension Date:	
Officer Recommendation:	
Committee Date:	20-JUL-2023
Case Officer:	PETER GITTINS

Delegation Note For Authorisation

On 20 July Planning Committee resolved to delegate to the Head of Planning & Building Control to Grant Planning Permission subject to Conditions and a S106 agreement to secure open space contributions, affordable housing, and mitigation payments towards the Cannock Chase SAC and subject to:

1. No new material considerations being received within the consultation period.
2. The amendment and finalising of conditions and subject to the details set out in the supplementary paper relating to a further condition for remediating contaminated land and Council Solicitor's further advice on effective, condition wording.
3. No further comments from a statutory consultee raising material planning considerations not previously addressed.

In line with the above resolution the following matters have subsequently been addressed as follows:



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1. The consultation period has now been concluded and no new material considerations have been received.
2. The planning conditions have been amended, finalised and are listed at point 5 below.
3. There have been no further comments from statutory consultees raising material planning considerations.

4. S106 Agreement

The resolution requires that a S106 agreement is entered into, and a decision cannot be issued until the agreement is finalised. Since the land is in the ownership of the Council it is not possible to enter into such an agreement. It is understood that the Council intends to market the land to a suitable developer capable of taking the development forward, who would then enter into the required agreement and enable the decision to be issued.

5. Conditions

1a. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

1b. The development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters application, or the last reserved matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

1c. This development shall not be commenced until details of the following, hereafter named 'the Reserved Matters', have been submitted to and approved by the Local Planning Authority:-

i. Layout



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- ii. Scale & appearance
- iii. Landscaping
- iv. Access

Reason: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Site location plan SK05 revision A, dated 25/04/2023
- Special area of conservation, habitat regulation assessment, received 10/03/2023
- Air quality assessment, received 07/02/2023
- Arboricultural report, received 07/02/2023
- Design and access statement, received 07/02/2023
- Flood risk assessment and surface water drainage assessment, reference 680535 R1 (02) FRA dated January 2023.
- Geo environmental desk study report, received 07/02/2023
- Geo environmental investigation report, received 07/02/2023
- Planning statement, received 07/02/2023
- Preliminary ecological appraisal, received 07/02/2023
- Transport statement, received 07/02/2023

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted (except in so far as other conditions may so require).

3a. Prior to commencement of the development hereby permitted:

- i. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority
- ii. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority



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- iii. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority
- 3b. Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out
- 3c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4a. Notwithstanding the submitted Geo environmental desk study report, received 07/02/2023 and Geo environmental investigation report, received 07/02/2023 and prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.

4c. Prior to any building or engineering operations a validation report written by the competent person who oversaw the site investigations and implementation of the method statement remediation actions shall be submitted in writing to the Local Planning Authority to demonstrate the Method Statement and any agreed remediation actions have been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.



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5a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

5b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

5c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway



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- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

7a. Prior to commencement of the development hereby permitted details of the proposed parking and vehicle manoeuvring areas serving each dwelling shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the area will be consolidated, surfaced and drained so that surface water run-off from these areas does not discharge onto the public highway or into any public highway drain.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the access, turning and parking areas shall thereafter be retained for the lifetime of the development for the use of the occupiers of the hereby permitted residential development and for no other purposes.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.



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8a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

8b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

8c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

Note to Applicant

This decision notice is in no way to be construed as support or approval for the indicative layout submitted as part of this application.

Conclusion

It is therefore considered that the decision can be issued subject to the Council first receiving a satisfactory legal agreement.

Report Written By

Officer: Peter Gittins Date: 26/07/23



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Authorisation

Area Manager: Gemma Meaton Date: 31/07/23