

## Planning Committee

Report of Head of Planning and Building Control on 31 October 2022

Plans List Item Number: 1

### Reason for bringing to committee

The application has been brought to Planning Committee as the proposal is for a major application.

### Application Details

**Location:** FORMER SITE OF KINGS HILL JMI, JOYNSON STREET, WALSALL, WS10 9HZ

**Proposal:** PROPOSED RESIDENTIAL DEVELOPMENT ON LAND BETWEEN JOYNSON STREET AND OLD PARK ROAD, DARLASTON FOR 35 UNITS. THE PROPOSAL INCLUDES A NEW-BUILD BLOCK OF 29 FLATS WITH BIN AND BIKE STORES, 4 NEW HOUSES, AND THE CONVERSION OF AN EXISTING HOUSE INTO 2 FLATS. THE SCHEME ALSO PROPOSES 48 CAR PARKING SPACES, AND LANDSCAPING AREA FOR RESIDENTS.

**Application Number:** 21/0951

**Case Officer:** Sally Wagstaff

**Applicant:** Sarwan Samrai

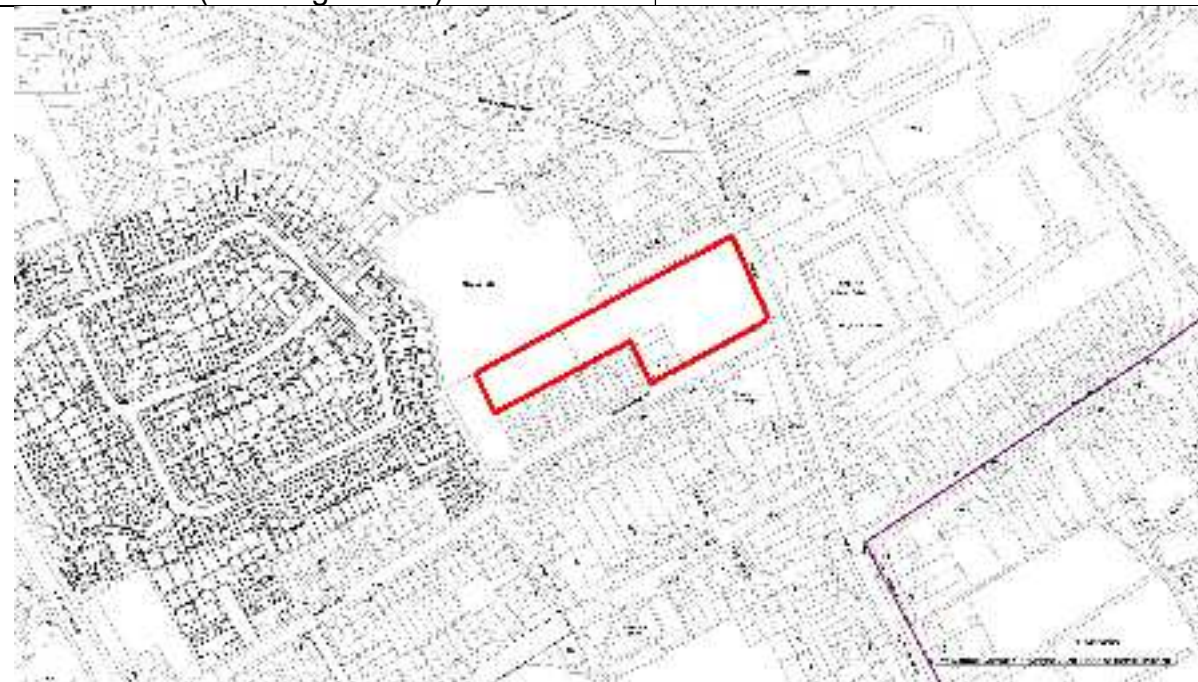
**Ward:** Darlaston South

**Agent:** Design Studio Architects Limited

**Expired Date:** 15-Oct-2021

**Application Type:** Full Application: Major Use Class C3 (Dwellinghouses)

**Time Extension Expiry:**



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## Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a s106 agreement to secure affordable housing contributions, urban open space contributions plus an ongoing landscape management scheme and subject to:
  - Resolving any potential LLFA objections to the proposal based on material planning considerations.
  - Amendments to the scheme as set out by the Local Highway Authority.
  - Amendments to the scheme as set out by Housing Standards.
  - 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.

## Proposal

This application seeks full planning permission for a proposed residential development on land between Joynson Street and Old Park Road in Darlaston, site of the former Kings Hill JMI School. The total number of new dwellings created by the proposal is 35 and the proposal is made up of the following main elements:

- Erection of 1 x three-storey residential block, comprising 29 flats (26 x one-bedroom and 3 x two-bedroom), located at the eastern boundary of the site.
- Erection of 3 x two-storey, four-bedroom townhouses, located at the western boundary of the site and to the rear of 11-15 Joynson Street.
- Erection of 1 x two-storey, four-bedroom townhouse, located adjacent to the existing house to be converted (see below) and the proposed site entrance off Joynson Street.
- Conversion of the existing house (1 Joynson Street) into 1 x one-bedroom flat and 1 x two-bedroom flat, located adjacent to the proposed site entrance off Joynson Street.
- Creation of 48 car parking spaces, including 5 accessible spaces.
- Provision of private and shared gardens, hard and soft landscaping, boundary treatments and access.

The application is supported by the following documents:

- Air Quality Assessment.
- Bird and Bat Survey.
- Design and Access Statement.
- Energy Statement.
- Geo-Environmental Investigation Report.
- Noise Survey.
- Sustainable Drainage System Strategy Report.
- Tree Survey.

## Site and Surroundings

The application site comprises a roughly I-shaped parcel of land bound by Old Park Road to the north and the east, Joynson Street to the south and a vacant parcel of land fronting Joynson Street to the west. The west side of the site partly fronts Joynson Street and Old Park Road and the site also encompasses land to the rear of existing dwellings at 1 to 15 Joynson Street. The site boundary currently comprises metal palisade fencing and is generally in an overgrown and disused state. The overall site area is approximately 0.5 hectares.

The surrounding area is primarily residential in nature, comprising existing dwellings of varying age and architectural style. The site is also in close proximity to the Kings Hill Primary School which is located to the east of the site, and the school field is located to the north of the site. There is also a Telephone Exchange Building opposite the site to the south. Number 1 Joynson Street within the application site is an older building of significant age and character.

The site is allocated for housing in the Site Allocations Document. It is located within the Coal Development High Risk Area and is outside of flood zones 2 and 3. The site is outside of the Cannock Chase Special Area of Conservation (SAC) zone of influence. The nearest centre is the Darlaston District Centre located approximately 350m to the north-west of the site.

## Relevant Planning History

### *Application Site:*

20/0759 - Proposed residential development on land between Joynson Street and Old park Road, Wednesbury for 23 new built units (14 houses and 9 flats) and the conversion of an existing dwelling into 2 flats, plus bike storage, bin store and 44 car parking spaces – Application Withdrawn. 28/01/2021.

12/0665/FL - Erection of a two storey Care Home (use class C2) with associated car parking, landscaping and servicing with demolition of 1 Joynson Street, as an amendment to planning permissions 09/0731/FL and 09/0732/FL and resubmission of 11/1462/FL – Grant Permission Subject to Conditions 14/12/2012.

11/1462/FL - Erection of 60 bed & 16 bed care homes (use class C2) with associated landscaping & car parking. (Amendment to 09/0731/FL & 09/0732/FL) and demolition of existing buildings including 1 Joynson Street – Application Withdrawn 20/06/2012.

09/0732/FL - Erection of a 54 bed nursing home with associated car parking and landscaping – Permission Granted Subject to Conditions 07/12/2009.

### *Land to the rear of 2-6 Joynson Street:*

09/0731/FL - Erection of 2 houses for persons with learning difficulties with access from Old Park Street – Permission Granted Subject to Conditions 07/12/2009.

## Relevant Policies

### **National Planning Policy Framework (NPPF)**

**[www.gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework)**

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

### **National Planning Policy Guidance**

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

### **Reducing Inequalities**

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity

- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty “PSED” on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H1: Renewal of Existing Residential Areas
- H4: Affordable Housing parts g, h, i and j NOTE
- T1 - Helping People to Get Around
- T6 - Traffic Calming
- T7 - Car Parking



- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

## **Walsall Site Allocation Document 2019**

- HC1: Land allocated for New Housing Development
- HC2: Development of Other Land for Housing
- HC3: Affordable Housing and Housing for People with Special Needs
- OS1: Open Space, Sport and Recreation
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

## **Supplementary Planning Document**

### **Conserving Walsall's Natural Environment**

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

## **Designing Walsall**

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

## **Open space, sport and recreation**

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

## **Affordable Housing**

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

## **Air Quality SPD**

- ***Section 5 – Mitigation and Compensation:***
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

## Consultation Replies

**City of Wolverhampton Council (Archaeology)** – No objections.

**Clean and Green** – No objections.

**Ecology** – No objections.

**Environment Agency** – No objections.

**Environmental Health** – No comments.

**Environmental Protection** – No objections, subject to the following conditions:

- Submission of a remediation strategy in relation to land contamination/ground gas
- Installation of acoustic glazing, acoustic ventilation and acoustic barrier treatments in all plots
- Installation of electric vehicle charging points
- Submission of a Construction Management Plan

**Highways England** – No objections.

**Historic England** – No comments.

**Housing Standards** – No objections, subject to the following conditions:

- For all bathrooms to include extractor fans.
- For the layout of flats 4, 8, 13 and 17 to be amended so that occupants do not need to pass through a kitchen (room of higher fire risk) to escape from any of the bedrooms.

**Local Highway Authority** – No objections, subject to the following conditions and amendments:

*Amendments required to visibility splays:*

- The 2.4m x 43m visibility splay shown at the Joynson Street/Old Park Road junction shall be revised to show the 43m splay line across the site frontage following the nearside kerb line and not extending out into the centre of the carriageway.
- The 2.4m x 43m visibility splay shall be shown at the northern Old Park Road /Old Park Road Service Road junction extending across the site frontage following the kerb line.

*Amendments Required to footway crossings:*

- The footway extending along the western side of the access road shall be extended for the full width around the northern boundary of the proposed 4 bedroom dwelling to provide an accessible pedestrian link and crossing to the northern side footway leading to the 3 townhouses.

*Amendments required to parking spaces:*



- The 'end on end' parking spaces along the northern side of the access road shall be lengthened to 6m and the two end spaces shall have angled entry/exit.

**Conditions:**

- For all access ways and parking spaces to be fully completed prior to occupation of any dwellings.
- For the redundant footway crossing in Joynson Street to be reinstated to full kerb height prior to the occupation of the former schoolhouse building.
- Submission of cycle shelter details prior to first occupation of the flatted block.
- Submission of a Construction Management Plan prior to development commencing.
- For the 2.4m x 43 metre visibility splays at the Joynson Street/Old Park Road and Old Park Road/Old Park Road Service Road junctions to be kept free of structures and planting exceeding 600mm in height above highway levels at all times.

**Local Lead Flood Authority** – To follow.

**Natural England** – No comments.

**Network Rail** – No comments.

**Severn Trent Water** – No objections, subject to the following conditions:

- No development to commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority,
- For the development to be implemented in accordance with the approved details before the development is first brought into use.

**Sport England** – The proposal is not within the remit of Sports England and therefore general advice has been provided.

**The Coal Authority** – No objections, subject to the following conditions:

- No development to commence until a scheme of further investigations of 3 recorded mine entries and the potential unrecorded mine entry, in order for the applicant's technical consultants to adequately assess the condition of these mining features
- For any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / mine entries), as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved layout plan which illustrates the location and calculated no build zone of all on-site mine entries in order to demonstrate how these features relates to the approved layout.
- Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive

site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

**West Midlands Fire Service – No objections.**

**West Midlands Police – No objections.**

## **Representations**

None received.

## **Determining Issues**

- Principle of Development
- Design, Layout and Character
- Amenity of Future Occupiers
- Amenity of Neighbours
- Access and Parking
- Flood Risk / Drainage
- Ecology
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations

## **Assessment of the Proposal of Development:**

### **Principle of Development:**

The application site comprises a vacant/overgrown section of land which was previously occupied by the former Kings Hill JMI School which has since been demolished. The site covers an area of approximately 0.5 hectares and is bound by the Kings Hill Primary School field and existing dwellings on Old Park Road to the north, the Kings Hill Primary School main building at Old Park Road to the east and existing dwellings and a Telephone Exchange building at Joynson Street to the site. The wider area is primarily residential in nature and comprises existing dwellings of varying age and character.

The proposal seeks to develop the site to provide a total of 35 new dwellings, as well as ancillary development including the creation of private and shared gardens, parking spaces, boundary treatments, landscaping and access. The new dwellings will be formed of a mix of new buildings, including the erection of a three-storey block of flats and the erection of 4 x two-storey townhouses, as well as the conversion of an existing dwelling (1 Joynson Street) to 2 flats. The overall mix of accommodation at the site is summarised as follows:

- 27 x one-bedroom flats
- 4 x two-bedroom flats
- 4 x four-bedroom houses

Considering the suitability of the site for residential development, the site is allocated for housing as set out in Walsall SAD Policy HC1, identified as site HO39a.

Residential development is therefore acceptable at the site, subject to the further

requirement of SAD Policy HC1. Furthermore, the surrounding area is primarily residential in nature and the proposed residential use of the site is therefore considered to be compatible with adjacent uses. The site has also historically been granted planning permission for the erection of residential care home uses, albeit these permissions have lapsed and were not implemented. In providing 35 new dwellings at the site, the proposal will also contribute to the regions overall housing targets as set out within the Black Country Core Strategy.

In addition, the latest available figures show that the Council does not currently have a five-year housing land supply and in addition, the Council failed the Housing Delivery Test published in January 2022, based on low levels of delivery over the last 3 years. As a result, the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect. The lack of five-year housing land supply therefore affords the proposal additional weight within the decision making process.

In summary, the principle of the proposed residential development at the site is broadly acceptable, subject to the proposal complying with other material planning considerations and site specific issues.

### **Design, Layout and Character**

The proposed layout of the site consists of the new block of flats located at the eastern boundary to Old Park Road, three new houses located to the rear of 11 to 15 Joynson Street toward the western boundary and one new house located adjacent to the proposed entrance off Joynson Street and next to the existing schoolhouse to be converted to flats.

The proposed layout of the site is such that the largest of the new buildings (block of flats) will reintroduce a built form to the street frontage at this section of Old Park Road which is currently of an untidy and disused appearance. The height of the block of flats at three-storey is also reflective of the approximate height of the school building on the opposite side of Old Park Road. The proposed houses are lower in height at two-storey albeit with forward facing dormer windows, and this height is considered to appropriate given the new houses will be located adjacent to existing two-storey houses.

With regards to the appearance of the development, the proposed houses are of a relatively traditional design, featuring gable roofs with chimneys, forward facing dormer windows and rear facing rooflights, UPVC windows and doors and facing brickwork. The proposed block of flats is of a more contemporary design, featuring a flat roof, projecting windows and some external cladding. However, the external surfaces of the proposed block of flats will primarily be formed of bricks and where cladding is used this is limited to windows and around the entrance. The appearance of the new buildings are therefore considered to be reflective of the local context and in keeping with the character of the area.

It is also acknowledged that the existing house at 1 Joynson Street will be retained and converted to two flats as part of the proposal. Whilst not listed, the house is an attractive building of significant age and character, and its retention will help to retain some of the special characteristics of the area.

The proposal is also complemented by a comprehensive landscape scheme for the site, which includes grassed areas, trees, ground planting, hedgerows, wildflower meadow area and woodland planting. The landscape proposals will help to integrate

the development into the wider context where pockets of green space as will be provided at the site are common. The ongoing landscape management will be secured as part of the s106 agreement, to be agreed with the agent.

In summary, the design and layout of the proposed development is acceptable and is considered to be sympathetic to its surroundings and in keeping with the character of the area.

### **Amenity of Future Occupiers:**

The proposal will provide a mix of residential accommodation as set out above, including a total of 35 new dwellings, consisting of 27 x one-bedroom flats, 4 x two-bedroom flats and 4 x four-bedroom houses.

The proposed 4 x houses will comprise four bedrooms set across three floors, with the floor areas of the bedrooms 18sqm, 10sqm, 9sqm and 5sqm. Whilst the floor area of 5sqm falls short of the minimum requirement of 7.5sqm for a single bedroom, counting it as a bedroom, the houses will provide four bedrooms for five persons. The Technical Housing Standards – Nationally Described Space Standards requires a minimum floor area of 103sqm for houses of this size. The proposed houses comprise overall floor areas of approximately 118sqm, therefore in excess of these standards. The houses include private gardens to comprising areas ranging from 73sqm to 120sqm, all in excess of the minimum standard of 68sqm, as stated within the Designing Walsall SPD.

Of the proposed 26 x one-bedroom flats, 24 of these comprise double bedrooms and gross internal floor areas of approximately 50sqm, meeting the minimum requirement of 50sqm for a one-bedroom, two-bedroom dwelling, as set out within the Technical Housing Standards. 2 of the 26 x one-bedroom flats comprise single bedrooms and gross internal floor areas of 37sqm, meeting the minimum requirement of 37sqm for a one-bedroom, one-person dwelling, as set out within the Technical Housing Standards. It is noted that Housing Standards have made some suggestions with regards to the internal layout of four of the flats, due to fire safety reasons. These minor amendments to the internal layout are included within the recommendation.

The proposed 3 x two-bedroom flats within the proposed residential block comprise one double bedroom and one single bedroom and gross internal floor areas of 6sqm to 65sqm, meeting the minimum requirement of 60sqm for a two-bedroom, three-person dwelling, as set out within the Technical Housing Standards.

The existing building at 1 Joynson Street will be converted to 1 x two-bedroom flat at the ground floor and 1 x one-bedroom flat at the first floor. It is noted that both of the bedrooms at the two-bedroom flat are single bedrooms and the gross internal floorspace of this flat (53sqm) falls short of the 61sqm minimum requirement for a two-bedroom, three-person dwelling, however, this is acceptable on balance given the rest of the accommodation at the site is acceptable and the element of the proposal relates to the conversion of an existing building. The one-bedroom flat at the first floor meets the minimum requirement of 37sqm for a one-bedroom, one-person dwelling, as stated within the Technical Housing Standards.

With regards to the gardens of the proposed flats at the site, the Designing Walsall SPD requires 20sqm per dwelling where communal provision is provided. There will be a total of 31 flats at the site as a result of the development. Two of these flats provided by the conversion of the existing dwelling will contain their own garden

comprising an area of 100sqm. The proposal is therefore required to provide a minimum of 580sqm (29 x 20sqm) of communal garden space. Whilst not specified as garden space on the proposed site plan, the proposal includes approximately 480sqm of useable communal amenity space to the side and front of the proposed flats, as well as a narrow strip of less useable space of 115sqm, adjacent to the western boundary of the site at Old Park Road. In addition, a further proposed soft landscape area comprising 406sqm will be provided adjacent to the northern boundary of the site and this will take the total amount of useable communal amenity space to approximately 855sqm, which is in excess of the minimum requirement of 580sqm for the 29 flats.

In summary, the internal and external layout of the dwellings and the site is acceptable and will provide a good standard of amenity. The proposal is therefore considered to be acceptable with regards to the amenity of future occupiers.

### **Amenity of Neighbours:**

Considering the impact of the proposed development of neighbour amenity, the site is located within an established residential area and the proposal is therefore considered to be broadly compatible with neighbouring uses, subject to complying with distance separations requirements contained within the Designing Walsall SPD and the Council's 45 Degree Code.

All of the windows within the proposed block of flats will either face the street (north, east, south) or face into the application site itself (west) and will not therefore overlook any existing neighbouring gardens. Similarly, the windows of the three proposed houses at the northern boundary of the site will either face into the application site toward the landscape area (east) and towards the adjacent vacant parcel of land (west), again, not overlooking any neighbouring gardens.

The rear elevation of the fourth proposed house located adjacent to the existing house to be converted will face the rear garden of 2 Joynson Street, with the distance between the proposed rear elevation of the new house and the boundary of the garden of 8.4m. This arrangement may be unacceptable in some circumstances due to the loss of neighbour privacy; however, the circumstances of the site mean that this arrangement is acceptable in this location. The new dwelling will comprise a bedroom and a study window at the first floor which will face the rear garden. The bedroom window will however face the roof of an outbuilding at the neighbouring property, rather than any useable garden space. In addition, the new dwelling will comprise a study window at the first floor, again, facing the rear garden of 2 Joynson Street.

The windows within the proposed house conversion (1 Joynson Street) are existing windows and do not overlook any existing gardens and will not therefore exacerbate any existing overlooking issues at the site.

The proposed development also complies with the Council's 45 Degree Code and will result in no adverse impact in terms of loss of daylight and outlook at neighbouring properties.

In summary, the proposed development will result in no significant issues with regards to the impact on the amenities of neighbouring properties, including no loss of daylight and outlook. It is also acknowledged that no objections from neighbours have been received. The application is therefore acceptable with regards to the impact on the amenity of neighbours.

## **Access and Parking:**

The proposal includes the creation of a new pedestrian and vehicular access into the site off Joynson Street, positioned in the new location of the previous access to the school. Two further pedestrian access points will be provided further to the west along Joynson Street and from Old Park Road on the north side. An internal access road will be created from the entrance off Joynson Street, leading to the car parking areas and the three proposed houses on the western side of the site. The proposed site layout is considered to be acceptable with regards to highways and pedestrian safety, subject to some minor revisions which are detailed with the recommendation section.

With regards to parking spaces at the site, for the proposed 35 dwellings, a total of 48 car parking spaces, including 5 accessible spaces will be provided. This consists of 31 spaces for the new block of 29 flats, 8 spaces for the 4 proposed houses, 2 spaces for the 2 converted flats and 7 guest spaces. This level of parking represents a 137% provision and is considered to be appropriate for a development of this nature and is therefore acceptable.

In summary, the proposed development is acceptable with regards to access and parking, subject to revisions as recommended by the Local Highways Officer and the relevant conditions included in the recommendation.

## **Flood-risk and Drainage:**

The site is located within flood zone 1, which is an area of low probability of flooding. However, as the application is classed as a major planning application, the Lead Local Flood Authority (LLFA) are a statutory consultee. The application is supported by a Sustainable Urban Drainage Strategy (SUDS), however, the LLFA have not yet provided comments on the application and any flood-risk matters. In the absence of comments from the LLFA, the recommendation of this report is based on the requirement that the LLFA comments will be provided before a decision is issued and any material planning considerations raised by the LLFA would be addressed.

## **Ecology:**

The application is supported by a Preliminary Bat Roost Assessment and Bird Survey Report. No objections have been raised by the Council's Ecologist regarding the impact of the proposal on ecology at the site. The working methods contained within the submitted report are acceptable. The roof and external features of the existing building to be converted to two flats will not be removed or renovated, therefore no potential bird/bat habitat will be harmed by the proposal. The application is therefore acceptable with regards to ecology matters.

## **Trees and Protected Trees:**

The site is currently in a disused and overgrown state and there are some trees present, none of which are protected by a Tree Preservation Order. The application is supported by a Tree Survey which identifies 5 individual trees and 3 groups of trees at the site. The trees are however considered to be poor quality specimens of limited sustainability and visual amenity. The proposal is also supported by a comprehensive landscape plan which will incorporate replacement trees and green space within the site. The application is therefore acceptable with regards to the impact on trees.



## **Ground Conditions and Environment:**

The site is located within the Coal Development High Risk Area and is supported by a Geo-Environmental Report. The Coal Authority have confirmed that the site lies within an area of both recorded and historic unrecorded shallows coal mining with the presence of 3 recorded mine entries. The proposed site layout has been designed to reflect this, with the new buildings located away from the recorded mine entries. Further investigation of mining entries at the site is however required prior to the commencement of development and this is detailed within the planning conditions.

The submitted report also identifies that the site is affected by ground gas and land contamination issues. On this basis, details of land mitigation measures are required to be confirmed by submission of a Remediation Statement prior to development commencing and this will be secured by planning condition.

In summary, the proposed development is acceptable with regards to ground conditions and environmental matters, subject to the relevant planning conditions.

## **Planning Obligations:**

### *Affordable Housing*

The Affordable Housing SPD 2008 states that there is a requirement to provide affordable housing on all new developments of 15 dwellings or more, subject to certain criteria set out within the policy. In this case, the application requires an affordable housing contribution of 4 x 4-bedroom houses as social rent, and a commuted sum for the rest of the development of £188,593.75, to be secured via a Section 106 agreement. At present this has not been agreed, however a letter was sent to the agent notifying them of the contributions on the 22nd August 2022.

### *Urban Open Space*

The requirements of the Urban Open Space SPD specifies that urban open space contributions are required for developments of 10 dwellings or more. The proposed development comprises a total 50 bedrooms and this requires a financial contribution of £693 per bedroom, which equates to a total contribution of £36,036. This contribution toward urban open space will be secured via a Section 106 agreement and this is included within the recommendation (again, the agent has been notified of the required contribution, but this is yet to be agreed)

## **Local Finance Considerations:**

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 35 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

## **Conclusions and Reasons for Decision**

The application site is allocated for housing within the Walsall SAD 2019 and the principle of residential development at the site is therefore acceptable. The layout and appearance of the development is in keeping with the character of the area and the standard of amenity provided by the new dwellings is acceptable. No significant impact on neighbour amenity has been identified and no objections from local residents have been received. The outstanding issues in relation to highways safety and ground conditions can be resolved via amendments to the scheme and the recommended planning conditions. As is noted in the report, the recommendation is subject to the Planning Authority receiving no objections raising material planning considerations from the LLFA. In addition, the Council's lack of five-year housing land supply affords additional weight in the decision making process and it is acknowledged that the proposal will contribute to housing targets in the region. The overall benefits of the scheme are therefore considered to be significant and will outweigh any harm the proposal will cause. Taking into account the above factors it is considered that the application should be recommended for approval.

## **Positive and Proactive Working with the Applicant**

Officers have confirmed to the applicant's agent that the submitted details are acceptable, subject to the amendments which are detailed above, subject to the conditions which are included within the recommendation and subject to a s106 agreement to secure affordable housing and urban open space contributions.

## **Recommendation**

Grant permission subject to the amendments detailed above and the following conditions.

## **Conditions**

### **1. Time Limit**

- a. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **2. Approved Plans**

- a. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:
  - DSA-19140-PL-PRO-01-A (Proposed Site Layout)
  - DSA-19140-PL-02 (Location Plan)

- DSA-19140-PL-PRO-04 (Type A Proposed Ground Floor & First Floor Plans)
- DSA-19140-PL-PRO-05 (Type A Proposed Second Floor & Roof Plans)
- DSA-19140-PL-06 (Type A Proposed Elevations and 3D View)
- DSA-19140-PL-08 (Type B Proposed Plans & Elevations)
- DSA-19140-PL-09 (Type C Proposed Floor Plans & Roof Plans)
- DSA-19140-PL-10 (Type C Proposed Elevations)
- DSA-19140-PL-11 (Proposed Site Sections)
- 20-003-01 Rev D (Detailed Landscape Proposals)
- Paving Design Proposal for: Wednesbury Residential, 23/06/2021 (No Drawing Number)

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).

### **3. Construction Management Plan**

- a. The applicant shall agree measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site in writing with the Local Planning Authority.
- b. Where the parking and turning facilities for site operatives and construction deliveries will be located
- c. Full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.
- d. All agreed measures shall be implemented and maintained throughout the duration of demolition operations and construction activities.
- e. No construction, demolition, or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

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.

### **4. Drainage**

- a. Prior to the commencement of development hereby permitted drainage plans for the disposal of foul and surface water flows have been submitted in writing to and approved in writing by the Local Planning Authority.

- b. 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.
- c. 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 to reduce the risk of creating or exacerbating a flooding problem in accordance with policy ENV5 of the Black Country Core Strategy Policy ENV5 and saved policies GP2 and ENV40 of Walsall's Unitary Development Plan.

## **5. Contaminated Land**

- a. In order to address contaminated land and ground gas issues as identified within Geo-Environmental Investigation Report, by GIP Ltd, Ref. KCD/29138a, the Applicant shall address the following:
  - 1. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (See Note for Applicant CL2)
  - 2. The remedial measures as set out in the 'Remediation Statement' required by part b) of this condition shall be implemented in accordance with the agreed timetable.
  - 3. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the 'Remediation Statement' required by part b) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
  - 4. A Validation Statement confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (See Note for Applicant CL3)

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.

## **6. Coal**

- a. No development shall commence until;
  - 1. A scheme of further investigations of the 3no. recorded mine entries and the potential unrecorded mine entry, in order for the applicant's technical consultants to adequately assess the condition of these mining features.
  - 2. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / mine entries), as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development

proposed. This should include the submission of the approved layout plan which illustrates the location and calculated no build zone of all on-site mine entries in order to demonstrate how these features relates to the approved layout.

3. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
- b. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

## **7. Acoustic Impacts**

- a. Prior to built development commencing, the Applicant shall agree acoustic glazing, acoustic ventilation, and acoustic barrier treatments to be installed in all Plots in writing with the Local Planning Authority.
- b. Prior to Occupancy a Validation Statement confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the future occupiers of the premises in accordance with saved policies GP2 and ENV32 of the Walsall's Unitary Development Plan.

## **8. Air Quality**

- a. Prior to construction commencing the Applicant shall agree a Low Emission Scheme in writing with the Local Planning Authority to install electric vehicle charging points in accordance with the Air Quality Supplementary Planning Document.
- b. The agreed scheme shall be fully implemented, in accordance with the approved details, before the development is first brought into use.
- c. Prior to occupancy, the Applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

Reason: in the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with policies ENV8 and DEL1 of the Black Country Core Strategy.

## **9. Materials**

- a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces of the development hereby approved,

including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

- b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development in accordance with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

## **10. Boundary Treatment**

- a. 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.
- b. 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.
- c. 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's Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of Walsall's Unitary Development Plan.

## **11. Parking and Access Ways**

- a. Prior to the first occupation of any dwelling on the development, all access ways and parking spaces serving that dwelling shall be fully implemented, the area being fully consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain. All parking bays shall be clearly demarcated on the ground.
- b. The access ways and parking spaces shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with saved policies GP2, T7 and T13 Walsall's Unitary Development Plan.

## **12. Footway Crossings**

- a. Prior to the main access road first coming into use, the existing vehicle footway crossing in Joynson Street shall be suitably modified and adjusted to align with the new access to the satisfaction of the Highway Authority.
- b. Prior to the first occupation of the former School House conversion, the existing vehicle footway crossing in Joynson Street made redundant by the



development, shall be reinstated back to full kerb height to the satisfaction of the Highway Authority.

- c. All works within the public highway shall be in accordance with all statutory requirements (See also Highway Authority – Notes to Applicants)

Reason: To ensure the satisfactory completion and operation of the development and in accordance with saved policies GP2, T7 and T13 Walsall's Unitary Development Plan.

### **13. Cycle Storage**

- a. Prior to the first occupation of the flatted block, full details of a cycle shelter for the use of residents and visitors, and which shall be secure, covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.
- b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with saved policy T13 of Walsall's Unitary Development Plan and policy TRAN4 of the Black Country Core Strategy.

### **Notes for Applicant**

None.

**END OF OFFICERS REPORT**