

Planning Committee

Thursday 30 November 2023 at 5:30pm

Meeting Venue: Council Chamber at the Council House, Lichfield Street, Walsall

[Livestream Link](#)

Membership:

Councillor Bird (Chair)
Councillor M. Statham (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor A. Harris
Councillor C. Horton
Councillor A. Hussain
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J. Murray
Councillor S. Nasreen
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

Quorum:

Seven Members

Democratic Services, The Council House, Walsall, WS1 1TW
Contact name: Edward Cook Telephone: 01922 653204 Email: edward.cook@walsall.gov.uk
[Walsall Council Website](#)

**If you are disabled and require help to and from the meeting room,
please contact the person above**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

Part 1 – Public Session

- 1. Apologies**
- 2. Declarations of Interest**
- 3. Deputations and Petitions**
- 4. Minutes of the Previous Meeting**

To approve and sign the minutes of the meeting held on 30 October 2023

Copy **enclosed** (pp.5-12)

- 5. Local Government (Access to Information) Act, 1985 (as amended):**

To agree that the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.

- 6. Response to local plans consultation – Telford, Sandwell and Dudley**

To consider and agree the council's response to local plan consultations from three neighbouring local authorities under duty to cooperate: Telford local plan; Sandwell local plan; Dudley local plan.

Copy **enclosed** (pp.13-19)

- 7. Application list for permission to develop:**

- a) Items subject to public speaking;
- b) Items 'called-in' by members
- c) Items not subject to 'call-in'

Copy **enclosed** (pp.20-136)

- 8. Date of next meeting**

The date of the next meeting will be 15 January 2024.

Planning Committee

Monday 30 October 2023 at 5.30pm

In the Council Chamber, the Council House, Walsall.

Present:

Councillor M. Statham (Vice-Chair)
Councillor B. Bains
Councillor H. Bashir
Councillor P. Bott
Councillor M. Follows
Councillor A. Garcha
Councillor A. Harris
Councillor C. Horton
Councillor I. Hussain
Councillor K. Hussain
Councillor R. Larden
Councillor R. Martin
Councillor J Murray
Councillor S. Nasreen
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

In attendance:

P. Venables	Director – Regeneration and Economy
A. Ives	Head of Planning and Building Control
M. Brereton	Group Manager – Planning
K. Gannon	Development Control and Public Rights of Way Manager
D. Holloway	Planning Policy Manager
O. Horne	Senior Planning Officer
G. Meaton	Team Leader Development Management
P. Samms	Senior Environmental Protection Officer
N. Gough	Democratic Services Officer
E. Cook	Democratic Services Officer
L. Cook	Assistant Democratic Services Officer

Councillor Statham in the Chair.

43 Apologies

Apologies for absence were submitted on behalf of Councillor Bird, Councillor Gandham and Councillor A. Hussain.

44 Declarations of Interest

There were no declarations of interest.

45 Deputations and Petitions

There were no deputations or petitions submitted.

46 Minutes of previous meeting

Resolved

That the minutes of the meeting held on 5 October 2023, a copy having previously been circulated to each member of the Committee, be approved and signed by the Chair as a correct record.

47 Local Government (Access to Information) Act 1985 (as amended)

Exclusion of the Public

There were no items on the agenda to be considered in private session.

48 Sandwell Local Plan – Duty to Co-operate

The Planning Policy Manager introduced the report of the Head of Planning and Building Control and the supplementary paper, setting out Walsall Council's proposed response under duty to cooperate to the letter received from Sandwell MBC regarding the Sandwell Local Plan. It was noted that the supplementary paper contained amended recommendations.

(Annexed)

Responding to questions, the Planning Policy Manager explained that no formal request for Walsall to take part of Sandwell's housing allocation had been received but a shortfall had been identified. If a neighbouring authority was to ask Walsall to take a portion of its housing need, this would be provided on a borough-wide basis, rather than near to the border with that neighbouring authority. Walsall was not expecting to be able to take on any extra housing allocation. Should a formal request to meet the needs of a neighbouring authority be received in the future and Walsall did not agree to accept this, it could go to the Planning Inspectorate to review, and they would expect evidence of cooperation under Duty to Cooperate. The expected changes to the National Planning Policy Framework were expected to take effect in coming weeks. Should a housing shortfall be identified in the Walsall Borough Local Plan, potential requests to neighbouring authorities would be based on evidence including migration patterns and it was noted that Walsall had a closer migration relationship to areas including Lichfield rather than Sandwell.

Resolved (unanimously)

- 1. That Planning Committee agree the response as set out in Appendix 1 and refer it to the Executive Director for Economy, Environment &**

Communities to submit the response to Sandwell MBC in consultation with the Portfolio Holder for Regeneration.

- 2. That authority be delegated to the Head of Planning & Building Control to make amendments to the response to Sandwell MBC following consultation with the Portfolio Holder for Regeneration as necessary.**

49 Application List for Permission to Develop

The application list for permission to develop (the plans list) was submitted, together with a supplementary report which provided additional information on items already on the plans list.

(annexed)

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee first. The Chair, at the beginning of each item for which there were speakers, confirmed they had been advised of the procedure whereby each speaker would have two minutes to speak.

The Chair advised the Committee that Plans List item 3 – Application 23/0760, Foley Road West, Streetly, Walsall, B74 3NS – had been withdrawn at the request of the applicant.

Councillor Bains entered the meeting.

50 Plans List Item 1 – Application 23/0613 – 25 and 27 Little Aston Road, Walsall

The Principal Planning Officer presented the report of the Head of Planning and Building Control, providing an overview of the application including reasons for the Officer's recommendation and bringing attention to updates included in the supplementary paper.

[Annexed]

In attendance at the meeting were two speakers against the application, Councillor Cooper and Mr David Wheeler, and one speaker in support of the application, Mr William Brearley.

At the invitation of the Chair, Mr Wheeler stated that the development represented an unacceptable back-land development which was out of character with the surrounding area with no street frontage for some of the proposed properties. A previous planning application for one additional dwelling on the site had been refused and he believed that this application should be refused on the same basis. The bins' drag distance was over twice that allowed under guidance and there had been insufficient work done regarding bats on the site. Number 29 would be subject to regular close-by vehicular traffic throughout the day and to the flies and wasps arising from multiple bins being stored close by, especially on collection day and

during summer months. Plots 1 and 2 were so massive that they would destroy the character of the road and dwarf numbers 23 and 29.

At the invitation of the Chair, Councillor Cooper stated that the design was cramped and out of keeping with the area and the application compromised the amenities of neighbouring residents. The developer had sought to maximise financial gain at the expense of residents and an acceptable development, whilst the addition of a cul-de-sac was out of character and would impact highways safety. The Planning Inspectorate had previously refused an appeal on the site for only one new dwelling and the new application represented a poorly designed back-land development.

At the invitation of the Chair, Mr Brearley spoke in favour of the application. He stated that the proposed development was not out of character with the surrounding area, the existing linear arrangement of the street would be retained and all of the plots were of reasonable size. Plots 3 and 6 were afforded good-sized plots not out of keeping with the area. Consideration had been given to plots 5 and 6 being bungalows but the applicant had determined this was not required for the application to be acceptable. Separation standards had been met and the application represented a design well-balanced between amenity and character. Amendments had been made to relocate the bin collection point and Cannock Chase SAC mitigations could be achieved. In closing, he stated that bat DNA testing was being undertaken.

There followed a period of questioning to speakers.

Mr Brearley was asked why the applicant considered the application to be in keeping with the area, contrary to the Officer's report. In response, Mr Brearley expanded on his claim that the application was not out of keeping with the character of the area, reiterating the retention of the linear street pattern, large detached plots (of varying designs) with front driveways and space around them and adding that the existing properties at 25 and 27 were not architecturally valuable. It was stated that as such, it would improve the character of Little Aston Road. The width of the driveway was enough to provide a sense of arrival onto the development and with the open space in the centre of the development, there would be an attractive sense of space. The views from Branton Hill Lane and Hallcroft Way would be unaffected. It was acknowledged that this application would change the site, but it was stressed that from a broad planning sense it was not believed that there was significant harm.

Mr Wheeler was asked to explain how the application would affect existing residents. In response, Mr Wheeler explained that neighbours would be affected by noise and security concerns, reiterating that the proposed development was out of keeping with existing properties and would dwarf the bungalow at number 23. The existing pattern of large gardens would be interfered with by houses with small gardens which would not be in keeping. Residents had expressed concerns regarding additional traffic and an additional road adjoining Little Aston Road, especially affecting elderly residents and children.

A Member noted the concerns in relation to the over-bearing nature of the proposed application and asked Mr Brearley if the applicant would consider the possibility of an

alternative design with plots 5 and 6 being bungalows and as such, if a deferral would be accepted by the applicant. A Member raised a point of order in relation to discussing hypothetical applications. The Chair reminded Members they were considering the application in front of them but allowed the question.

In response to the question, Mr Brearley confirmed that the applicant had considered plots 5 and 6 being bungalows and would be open to modifying the application in this way should it be requested. The Chair reiterated that the Committee were to consider the application as set out but that it was useful to receive an answer to that question to inform future steps.

In response to the point of order, a Member clarified that one of the criteria being looked at for refusal was poor design and that Members were looking at the application to consider if it was of good design. As such, they refuted the claim that they were not looking at the application in question because they were asking if the applicant would reconsider the design.

Mr Brearley was asked why the applicant considered the application would be acceptable and not over-bearing, given that a previous application for a single dwelling on the site had been refused by the Planning Inspector in 2005 for being over-bearing. In response, Mr Brearley explained that the applicant had not seen the plans for the previous application but had inferred from the appeal decision of the Planning Inspector that the previous application was significantly different from that proposed before the Committee. This was because the previous application did not involve the removal of the existing properties at 25 and 27 Little Aston Road and adding an acceptable driveway between those properties would be very challenging. In the applicant's opinion, the previous application would have likely represented a 'tandem development' (which generally had more harm) rather than back-land development as proposed in the current application. Mr Brearley added that the application had been an outline application and was considered in a very different policy landscape in 2005. He stressed that the two applications were different and should not reflect on each other.

Mr Brearley was asked whether the application was attempting to maximise profits through excessive dwellings, to the detriment of existing residents. In response, Mr Brearley explained that the developers did want to make profit from the site but in considering the proposed scheme claimed guidance had been followed correctly. It was acknowledged that the change affected people in a negative way but stressed that the proposal was not unacceptable, being above required standards regarding over-development and amendments had been considered to accommodate some concerns raised. The Speaker was challenged to explain how residents were considered; the speaker stated that amendments had been made to reduce impact to residents however the scheme was considered acceptable when considering similar applications in the area.

There followed a period of questions to Officers. Officers were asked to clarify the nature of the previous application from 2005 which had been refused by the Planning Inspector and whether it was similar to the current application before the Committee. In response, the Team Leader Development Management explained that the Council

were not in possession of the plans of the original outline application rejected in 2005, despite efforts to obtain them. When considering the decision of the inspectorate, Officers had inferred that it likely represented a back-land development similar to the application being considered by Committee, rather than a tandem development. Responding to a request for scaling regarding the relationship between the proposed development at 25 Little Aston Road and the existing dwelling at number 23, the Team Leader (Development Management) explained that they did not have figures for this but the ridge-line had been significantly raised and there would be significant over-bearing and so it would be unacceptable in that regard.

The Committee moved to debate.

A member expressed the view that this was not a good application due to the impact on surrounding properties, however with further discussion between officers and the applicant, there was potential to create a scheme that was less overbearing, in particular, if a scheme could come forward where the design could be improved by the development of bungalows rather than two-storey buildings.

It was **moved** by Councillor Nawaz and **seconded** by Councillor K. Hussain that Planning Committee defer application 23/0613 to a future meeting to enable further negotiations between the Applicant and Planning Officers to establish whether an appropriate application could be arrived at.

A Member disagreed with the deferral and stated that garden land was not previously developed land; that this plot could not be used for a development and that it was set out clearly why it could not be approved, expressing the view that to defer the application was not a good use of resources.

The Chair proceeded to put the matter to the vote.

A point of order was raised by several members of the Committee suggesting that sufficient debate had not been held prior to the vote being sought. The Chair stated that as a motion had been formally moved and seconded, the Committee were duty bound to vote on that motion.

Upon being put to the vote it was;

Resolved (9 in favour, 8 against)

That Planning Committee defer Application 23/0613 to a future meeting to enable further negotiations between the Applicant and Planning Officers to establish whether an appropriate application could be arrived at.

At this juncture, in accordance with Part 4, paragraph 21.2 of the Council's Procedure Rules, the Chair called for the clearance of the public gallery due to disturbances by multiple members of the public in attendance.

The meeting was then adjourned for five minutes.

Upon reconvening, members of the Committee and the Chair condemned the behaviour of some members of the public who had directed accusations toward Committee Members.

Members explored the options available to prevent such behaviour from re occurring when the matter was next to be considered. The Chair explained that appropriate measures would be considered to ensure security in future and that any measures would only be implemented subject to their full compliance with the Constitution and legislation.

51 **Plans List 2 – Application 23/0248 – Land to the rear of 107 and 109, Lichfield Road, Bloxwich, WS3 3LU**

The Principal Planning Officer presented the report of the Head of Planning and Building Control and the information in the supplementary paper, providing an overview of the application and the planning history of the site.

[Annexed]

Councillor Bains and Councillor Bott left the meeting.

There was one speaker in support of the application, Mr Andy Oates, attending virtually. Mr Oates explained that the development did not include an ‘access road’ but a ‘shared private driveway’, of which there were many similar examples in safe use without segregated footways. The width of the drive was sufficient for two vehicles to pass and the assertion of insufficient visibility was incorrect.

There were no questions to the speaker.

Responding to questions, the Senior Planning Officer clarified that the 5.1m width of the drive was sufficient for two-way traffic but was unacceptable as there was no segregated pedestrian footway. The Development Control and Public Rights of Way Manager added that Walsall Council’s policy stated that the lack of a separate walkway in shared spaces was discriminatory and explained that the visibility requirements mentioned by the speaker did not take into consideration Lichfield Road being a classified A-road nor the nearby proximity of a large school.

There was a discussion regarding the option to refuse to determine the application under Section 78 of the Planning Act. Officers explained that Section 78 removed the planning application entirely and did not refuse the application.

It was **moved** by Councillor Samra and **seconded** by Councillor I. Hussain and upon being put to the vote it was;

Resolved (unanimously)

That Planning Committee refuse planning permission for application 23/0248 for the reasons set out in the Officer’s report.

Termination of meeting

The meeting terminated at 7:21pm

Signed.....

Date.....



PLANNING COMMITTEE

30 November 2023

REPORT OF HEAD OF PLANNING & BUILDING CONTROL

Response to local plan consultations – Telford, Sandwell and Dudley

1. PURPOSE OF REPORT

- 1.1 To consider and agree the council's response to local plan consultations from three neighbouring local authorities under duty to cooperate: Telford local plan; Sandwell local plan; Dudley local plan.

2. RECOMMENDATION

- 2.1 Agree the responses as set out in the appendices, and authorise the Executive Director for Economy, Environment & Communities, in consultation with the Portfolio Holder for Regeneration, to submit the responses to the three respective authorities.
- 2.2 Authorise the Head of Planning and Building Control to amend the responses as necessary.

3. FINANCIAL IMPLICATIONS

- 3.1 None arising directly from this report.

4. POLICY IMPLICATIONS

- 4.1 Following the decisions of the four local authorities to cease work on the Black Country Plan (BCP), each authority is now beginning work on their own local plans. They are also individually responsible for responding to consultations on local plans being prepared by neighbouring local authorities, both within the Black Country and elsewhere.
- 4.2 The nature of the Black Country is that the supply of land for housing, employment and other land use requirements overlaps between the authorities. The four authorities are also constrained, with much undeveloped land particularly in Walsall being Green Belt. We are therefore reliant on authorities outside the Black Country to contribute to meeting some of our needs through the allocation of land in their respective local plans, that is additional to that required to meet their local needs.
- 4.3 Engagement with neighbouring authorities on local plan preparation currently takes place through the Duty to Cooperate (DtC) under the Localism Act 2011. This duty is proposed to be abolished under the Levelling Up and Regeneration Act 2023

(LURA 2023). It is proposed that the DtC is to be replaced by an 'alignment test' to be defined further and detailed in a future government policy statement. However, the date for commencement of the relevant provisions of the LURA 2023 and details of the alignment test have yet to be announced. The success of any DtC engagement may affect the scale of development need that will have to be met in the Walsall Borough Local Plan (WBLP).

4.4 The three local plans are at different stages in their preparation, with different implications for Walsall, as detailed in the responses set out in the appendices. Responses to consultations on development plans have to meet strict deadlines. However, the DtC process is an ongoing one, so it is expected that officer discussions about our respective plans will be ongoing. The consultation periods are:

- Telford local plan - 25 October 2023 to 12 January 2024
- Sandwell local plan - 6 November 2023 to 18 December 2023
- Dudley local plan - 6 November to 22 December 2023.

4.5 The key issue for Walsall in relation to each local plan is the impact on the housing and employment land supply. There may also be cross-boundary infrastructure implications in relation to development in Sandwell close to the border that could add to pressures on Walsall, in particular school places. Some cross border waste and mineral issues may also arise. For example, some waste is exported from all three authorities to be processed in Walsall. Mineral working and infrastructure in Walsall, notably brickworks, also serve developments in the neighbouring authorities.

5. LEGAL IMPLICATIONS

5.1 Local planning authorities are currently subject to a Duty to Cooperate with neighbouring planning authorities with regards to strategic cross boundary planning matters. The extent of engagement with neighbouring authorities will be tested as part of the examination of the respective authority local plans.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 The local plans will be required to ensure the needs of all sections of the community are met through equality impact assessments in particular.

7. ENVIRONMENTAL IMPACT

7.1 The local plans are accompanied by a sustainability appraisal and Habitat Regulations assessment which are required to be updated as the plans are progressed.

8. WARD(S) AFFECTED

8.1 All.

9. CONSULTEES

9.1 Officers in Planning and Building Control have been consulted in the preparation of this report.

10. CONTACT OFFICER

Neville Ball – Principal Planning Policy Officer

neville.ball@walsall.gov.uk

11. BACKGROUND PAPERS

All published. Documents for the local plans can be viewed at the links in the appendices.

Appendix 1

Telford Local Plan – proposed Walsall Council response to draft local plan consultation

<https://www.telfordandwrekinlocalplan.co.uk/site/index.php>

The local plan is at the Regulation 18 draft plan stage. This is the second stage of the plan preparation and follows consultation on the issues and options in October 2020 to January 2021. The plan now contains draft policies. These include a strategic objective to deliver 20,200 homes (1,010 per year) and a minimum of 167ha of employment land over the period 2020-2040.

The draft plan is supported by several evidence documents that are intended to justify the plan. These include an economic and housing development needs assessment, and a housing requirement technical paper. The latter notes that the local housing need calculated using the Government's standard method produces a requirement of 475 dwellings per annum. However, Telford argue that their alternative method of calculating housing need produces a total need of 930 dwellings per annum. A separate assessment of demographic trends (projected population and household change) identifies a dwelling equivalent growth of 1,010 dwellings per annum. This represents a total of 80 dwellings per annum (1,600 over 20 years) that forms the basis of the council's proposed approach to contribute towards part of the Black Country's unmet housing need.

The proposed contribution to the Black Country's housing need is welcomed although it is modest relative to our total housing land supply shortfall. Telford is not constrained by Green Belt and we would wish to ensure Telford maximises the use of any housing capacity that it has. The supporting technical papers lack clarity about why the housing need figure is significantly in excess of that generated by the standard method. It is understood that housing completions in recent years have been higher than that required by the standard method. A clearer explanation of the methodology would help to make Telford's plan more robust.

Telford lies outside the Black Country's functioning economic area (FEMA, the area within the majority of workers travel for employment) and the Black Country's employment land shortfall would be better met by land closer to the Black Country. Telford's plan does not indicate that any part of its employment land supply would contribute to the needs of the Black Country and we would concur with this view.

Appendix 2

Sandwell Local Plan – proposed Walsall Council response to draft local plan consultation

<https://www.sandwell.gov.uk/planning/sandwell-local-plan>

The local plan is at the Regulation 18 or Draft Plan stage. This is the second stage of a local plan. Its purpose is to set out the policies and site allocations that are proposed for inclusion in the final plan. The policies include a strategic objective to deliver at least 11,167 net new homes (587 per annum) and at least 42ha of new employment land over the period 2022-2041. It also allocates 1,177ha of existing occupied employment land to be retained in this use.

These figures are well below the identified need based on the government standard method for 29,773 homes (1,567 per annum), and 185 hectares of employment land, by 2041. The plan acknowledges that Sandwell will be unable to meet these needs either within the borough or across the whole of the plan period without resorting to significant and harmful levels of overdevelopment. The identified shortfall in housing provision is 18,606 homes, while the shortfall in employment land is 143ha. It will be necessary to 'export' this unmet need to neighbouring authority areas.

Sandwell is heavily constrained, being surrounded by other urban authorities. It has very little Green Belt (most of this comprises Sandwell Valley) and very few vacant or unused open spaces. Walsall's planning committee on 9 March and cabinet on 22 March 2023 recognised this in response to consultation on the earlier issues and options report for Sandwell's local plan. Walsall's response was that the plan should aim to ensure that Sandwell is able to accommodate as much housing and employment as possible to meet its own needs by making effective use of land and maximising densities.

The housing and employment numbers proposed in Sandwell's plan are higher than in the BCP after allowing for the slightly different time periods to be covered by the two plans. The BCP proposed 9,158 homes (482 per annum) and 29ha of new employment land. This increase in provision means that the number of homes and amount of employment land that will need to be exported to neighbouring authorities (including Walsall) will be reduced. As such, the draft plan can be supported.

The Sandwell plan contains a large number of policies about other topics. Most of these are site-specific or are about development management and are similar to those proposed in the BCP. As such, they raise no direct concerns for Walsall. The plan 'carries forward' existing proposals for sites that lie close to the boundary with Walsall. In particular, land at Friar Park is allocated for housing with an indicative capacity of 630 homes.

Appendix 3

Dudley Local Plan – proposed Walsall response to draft local plan consultation

<https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/>

The local plan is a draft plan at Regulation 18 stage. Unlike the Telford and Sandwell plans however, this is the first stage of the plan. This is because it is based on the proposals in the BCP and the consultations carried out for that plan. It also contains draft policies. The plan is intended to replace all previous development plan documents covering Dudley Borough including the Black Country Core Strategy and Areas Action Plans for Brierley Hill, Dudley, Halesowen and Stourbridge.

A significant difference compared with the draft BCP however is that a reduction in the supply of land for housing is proposed. This is as a result of the intention not to allocate land that is currently in Green Belt. The BCP proposals for Dudley included the provision of housing slightly in excess of local need to contribute towards the needs of Sandwell, and to a lesser extent Wolverhampton. The draft Dudley local plan however proposes to supply less than enough to meet local needs, which means that this shortfall will need to be exported to neighbouring authorities.

As was the case with the BCP, the Dudley local plan also significantly under-supplies sufficient employment land to meet the borough's needs, although the proposed supply is slightly higher than that in the BCP.

A direct comparison with the BCP is not straightforward because the two plans were intended to cover different time periods, and the need for both housing and employment has changed since the preparation of the BCP as a result of the way in which need is calculated, as well as the different time periods for the two documents. The Dudley local plan however appears to under-state the extent of the proposed housing supply shortfall.

The BCP proposed that 13,235 net additional homes would be provided in Dudley over the period 2020-39. The local need under the national standard method was 636 homes per year (2021 basis). This meant that 1,151 homes would have been available to meet needs arising elsewhere in the Black Country.

The Dudley local plan proposes 10,876 homes over the period 2023-41. Need in Dudley over this period is 11,954 homes (664 homes per year). The plan states that this will result in 1,078 homes having to be provided in other authority areas. The reduction in supply compared with the BCP however is effectively this 'export' figure added to the number that are no longer proposed to meet need arising elsewhere in the Black Country, i.e. 1,078 plus 1,151 or 2,229 homes.

We recognise the local concerns have resulted in Dudley being unwilling to consider the use of Green Belt to help meet the need for housing. However, the resulting under-supply will place additional pressures on the housing supply in other authority areas, and make it more difficult to demonstrate to authorities outside the Black Country that authorities within the Black Country have sought to maximise their supply before seeking to export some of it.

At the time of writing, paragraph 35 of the NPPF (dated September 2023) states that "local

plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are a) positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development."

Given that the draft BCP has already demonstrated that it is practical for Dudley to accommodate some unmet housing need from neighbouring authorities, a question needs to be raised as to whether the draft Dudley local plan may be considered as unsound. The Government consulted in December 2022 on proposed changes to the NPPF that would delete this text in paragraph 35. However, the outcome of this consultation has not yet been published.

The Dudley local plan proposes 25ha of additional employment land compared with the 22ha proposed in the BCP. Both these figures are well below the net need of 72ha. This means that 47ha of employment land to serve Dudley will need to be 'exported'. The supply of suitable land for employment development in Dudley is physically constrained, so it is recommended that no concerns are raised on this topic.

The Dudley local plan contains a large number of policies about other topics. Most of these are site-specific or are about development management and are similar to those proposed in the BCP. As such, they raise no direct concerns for Walsall.

Development Management Planning Committee

Report of Head of Planning and Building Control on 30/11/2023

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Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 1

Reason for bringing to committee

Council owned land

Application Details

Location: THE GUILDHALL, 8, HIGH STREET, WALSHALL

Proposal: CHANGE OF USE TO OFFICE, WORKSHOP AND CREATIVE SPACES WITH NEW WINDOWS AND REFURBISHMENTS.

Application Number: 23/0629

Case Officer: Stephanie Hollands

Applicant: Walsall Council

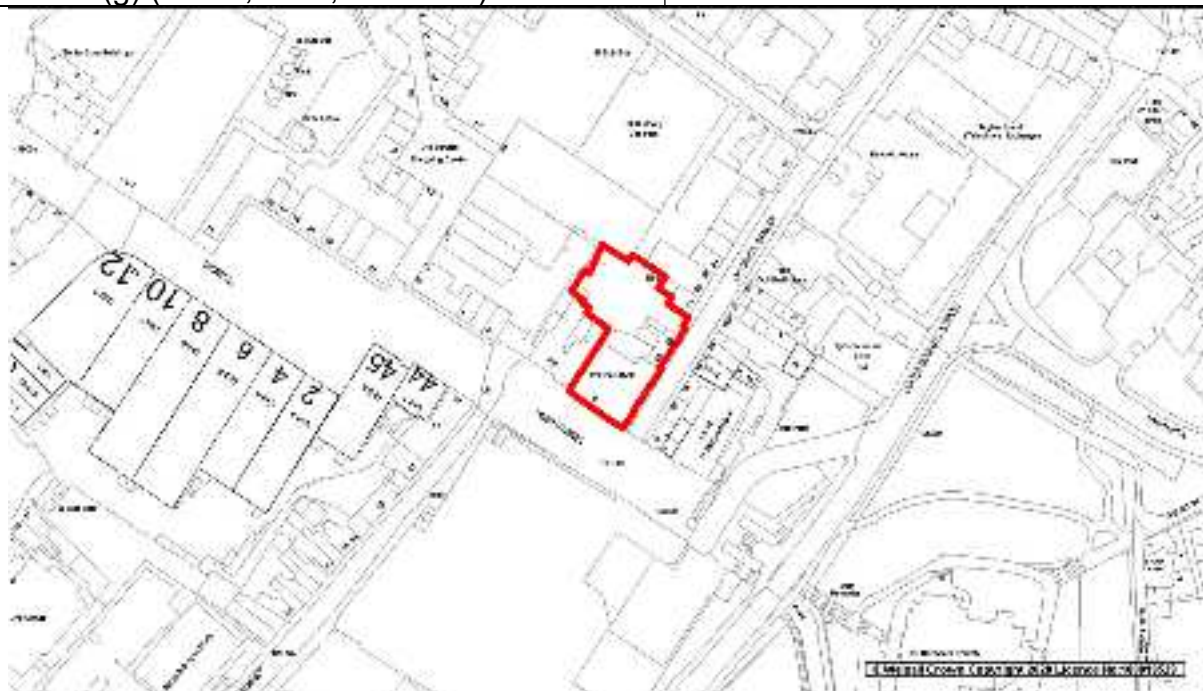
Ward: St Matthews

Agent: Anil Parmar

Expired Date: 24-Aug-2023

Application Type: Full Application: Major Use Class E(g) (Office, R&D, Industrial)

Time Extension Expiry: 08-Dec-2023



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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;
- Addressing concerns regarding flood risk/drainage;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Proposal

Change of use to office, workshop and creative spaces with new windows and refurbishments.

The proposal seeks to change the use of the Guildhall, former Police Station and 32 and 24 Goodall Street into office space, workshop and creative spaces. The proposal would include a café, co-working and flexible space, exhibition space and specialist workshops. The proposal would also include new windows, refurbishments, and installation of lifts. The buildings would form the Creative Industries Enterprise Centre.

The planning application is supported by the following documents:

- Preliminary Ecological Assessment
- Design and Access Statement
- Heritage Statement and Impact Assessment
- Site Investigation Forms

Site and Surroundings

The site comprises of the Guildhall number 8 High Street, the former Police Station, Goodall Street and numbers 32 and 34 Goodall Street.

Guildhall

The Guildhall is a Grade II* Listed building of more than special historic and architectural interest. It fronts High Street and returning onto Goodall Street.

In 1865-7 the centre block and east wing were demolished and replaced by a two-storey red brick and ashlar (upper floors) and rusticated ashlar (ground floor) building. The sandstone used to construct the Guildhall is from Attleborough.

Built on sloping site, of two storeys divided by entablature, with basement at left-hand side. Six bays. Outer bays project and are flanked by pilasters, other bays divided by engaged columns: Doric on the ground floor and Composite above. Ground floor rusticated. Windows have round heads, moulded imposts, and angle shafts. Those on the ground floor carved masks representing the seasons through the four ages of man, those above have keystones. Left-hand bay has two windows, one above the other, with flat heads. The second bay is narrow and has a doorway with stepped keystone. Above is an oeil-de-boeuf. On the first floor is a brick niche for a statue, the statue of justice, which is much older than the Guildhall, as it originates from the original Guildhall, 1823. The arm of the statute has fallen off and sits within the Guildhall, it once held the scales of justice. Above the statute are the arms of the Borough.

The right-hand bay has a doorway with round head, moulded imposts, and mask. The right-hand return wall, facing Goodall Street, is of three bays and is treated in a similar manner, except that the bays of the first floor are divided by Doric pilasters. The carved masks on the Goodall Street elevation are of three females. The railings at the front of the Guildhall fronting High Street are set in stone piers and are formed of two different designs. On the roof of the Guildhall are urns.

The Guildhall was designed by G B Nichols in an Italianate style and contained a council chamber, mayor's parlour, a court wing, corporation offices, cells and stores. The guildhall gradually lost its functions, chiefly with the building of the Town Hall in the early 20th century. It continued as a magistrate's court until the 1970s and was converted into shops in the 1980s.

Former Police Station

The former Police Station is Grade II Listed and is of special historic and architectural interest. It is located on Goodall Street and dates from around 1866. It is a brick building with stucco dressings. A symmetrical composition of three storeys, and three bays divided by rusticated pilasters. Eaves cornice, and open pediment over central bay. Windows to outer bays tripartite, with Venetian windows to second floor with elliptical arches. Central doorcase has segmental arch with keystone. Adjoins the Guildhall and forms part of a group of C19 civic buildings. The Heritage Statement references the Police Charge room being contained within the ground floor.

Numbers 32 and 34 Goodall Street sit to the north of the former Police Station. The building is constructed in red brick and is two storeys high. It constructed in the mid-1980s after the demolition of the Assembly Rooms that once stood there.

Surroundings

To the left of the Guildhall is the former Dragon Inn public house, a three-storey building dating from approx. c1773, it incorporated part of earlier guildhall. The façade has three storey canted bays with moulded cornice and bands between floors and C20 metal casements-with glazing bars, and parapet stepped up in centre. It has a doorcase to right. The former Dragon Inn is Grade II Listed.

To the north of 32 and 34 Goodall Street is the former School of Art, a locally listed building. To the east of the Guildhall are numbers 10, 11 and 12 High Street, Grade II Listed buildings. The Church of St Matthew, Grade II* sits at the top of Church Hill. Walsall Memorial Gardens, Registered Park and Garden, Grade II are located to the west of the church of St Matthew. On the opposite side of High Street is a modern supermarket development and to the west of the supermarket is George Street. Market Tavern, a locally listed building sits at the junction of George Street and High Street.

Church Hill Conservation

All three sites sit within Church Hill Conservation Area. Church Hill Conservation Area is registered on Historic England's Heritage at Risk Register as being in a bad condition.

Relevant Planning History

Most recent:

APP No.	PROPOSAL	DECISION	DATE
BC50956P/C	Listed Building Consent: Demolish existing shop fronts within the building.	Grant Listed Building Consent	01/04/1998
BC50954P/C	Change of Use: Conversion of ground floor and balcony area to form restaurant and retention of existing offices at first and second floors.	Grant Permission subject to Conditions	01/04/1998

Relevant Policies

National Planning Policy Framework (NPPF)

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 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

Saved Policies of Walsall Unitary Development Plan

- 3.15
- GP2: General Principles
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- T7: Car Parking

Black Country Core Strategy

- ENV1 Nature Conversation
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV4 Canals
- ENV5 Flood Risk Sustainable Drainage Systems and Urban Heat Island
- CSP2: Outside Regeneration Corridor
- CSP3: Environmental Infrastructure
- CSP4: Place-Making
- EMP6: Cultural Facilities and the Visitor Economy
- CEN1: The Importance of the Strategic Centres for the Regeneration Strategy
- CEN3: Growth in the Strategic Centres

Walsall Site Allocation Document 2019

- EN1: Natural Environment Protection, Management and Enhancement
- EN2: Ancient Woodland
- EN4: Canals
- EN5 Development in Conservation Areas
- M1: Safeguarding of Minerals Resources
- RC1: Outside Regeneration Corridor

Walsall Town Centre Area Action Plan 2019

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness

AAPLV6: Securing Good Design

AAPINV2: St Matthew's Quarter

AAPS1: Primary Shopping Area

AAPB2: Social Enterprise Zone

AAPLE2: Sport and Cultural Facilities

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
- DW3 Character

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

Shop Front SPD

- SF1: Historic shop fronts
- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

Historic England Guidance

- Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
- Good Practice Advice Note 3: The Setting of Heritage Assets (2017)
- Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)
- Understanding Historic Buildings: A Guide to Good Recording Practice (2016)

Consultation Replies

Officer's comments in italics

Archaeology: No objection.

Conservation Officer: Support

Ecology Officer: No objections subject to conditions.

Environment Agency: No objection. Based on the information received this appears to be a planning proposal which does not require direct consultation with us, as it is a listed building consent. Therefore, we have no comments.

Environmental Health – Provided the following comments:

- With reference to the Public Café part of the application, details as to the types of food being served and methods of food preparation have not been provided. So

therefore, we cannot make a comment concerning this in consideration of the following:

Where the types of food being produced and/or methods of food preparation which will require mechanical extraction/ventilation the following would apply:

- Full details of the type and specification of plant and equipment installed for the purposes of ventilation and extraction of cooking odours shall be submitted to and approved in writing by the Local Planning Authority.
- The approved plant and equipment shall be maintained in accordance with the manufacturer's recommendations and instructions thereafter.

Reason: To minimise the potential for noise and odour nuisance to neighbours, and to ensure the satisfactory functioning of the extract equipment.

The Applicant has confirmed that the café usage is limited to cold or hot drinks and cold food only (no provision for hot food preparation). There will be no provision for any extraction system relating to hot food preparation. It is therefore considered the above condition is not necessary.

Environmental Health now have no adverse comments and provide a non-material advisory.

Environmental Protection: No objection - there are no significant noise, water, air or land pollution concerns associated with the application that require addressing

Lead Local Flood Authority: Objection - Insufficient information on has been submitted to demonstrate that an acceptable drainage strategy is proposed

Amended information has been supplied and the LLFA have been re-consulted on this basis, their response is awaited at the time of writing this report.

Local Highways Authority: No objection subject to conditions relating to retention of parking and provision of a cycle shelter.

Planning Policy: Strongly supported.

Public Lighting: No objection. There are no proposals that affect existing public lighting in this application. There are lighting columns in the vicinity however and care should be taken not to damage any part of the public lighting installation.

West Midlands Fire Service: No objection. Note for applicant.

West Midlands Police: No objection. Note for applicant.

Representations

The application was advertised by way of the display of a site and press notices and notification letters sent to 54 surrounding properties. The public consultation time expired 13th July 2023. No comments were received.

Determining Issues

- Principle of Development
- Heritage Assessment
- Character and Appearance of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Archaeology

Assessment of the Proposal

Principle of Development

The proposal can be strongly supported on strategic planning policy grounds. It will bring a leisure, cultural and employment use into the town centre and make good use of a historic building. The proposal reflects the changing nature of town centre uses away from retail.

The site lies close to the area in George Street allocated by the AAP for social enterprises, so there is the potential for synergy between these uses.

Subject to heritage details, the proposal also involves the removal of unsympathetic internal sub-divisions from the building that are of recent addition.

Heritage Assessment

The Guildhall is a Grade II* Listed building of more than special historic and architectural interest. The Guildhall fronts High Street and returning onto Goodall Street. It is a two-storey red brick and ashlar (upper floors) and rusticated ashlar (ground floor) building divided by an entablature with basement at the left-hand side. The Guildhall has six bays, the outer bays project and are flanked by pilasters, other bays divided by engaged columns: Doric on the ground floor and Composite above. Windows details include round heads, moulded imposts, and angle shafts and the ground floor windows include carved masks representing the seasons through the four ages of man, windows at first floor have keystones. The left-hand bay has two windows, one above the other, with flat heads. The second bay is narrow and has a doorway with stepped keystone. Above is an oeil-de-boeuf. On the first floor is a brick niche for a statue, the statue of justice, which is much older than the Guildhall, as it originates from the original Guildhall, 1823. The arm of the statute has fallen off and sits within the Guildhall, it once held the scales of justice. Above the statute are the arms of the Borough. The right-hand bay has a doorway with round head, moulded imposts, and mask. The right-hand return wall, facing Goodall Street, is of three bays and is treated in a similar manner, except that the bays of the first floor are divided by Doric pilasters. The carved masks on the Goodall Street elevation are of three females. The railings at the front of the Guildhall fronting High Street are set in stone piers and are formed of two different designs. On the roof of the Guildhall are urns. The Guildhall is constructed from sandstone from Attleborough and is built on a slope. The Guildhall was designed by G B Nichols in an Italianate style and contained a council chamber, mayor's parlour, a court wing, corporation offices, cells and stores.

The former Police Station is Grade II Listed and is of special historic and architectural interest. It is located on Goodall Street and dates from around 1866. It is a brick building with stucco dressings. A symmetrical composition of three storeys, and three bays divided by rusticated pilasters. Eaves cornice, and open pediment over central bay. Windows to outer bays tripartite, with Venetian windows to second floor with elliptical arches. Central doorcase has segmental arch with keystone. The Police Station adjoins the Guildhall and forms part of a group of 19th century civic buildings.

Numbers 32 and 34 Goodall Street is a two-storey building that sits to the north of the former Police Station, it is constructed in red brick with a pitched tiled roof. It constructed in the mid-1980s after the demolition of the Assembly Rooms that once stood there.

The Guildhall, former Police Station and numbers 32 and 34 Goodall Street sit within Church Hill Conservation Area. Church Hill Conservation Area is registered on Historic England's Heritage at Risk Register as being in a bad condition.

Paragraph 195 of the NPPF states *"the LPA should identify and assess the significance of any heritage asset that may be affected by the proposals"* and paragraph 199 of the NPPF requires *"great weight should be given to the asset's conservation"*. Paragraph 200 of the NPPF states *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance II* listed buildings should be wholly exceptional"*. Paragraph 201 of the NPPF states *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent"*. Paragraph 202 of the NPPF states *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.

In principle the proposed works to bring two vacant designated heritage assets back into use through the conversion and re-use of the Guildhall and the Former Police Station are supported. The re-use of numbers 32 and 34 Goodall Street are also supported in principle.

Much of the original interior of the Guildhall has been removed through previous works undertaken in the 1980s, however, the ornate ceiling remains, and the proposed works seek to retain this ceiling. The proposal to remove the mezzanine floor within the Guildhall would allow greater appreciation of the former double height Court Room. There is also the potential to reinstate timber sash windows similar to the original design along the High Street elevation, which would significantly improve the character of the Guildhall. The proposed works within the Police Station, in particular the installation of the platform lift would have negligible negative impact, as the works are limited to a smaller area. The proposed new entrance doors and reconfiguring of the Police Station entrance to include a level access, whilst will have some harm to the character for the Listed building, however, any harm would be outweighed by the re-use of the vacant Listed building.

Further details are required through planning conditions for both the planning permission and listed building consent regarding the proposed works, including external works stonework repairs, repairs to the Statue of Justice, window survey and details of new windows and refurbishment of existing windows, doors schedule and details, external steps, bin and cycle stores, details of the air source heat pumps and proposed signage, proposed works to the new police station entrance, signage, colour analysis of the exterior of the Police Station and the original timber sash windows to the Guildhall and internal works, details of the removal of the mezzanine floor, details of new openings, details of relocation of the sandstone paving flags, details of the boxed lobby, details of new full height internal glazing, new metal work inclusion in the main staircase, new finials to the newel posts, further survey work in the basement, recording of internal spaces, measured surveys of internal and external spaces, glazed partitions and screens, new openings, installation of new lifts, mechanical, electrical and plumbing works, internal floor alterations to the Police Station, details of the proposed lifts, including details of a fire strategy that safeguards and retention of the original ornate ceiling to the former court room, original vaulted brick ceilings and masonry in the basement, retention of original windows in the Guildhall and the brick flooring in the basement. Further details are sought on the fire strategy in relation to the ornate ceiling in the former Court room and clarification is sought in respect of the retention and restoration of the Court Room ceiling including the retention of historic vents and cornices, which should be left exposed.

The proposed works would have less than substantial harm to the significance of the Grade II* listed building, the Guildhall. The scale of harm is weighed as low. The proposed works would have less than substantial harm to the significance of the Grade II listed building, the Former Police Station, the scale of harm weighed as low. The proposed works would have less than substantial harm to the significance of Church Hill Conservation Area, the scale of harm weighed as low. The proposal would need to be weighed against public benefits and optimum viable use. Planning Practice Guidance, Historic Environment Chapter sets out further guidance on this. <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

The proposed works range from having a negligible minor, neutral, to moderate positive impact, on balance any minor negative impacts are outweighed by the proposed investment and re-use of the two vacant Listed buildings in the town centre. The recent alterations and amendments to the proposed scheme has resulted in fewer interventions to the historic buildings and the simpler plan form has reduced the impacts on the Listed buildings. The proposed works to the Guildhall and Police Station would not adversely alter the character and value of the Listed buildings, the limited architectural interest and historic interest would remain. The proposal complies with Policy ENV27 of the UDP.

The site is within the Church Hill Conservation Area, which is registered on Historic England's Heritage at Risk Register as being in a bad condition. Development proposals in Conservation Areas should seek to enhance and preserve the character and appearance of the Conservation Area in accordance with Saved UDP policy ENV29 and EN5 of the SAD. The proposed external alterations to the Guildhall and Police Station would enhance and preserve the character and appearance of Church Hill Conservation Area, especially given its heritage at risk status, being in a bad condition. The shopfront design of numbers 32 and 34 need to be redesigned, so they are meet the requirements of the Shopfront SPD and to ensure the shopfronts enhance and preserve the character

and appearance of Church Hill Conservation Area, especially given its heritage at risk status, being in a bad condition.

The Conservation Officer has no objection to the proposed development.

The principle of the re-use of two vacant designated heritage assets within Church Hill Conservation Area and numbers 32 and 34 Goodall Street are supported, as the proposal would bring two vacant heritage assets and a third vacant building back into economic viable use.

Amended plans have been sought to include historic fabric recently discovered as part of the soft investigative works. Amended plans have been submitted illustrating the original historic fabric discovered and to be retained within the Guildhall. Further clarification is sought on the points raised above, in particular the retention and restoration of the Court Room ceiling including the retention of historic vents and cornices, which should be left exposed. Clarification has not been provided, as such these details will be sought by planning condition.

Amenity of Neighbours and Amenity of Future Occupiers

Environmental Health raise no objections to the proposed development.

Environmental Protection is of the opinion that there are no significant noise, water, air or land pollution concerns associated with the application that require addressing.

Character and Appearance of the Area

The site falls within the Church Hill Conservation Area. The immediate area is characterised by a mix of commercial properties and mostly being two to three storeys in height. The area has a mixed character. As such the proposed conversion in this location is considered to reflect some of the emerging character of the area and street scene.

The proposed conversion with as much of the original features and structure being retained is considered in this instance to be acceptable and the finer detail of the proposed works including details of the cycle store are considered can be secured by planning conditions that meet the 6 tests.

Highways

Vehicle access to the site will be retained via the existing priority-controlled access arrangement on Goodall Street, which provides access into an existing courtyard area. Auto-tracking has been provided for the largest vehicle proposed to regularly serve the site as well as a 3.5t panel van.

A total of 3no. car parking are to be retained / provided, of which 1no. space would be allocated as an Electric Vehicle Charging Point. In addition, 3no. motorcycle bays would be provided.

Given the sustainable location of the development site the Highway Authority accepts the proposed number of car parking spaces, however in line with Walsall Unitary Development Plan (UPD) a percentage of spaces must be allocated for disabled car parking.

Policy T13 A3 *“Parking should be allocated for disabled people in all developments as near as possible to the most appropriate entrance to the building. 10% of all parking spaces should be reserved for this purpose, with a minimum of 1 reserved space. Each reserved space should be at least 4.8m by 3.6m....”*

The Highway Authority recommends 1 no. parking space is reserved for blue badge holders.

The site is positioned within Walsall Town Centre and as such is located within a sustainable location with a variety of local amenities and sustainable transport links accessible within a short distance of the site.

Current Government policy and guidance places significant emphasis on the promotion of sustainable transport modes for all new developments. This forms part of a long-term strategy to reduce the reliance on private car trips. The proposed site location complies with National Planning Policy Framework 2021 (NPPF) paragraph 110 bullet point a) and b), and Paragraph 112 bullet point a).

The development proposals include 4no. secure cycle stands able to store a maximum of 8 cycles.

In light of the comments above, the Highway Authority supports the proposal, subject to recommended conditions.

Ecology

No ecological protected site, non-statutory or statutory site are within or adjacent to the application site.

No objection to this application on ecological grounds. However, planning conditions should be incorporated into any permission granted to ensure that the mitigation stated with the Preliminary Ecological Appraisal report completed in April 2023 is undertaken.

As per Paragraph 174 and 180 of the National Planning Policy Framework, the development should result in a biodiversity net gain. The plans provided show that native green infrastructure will be incorporated within the plan.

Flood Risk / Drainage

The Lead Local Flood Authority object to the proposed development. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. The Lead Local Flood Authority would therefore recommend that planning permission is not granted. The proposed development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed. The absence of an adequate drainage strategy is therefore sufficient reason in itself for a refusal of planning permission. It can be seen from the existing plans and proposed plans that there is a change in the building footprint.

Additional information has been submitted to address the above concerns. The consultation response from The Lead Local Flood Authority will be provided in the supplementary paper.

Archaeology

The current Guildhall building was constructed 1866-67, but obviously being central within the historic core of Walsall, there were earlier buildings here.

A map of 1824 shows buildings annotated 'Town Hall and Dragon Inn', likely to date to the 18th century. The building adjacent (Green Dragon Inn Listed Building) is said to be c1773 and incorporates part of the earlier guildhall. GREEN DRAGON INN, Non-Civil Parish - 1115709 | Historic England.

The Green Dragon Inn is also reported to have re-used 16th century mouldings and 15th and 16th century timber framing in the roof, and the original guildhall/townhall may date to this period, as historically there was a mayor and a council in Walsall by the beginning of the 16th century, and the town acquired its first Town Hall by the middle of the 16th century.

Previous archaeological work in the area (in 2005), at 12-14 High Street, identified cellars associated with the 18th century buildings there. It also showed that in areas not truncated by cellars, features and deposits dating to late 15th/16th and 17th centuries survived.

The Archaeology Officer has no objections to this proposal but recommend archaeological monitoring of the excavations for the lift shaft, to identify and record any remains exposed during this work.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered the proposal would put this heritage asset into a viable use, consistent with its conservation, by re-purposing it which will allow the full re-use of this heritage asset. It is considered that with sensitive restoration and conversion, the proposal would contribute to the regeneration of the area and enhance the vitality and viability of this part of the town centre and the Church Hill Conservation Area, which is currently listed on the Heritage at Risk Register. The proposal is considered would have a positive contribution to the local character and distinction as the property is in an advanced state of dereliction.

On balance, it is considered that the proposed use would not prejudice the function of the Town Centre, with a sympathetic external renovation of the building making a positive impact to the immediate location and the town centre.

The use of safeguarding conditions that meet the 6 tests: necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding ecology, heritage, lead local flood authority and highways, amended plans have been submitted which enable full support to be given to the scheme.

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;
- Addressing concerns regarding flood risk/drainage;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Conditions and Reasons

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

- Heritage Statement and Impact Assessment dated 17/06/2023
- Heritage Impact Assessment Addendum dated 13/11/2023
- Intrusive Site Investigation to establish ceiling construction received 05/09/2023
- Site Investigation (SI) Forms received 05/09/2023
- Preliminary Ecological Appraisal Report received 26/05/2023
- Design and Access Statement received 26/05/2023
- Floor Plans Proposed revision P2 received 09/11/2023
- Sections Proposed revision P1 received 09/11/2023
- Elevations Proposed revision P1 received 09/11/2023
- 3.5t Panel Van Vehicle Tracking P01 received 27/07/2023
- DB32 Refuse Vehicle Tracking P01 received 27/07/2023
- Site Location Plan rev 0 received 26/05/2023
- Floor Plans Existing revision P0 received 26/05/2023
- Elevation + Section Demolition revision P0 received 26/05/2023

- Floor Plans Demolition revision P1 received 09/11/2023

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).

3. a. Prior to the commencement of the development hereby approved, details of the Air Source Heat Pumps including the design, dimensions and location of the Air Source Heat Pumps shall be submitted in writing and approved in writing by the local planning authority.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved design, dimensions, and location of the Air Source Heat Pumps.

Reason: To ensure the design, dimensions, and location of the Air Source Heat Pumps they preserve the character and appearance of Church Hill Conservation Area in accordance with Sections 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

4. a. Prior to the commencement of the development hereby approved, details of the cycle shelter and bin enclosure shall be submitted in writing 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 cycle shelter and bin enclosure details.

Reason: To ensure the design and location of the cycle shelter and bin enclosure enhances and preserves the character and appearance of Church Hill Conservation Area in accordance with Sections 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

5. a. Prior to the commencement of the development hereby approved, material details and the external finish of the proposed gates at the side of numbers 32 and 34 Goodall Street shall be submitted in writing and approved in writing by the local planning authority.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved gate details.

Reason: To ensure the materials and external finish of the proposed gates enhance and preserve the character and appearance of Church Hill Conservation Area in accordance with Sections 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

6. a. Notwithstanding the proposed frontages to 32 and 34 Goodall Street as shown on drawing number 9333-CMPG-XX-XX-DR-A-1031-P1 submitted on 9th November 2023 and prior to the commencement of the development hereby approved, revised shop frontage designs and details of the proposed materials and external finish shall be submitted in writing and approved in writing by the local planning authority.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with details approved under part A of this condition.

Reason: To ensure the new frontages to 32 and 34 Goodall Street enhance and preserve the character and appearance of Church Hill Conservation Area in accordance with Sections 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

7. a. Prior to the commencement of the development hereby approved, details of all replacement windows to the front elevation of 32 and 34 Goodall Street shall be submitted in writing and approved in writing by the local planning authority. The details shall include the type of material and glazing details.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under Part A of this condition.

Reason: To ensure the windows to 32 and 34 Goodall Street enhance and preserve the character and appearance of Church Hill Conservation Area in accordance with Sections 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV29 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

8. a. Prior to the commencement of the development hereby approved, a full suite of materials for the exterior phase of the development shall be submitted in writing and approved in writing by the local planning authority. The details shall include:
- i. Masonry
 - ii. Joinery (soffits, eaves)
 - iii. Rainwater goods
 - iv. Roofing
 - v. Flashing

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

9. a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

9b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

9c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

- 10.a. Prior to commencement of the development hereby permitted details of a programme of site investigations and archaeological work shall be submitted in writing to and approved in writing by the Local Planning Authority.

10b. No development shall be carried out on site otherwise than in accordance with the approved details.

Reason: In order to secure an adequate record of the site's archaeology in accordance with saved policy ENV25 of Walsall's Unitary Development Plan.

- 11.a) The development hereby permitted shall not be brought into use until details of the proposed cycle shelter, which shall be secure, covered and illuminated, have been 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 shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with the Black Country Core Strategy Policy TRAN4.

12. Prior to occupation of the development hereby permitted the provision of two bat boxes and two bird boxes should be installed as part of the development and retained thereafter with access openings maintained free of obstructions.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

- 13.a. Notwithstanding the annotation on 9333-CMPG-XX-XX-DR-A-1031-P1 submitted on 9th November 2023, the proposed external steps to the rear of the Police Station shall be finished in black.

Reason: To ensure colour finish of the proposed steps better matches and blends into the background of the Police Station and to the enhance and preserve the character and appearance of Church Hill Conservation Area in accordance with Sections 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV29 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

14. If bat/s or evidence of bats are found during these operations:

1. Natural England or the ecologist for this project must be contacted.
2. The bat/s should not be handled or touched, and the vicinity of the roost shall be immediately reinstated.
3. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
4. Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
5. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

15. The rear parking area shall thereafter be retained and used for no other purpose. One parking space shall be allocated for disabled users and marked out accordingly.

Reason: To encourage sustainable modes of travel and in accordance with the Black Country Core Strategy Policy TRAN4.

Notes for Applicant

Environmental Health - Non-Material Advisory Comment

The applicant is advised to ensure that the café food preparation area meets the necessary food safety requirements in terms of the facilities provided.

The following link provides additional information:

<https://go.walsall.gov.uk/business/food-businesses-and-their-safety>.

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

West Midlands Police

The applicant may consider the following:

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

External LED lights with daylight sensors to the external walls of buildings in particular at entry and exits.

Additional LED lighting for parking areas.

If lighting columns are used ensure they are not located close to the perimeter. Similarly any trees.

That might provide an offender with a climbing aid.

A monitored alarm system. cctv particularly identifying at all doors.

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Any cycle storage should be located close to entrances in clear view, natural surveillance.

Cycle stores, approved products. (SBD Homes 2019 page 68, 56

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf

HIGHWAY AUTHORITY

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. The applicant will be required to obtain the necessary Road Opening

Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information and application forms please visit the Council's webpage under

Transport and Streets - Parking Roads and Vehicles.

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 2

Reason for bringing to committee

Council Owned Land

Application Details

Location: THE GUILDHALL, 8, HIGH STREET, WALSALL

Proposal: LISTED BUILDING CONSENT: CHANGE OF USE TO OFFICE, WORKSHOP AND CREATIVE SPACES WITH NEW WINDOWS AND REFURBISHMENTS.

Application Number: 23/0630

Case Officer: Stephanie Hollands

Applicant: Walsall Council

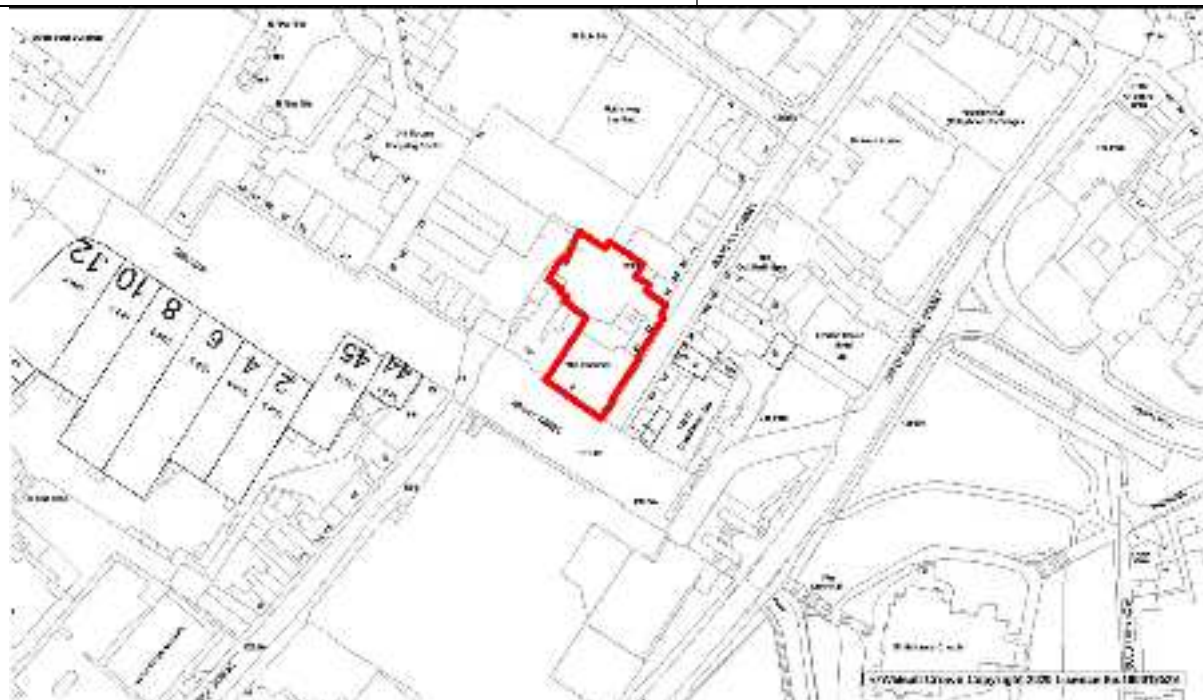
Ward: St Matthews

Agent: CPMG Architects Ltd.

Expired Date: 20-Jul-2023

Application Type: Listed Building Consent: Alter / Extend

Time Extension Expiry: 08-Dec-2023



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to grant listed building consent subject to conditions and subject to;

- The amendment and finalising of conditions;
- Addressing concerns regarding flood risk/drainage;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Proposal

Change of use to office, workshop and creative spaces with new windows and refurbishments.

The proposal seeks to change the use of the Guildhall, former Police Station and 32 and 24 Goodall Street into office space, workshop and creative spaces. The proposal would include a café, co-working and flexible space, exhibition space and specialist workshops. The proposal would also include new windows, refurbishments, and installation of lifts. The buildings would form the Creative Industries Enterprise Centre.

The planning application is supported by the following documents:

- Preliminary Ecological Assessment
- Design and Access Statement
- Heritage Statement and Impact Assessment
- Site Investigation Forms

Site and Surroundings

The site comprises of the Guildhall number 8 High Street, the former Police Station, Goodall Street and numbers 32 and 34 Goodall Street.

Guildhall

The Guildhall is a Grade II* Listed building of more than special historic and architectural interest. It fronts High Street and returning onto Goodall Street.

In 1865-7 the centre block and east wing were demolished and replaced by a two-storey red brick and ashlar (upper floors) and rusticated ashlar (ground floor) building. The sandstone used to construct the Guildhall is from Attleborough.

Built on sloping site, of two storeys divided by entablature, with basement at left-hand side. Six bays. Outer bays project and are flanked by pilasters, other bays divided by engaged columns: Doric on the ground floor and Composite above. Ground floor rusticated. Windows have round heads, moulded imposts, and angle shafts. Those on the ground floor carved masks representing the seasons through the four ages of man, those above have keystones. Left-hand bay has two windows, one above the other, with flat heads. The second bay is narrow and has a doorway with stepped keystone. Above is an oeil-de-boeuf. On the first floor is a brick niche for a statue, the statue of justice, which is much older than the Guildhall, as it originates from the original Guildhall, 1823. The arm of the statute has fallen off and sits within the Guildhall, it once held the scales of justice. Above the statute are the arms of the Borough.

The right-hand bay has a doorway with round head, moulded imposts, and mask. The right-hand return wall, facing Goodall Street, is of three bays and is treated in a similar manner, except that the bays of the first floor are divided by Doric pilasters. The carved masks on the Goodall Street elevation are of three females. The railings at the front of the Guildhall fronting High Street are set in stone piers and are formed of two different designs. On the roof of the Guildhall are urns.

The Guildhall was designed by G B Nichols in an Italianate style and contained a council chamber, mayor's parlour, a court wing, corporation offices, cells and stores. The guildhall gradually lost its functions, chiefly with the building of the Town Hall in the early 20th century. It continued as a magistrate's court until the 1970s and was converted into shops in the 1980s.

Former Police Station

The former Police Station is Grade II Listed and is of special historic and architectural interest. It is located on Goodall Street and dates from around 1866. It is a brick building with stucco dressings. A symmetrical composition of three storeys, and three bays divided by rusticated pilasters. Eaves cornice, and open pediment over central bay. Windows to outer bays tripartite, with Venetian windows to second floor with elliptical arches. Central doorcase has segmental arch with keystone. Adjoins the Guildhall and forms part of a group of C19 civic buildings. The Heritage Statement references the Police Charge room being contained within the ground floor.

Numbers 32 and 34 Goodall Street sit to the north of the former Police Station. The building is constructed in red brick and is two storeys high. It constructed in the mid-1980s after the demolition of the Assembly Rooms that once stood there.

Surroundings

To the left of the Guildhall is the former Dragon Inn public house, a three-storey building dating from approx. c1773, it incorporated part of earlier guildhall. The façade has three storey canted bays with moulded cornice and bands between floors and C20 metal casements-with glazing bars, and parapet stepped up in centre. It has a doorcase to right. The former Dragon Inn is Grade II Listed.

To the north of 32 and 34 Goodall Street is the former School of Art, a locally listed building. To the east of the Guildhall are numbers 10, 11 and 12 High Street, Grade II Listed buildings. The Church of St Matthew, Grade II* sits at the top of Church Hill. Walsall Memorial Gardens, Registered Park and Garden, Grade II are located to the west of the church of St Matthew. On the opposite side of High Street is a modern supermarket development and to the west of the supermarket is George Street. Market Tavern, a locally listed building sits at the junction of George Street and High Street.

Church Hill Conservation

All three sites sit within Church Hill Conservation Area. Church Hill Conservation Area is registered on Historic England's Heritage at Risk Register as being in a bad condition.

Relevant Planning History

Most recent:

APPLICATION No.	PROPOSAL	DECISION	DATE
BC50956P/C	Listed Building Consent: Demolish existing shop fronts within the building.	Grant Listed Building Consent	01/04/1998
BC50954P/C	Change of Use: Conversion of ground floor and balcony area to	Grant Permission	01/04/1998

	form restaurant and retention of existing offices at first and second floors.	subject to Conditions	
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Relevant Policies

National Planning Policy Framework (NPPF)

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 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

Saved Policies of Walsall Unitary Development Plan

- 3.15
- GP2: General Principles
- ENV16: Black Country Urban Forest,
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors

-
- ENV25: Archaeology
 - ENV27: Buildings of Historic or Architectural Interest
 - ENV29: Conservation Areas
 - ENV32: Design and Development Proposals
 - T7: Car Parking

Black Country Core Strategy

- ENV1 Nature Conversation
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV4 Canals
- ENV5 Flood Risk Sustainable Drainage Systems and Urban Heat Island
- CSP2: Outside Regeneration Corridor
- CSP3: Environmental Infrastructure
- CSP4: Place-Making
- EMP6: Cultural Facilities and the Visitor Economy
- CEN1: The Importance of the Strategic Centres for the Regeneration Strategy
- CEN3: Growth in the Strategic Centres

Walsall Site Allocation Document 2019

- EN1: Natural Environment Protection, Management and Enhancement
- EN2: Ancient Woodland
- EN4: Canals
- EN5 Development in Conservation Areas
- EN7: Great Barr Hall and Estate and St Margaret's Hospital
- M1: Safeguarding of Minerals Resources
- RC1: Outside Regeneration Corridor

Walsall Town Centre Area Action Plan 2019

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness

AAPLV6: Securing Good Design

AAPINV2: St Matthew's Quarter

AAPS1: Primary Shopping Area

AAPB2: Social Enterprise Zone

AAPLE2: Sport and Cultural Facilities

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
- DW3 Character

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

Shop Front SPD

- SF1: Historic shop fronts
- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

Historic England Guidance

- Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment (2015)
- Good Practice Advice Note 3: The Setting of Heritage Assets (2017)
- Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets (2019)
- Understanding Historic Buildings: A Guide to Good Recording Practice (2016)

Consultation Replies

Officer's comments in italics

Archaeology: No objection.

Conservation Officer: Support

Ecology Officer: No objections subject to conditions.

Environment Agency: No objection. Based on the information received this appears to be a planning proposal which does not require direct consultation with us, as it is a listed building consent. Therefore, we have no comments.

Environmental Health – Provided the following comments:

- With reference to the Public Café part of the application, details as to the types of food being served and methods of food preparation have not been provided. So therefore, we cannot make a comment concerning this in consideration of the following:

Where the types of food being produced and/or methods of food preparation which will require mechanical extraction/ventilation the following would apply:

- Full details of the type and specification of plant and equipment installed for the purposes of ventilation and extraction of cooking odours shall be submitted to and approved in writing by the Local Planning Authority.
- The approved plant and equipment shall be maintained in accordance with the manufacturer's recommendations and instructions thereafter.

Reason: To minimise the potential for noise and odour nuisance to neighbours, and to ensure the satisfactory functioning of the extract equipment.

The Applicant has confirmed that the café usage is limited to cold or hot drinks and cold food only (no provision for hot food preparation). There will be no provision for any extraction system relating to hot food preparation. It is therefore considered the above condition is not necessary.

Environmental Health now have no adverse comments and provide a non-material advisory.

Environmental Protection: No objection - there are no significant noise, water, air or land pollution concerns associated with the application that require addressing.

Historic England: Is highly supportive of the sustainable reuse of the Guildhall and former Police Station, we want to see this scheme succeed and deliver for the community. We have set out some concerns regarding the applications on heritage grounds which we believe can be readily addressed.

Amended plans have been submitted to address these concerns. The re-consultation response from Historic England will be provided in the supplementary paper if available.

Planning Policy: Strongly supported.

Public Lighting: No objection. As no alterations to access are proposed and there are no proposals for providing changed lighting of the building exterior, Street Lighting has no objection to these proposals.

Victorian Society: No objection, subject to satisfactory resolution of the points raised by Historic England in their letter of 23rd July with which we concur.

Amended plans have been submitted to address these concerns. The re-consultation response from the Victorian Society will be provided in the supplementary paper if available.

West Midlands Fire Service: No objection. Note for applicant.

West Midlands Police: No objection. Note for applicant.

Representations

The application was advertised by way of the display of a site and press notices and notification letters sent to 54 surrounding properties. The public consultation time expired 13th July 2023. No comments received.

Determining Issues

- Principle of Development
- Heritage Assessment
- Character and Appearance of the Area
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Archaeology

Assessment of the Proposal

Principle of Development

The proposal can be strongly supported on strategic planning policy grounds. It will bring a leisure, cultural and employment use into the town centre and make good use of a historic building. The proposal reflects the changing nature of town centre uses away from retail.

The site lies close to the area in George Street allocated by the AAP for social enterprises, so there is the potential for synergy between these uses.

Subject to heritage details, the proposal also involves the removal of unsympathetic internal sub-divisions from the building that are of recent addition.

Heritage Assessment

The Guildhall is a Grade II* Listed building of more than special historic and architectural interest. The Guildhall fronts High Street and returning onto Goodall Street. It is a two-storey red brick and ashlar (upper floors) and rusticated ashlar (ground floor) building divided by an entablature with basement at the left-hand side. The Guildhall has six bays, the outer bays project and are flanked by pilasters, other bays divided by engaged columns: Doric on the ground floor and Composite above. Windows details include round heads, moulded imposts, and angle shafts and the ground floor windows include carved masks representing the seasons through the four ages of man, windows at first floor have keystones. The left-hand bay has two windows, one above the other, with flat heads. The second bay is narrow and has a doorway with stepped keystone. Above is an oeil-de-boeuf. On the first floor is a brick niche for a statue, the statue of justice, which is much older than the Guildhall, as it originates from the original Guildhall, 1823. The arm of the statute has fallen off and sits within the Guildhall, it once held the scales of justice. Above the statute are the arms of the Borough. The right-hand bay has a doorway with round head, moulded imposts, and mask. The right-hand return wall, facing Goodall Street, is of three bays and is treated in a similar manner, except that the bays of the first floor are divided by Doric pilasters. The carved masks on the Goodall Street elevation are of three females. The railings at the front of the Guildhall fronting High Street are set in stone piers and are formed of two different designs. On the roof of the Guildhall are urns. The Guildhall is constructed from sandstone from Attleborough and is built on a slope. The Guildhall was designed by G B Nichols in an Italianate style and contained a council chamber, mayor's parlour, a court wing, corporation offices, cells and stores.

The former Police Station is Grade II Listed and is of special historic and architectural interest. It is located on Goodall Street and dates from around 1866. It is a brick building with stucco dressings. A symmetrical composition of three storeys, and three bays divided by rusticated pilasters. Eaves cornice, and open pediment over central bay. Windows to outer bays tripartite, with Venetian windows to second floor with elliptical arches. Central doorcase has segmental arch with keystone. The Police Station adjoins the Guildhall and forms part of a group of 19th century civic buildings.

Numbers 32 and 34 Goodall Street is a two-storey building that sits to the north of the former Police Station, it is constructed in red brick with a pitched tiled roof. It constructed in the mid-1980s after the demolition of the Assembly Rooms that once stood there.

The Guildhall, former Police Station and numbers 32 and 34 Goodall Street sit within Church Hill Conservation Area. Church Hill Conservation Area is registered on Historic England's Heritage at Risk Register as being in a bad condition.

Paragraph 195 of the NPPF states *"the LPA should identify and assess the significance of any heritage asset that may be affected by the proposals"* and paragraph 199 of the NPPF requires *"great weight should be given to the asset's conservation"*. Paragraph 200 of the NPPF states *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance II* listed buildings should be wholly exceptional"*. Paragraph 201 of the NPPF states *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse"*

consent". Paragraph 202 of the NPPF states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

In principle the proposed works to bring two vacant designated heritage assets back into use through the conversion and re-use of the Guildhall and the Former Police Station are supported. The re-use of numbers 32 and 34 Goodall Street are also supported in principle.

Much of the original interior of the Guildhall has been removed through previous works undertaken in the 1980s, however, the ornate ceiling remains, and the proposed works seek to retain this ceiling. The proposal to remove the mezzanine floor within the Guildhall would allow greater appreciation of the former double height Court Room. There is also the potential to reinstate timber sash windows similar to the original design along the High Street elevation, which would significantly improve the character of the Guildhall. The proposed works within the Police Station, in particular the installation of the platform lift would have negligible negative impact, as the works are limited to a smaller area. The proposed new entrance doors and reconfiguring of the Police Station entrance to include a level access, whilst will have some harm to the character for the Listed building, however, any harm would be outweighed by the re-use of the vacant Listed building.

Further details are required through planning conditions for both the planning permission and listed building consent regarding the proposed works, including external works stonework repairs, repairs to the Statue of Justice, window survey and details of new windows and refurbishment of existing windows, doors schedule and details, external steps, bin and cycle stores, details of the air source heat pumps and proposed signage, proposed works to the new police station entrance, signage, colour analysis of the exterior of the Police Station and the original timber sash windows to the Guildhall and internal works, details of the removal of the mezzanine floor, details of new openings, details of relocation of the sandstone paving flags, details of the boxed lobby, details of new full height internal glazing, new metal work inclusion in the main staircase, new finials to the newel posts, further survey work in the basement, recording of internal spaces, measured surveys of internal and external spaces, glazed partitions and screens, new openings, installation of new lifts, mechanical, electrical and plumbing works, internal floor alterations to the Police Station, details of the proposed lifts, including details of a fire strategy that safeguards and retention of the original ornate ceiling to the former court room, original vaulted brick ceilings and masonry in the basement, retention of original windows in the Guildhall and the brick flooring in the basement. Further details are sought on the fire strategy in relation to the ornate ceiling in the former Court room and clarification is sought in respect of the retention and restoration of the Court Room ceiling including the retention of historic vents and cornices, which should be left exposed.

The proposed works would have less than substantial harm to the significance of the Grade II* listed building, the Guildhall. The scale of harm is weighed as low. The proposed works would have less than substantial harm to the significance of the Grade II listed building, the Former Police Station, the scale of harm weighed as low. The proposed works would have less than substantial harm to the significance of Church Hill Conservation Area, the scale of harm weighed as low. The proposal would need to be weighed against public benefits and optimum viable use. Planning Practice Guidance,

Historic Environment Chapter sets out further guidance on this.
<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>

The proposed works range from having a negligible minor, neutral, to moderate positive impact, on balance any minor negative impacts are outweighed by the proposed investment and re-use of the two vacant Listed buildings in the town centre. The recent alterations and amendments to the proposed scheme has resulted in fewer interventions to the historic buildings and the simpler plan form has reduced the impacts on the Listed buildings. The proposed works to the Guildhall and Police Station would not adversely alter the character and value of the Listed buildings, the limited architectural interest and historic interest would remain. The proposal complies with Policy ENV27 of the UDP.

The site is within the Church Hill Conservation Area, which is registered on Historic England's Heritage at Risk Register as being in a bad condition. Development proposals in Conservation Areas should seek to enhance and preserve the character and appearance of the Conservation Area in accordance with Saved UDP policy ENV29 and EN5 of the SAD. The proposed external alterations to the Guildhall and Police Station would enhance and preserve the character and appearance of Church Hill Conservation Area, especially given its heritage at risk status, being in a bad condition. The shopfront design of numbers 32 and 34 need to be redesigned, so they are meet the requirements of the Shopfront SPD and to ensure the shopfronts enhance and preserve the character and appearance of Church Hill Conservation Area, especially given its heritage at risk status, being in a bad condition.

The Conservation Officer has no objection to the proposed development.

The principle of the re-use of two vacant designated heritage assets within Church Hill Conservation Area and numbers 32 and 34 Goodall Street are supported, as the proposal would bring two vacant heritage assets and a third vacant building back into economic viable use.

Amended plans have been sought to include historic fabric recently discovered as part of the soft investigative works. Amended plans have been submitted illustrating the original historic fabric discovered and to be retained within the Guildhall. Further clarification is sought on the points raised above, in particular the retention and restoration of the Court Room ceiling including the retention of historic vents and cornices, which should be left exposed. Clarification has not been provided, as such these details will be sought by planning condition.

Amenity of Neighbours and Amenity of Future Occupiers

Environmental Health raise no objections to the proposed development.

Environmental Protection is of the opinion that there are no significant noise, water, air or land pollution concerns associated with the application that require addressing.

Character and Appearance of the Area

The site falls within the Church Hill Conservation Area. The immediate area is characterised by a mix of commercial properties and mostly being two to three storeys in height. The area has a mixed character. As such the proposed conversion in this location is considered to reflect some of the emerging character of the area and street scene.

The proposed conversion with as much of the original features and structure being retained is considered in this instance to be acceptable and the finer detail of the proposed works including details of the cycle store are considered can be secured by planning conditions that meet the 6 tests as set out in the NPPF.

Highways

Vehicle access to the site will be retained via the existing priority-controlled access arrangement on Goodall Street, which provides access into an existing courtyard area. Auto-tracking has been provided for the largest vehicle proposed to regularly serve the site as well as a 3.5t panel van.

A total of 3no. car parking are to be retained / provided, of which 1no. space would be allocated as an Electric Vehicle Charging Point. In addition, 3no. motorcycle bays would be provided.

Given the sustainable location of the development site the Highway Authority accepts the proposed number of car parking spaces, however in line with Walsall Unitary Development Plan (UPD) a percentage of spaces must be allocated for disabled car parking.

Policy T13 A3 *“Parking should be allocated for disabled people in all developments as near as possible to the most appropriate entrance to the building. 10% of all parking spaces should be reserved for this purpose, with a minimum of 1 reserved space. Each reserved space should be at least 4.8m by 3.6m....”*

The Highway Authority recommends 1 no. parking space is reserved for blue badge holders.

The site is positioned within Walsall Town Centre and as such is located within a sustainable location with a variety of local amenities and sustainable transport links accessible within a short distance of the site.

Current Government policy and guidance places significant emphasis on the promotion of sustainable transport modes for all new developments. This forms part of a long-term strategy to reduce the reliance on private car trips. The proposed site location complies with National Planning Policy Framework 2021 (NPPF) paragraph 110 bullet point a) and b), and Paragraph 112 bullet point a).

The development proposals include 4no. secure cycle stands able to store a maximum of 8 cycles.

In light of the comments above, the Highway Authority supports the proposal, subject to recommended conditions.

Ecology

No ecological protected site, non-statutory or statutory site are within or adjacent to the application site.

The council's Ecology officer has no objection to this application on ecological grounds. However, planning conditions should be incorporated into any permission granted to ensure that the mitigation stated with the Preliminary Ecological Appraisal report completed in April 2023 is undertaken.

As per Paragraph 174 and 180 of the National Planning Policy Framework, the development should result in a biodiversity net gain. The plans provided show that native green infrastructure will be incorporated within the plan.

Flood Risk / Drainage

The Lead Local Flood Authority object to the proposed development. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. The Lead Local Flood Authority would therefore recommend that planning permission is not granted until satisfactory additional information is submitted. The proposed development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed. The absence of an adequate drainage strategy is therefore sufficient reason in itself for a refusal of planning permission. It can be seen from the existing plans and proposed plans that there is a change in the building footprint.

Additional information has been submitted to address the above concerns. The consultation response from The Lead Local Flood Authority will be provided in the supplementary paper.

Archaeology

The current Guildhall building was constructed 1866-67, but obviously being central within the historic core of Walsall, there were earlier buildings here.

A map of 1824 shows buildings annotated 'Town Hall and Dragon Inn', likely to date to the 18th century. The building adjacent (Green Dragon Inn Listed Building) is said to be c1773 and incorporates part of the earlier guildhall. GREEN DRAGON INN, Non-Civil Parish - 1115709 | Historic England.

The Green Dragon Inn is also reported to have re-used 16th century mouldings and 15th and 16th century timber framing in the roof, and the original guildhall/townhall may date to this period, as historically there was a mayor and a council in Walsall by the beginning of the 16th century, and the town acquired its first Town Hall by the middle of the 16th century.

Previous archaeological work in the area (in 2005), at 12-14 High Street, identified cellars associated with the 18th century buildings there. It also showed that in areas not truncated by cellars, features and deposits dating to late 15th/16th and 17th centuries survived.

The Archaeology Officer has no objections to this proposal but recommend archaeological monitoring of the excavations for the lift shaft, to identify and record any remains exposed during this work.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered the proposal would put this heritage asset into a viable use, consistent with its conservation, by re-purposing it which will allow the full re-use of this heritage asset. It is considered that with sensitive restoration and conversion, the proposal would contribute to the regeneration of the area and enhance the vitality and viability of this part of the town centre and the Church Hill Conservation Area, which is currently listed on the Heritage at Risk Register. The proposal is considered would have

a positive contribution to the local character and distinction as the property is in an advanced state of dereliction.

On balance, it is considered that the proposed use would not prejudice the function of the Town Centre, with a sympathetic external renovation of the building making a positive impact to the immediate location and the town centre.

The use of safeguarding conditions that meet the 6 tests: necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding ecology, heritage, lead local flood authority and highways, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to grant listed building consent subject to conditions and subject to;

- The amendment and finalising of conditions;
- Addressing concerns regarding flood risk/drainage;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Conditions and Reasons

1. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission.
Reason: Pursuant to the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:
 - Heritage Statement and Impact Assessment dated 17/06/2023
 - Heritage Impact Assessment Addendum dated 13/11/2023
 - Intrusive Site Investigation to establish ceiling construction received 05/09/2023
 - Site Investigation (SI) Forms received 05/09/2023
 - Preliminary Ecological Appraisal Report received 26/05/2023

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- Design and Access Statement received 26/05/2023
 - Floor Plans Proposed revision P2 received 09/11/2023
 - Sections Proposed revision P1 received 09/11/2023
 - Elevations Proposed revision P1 received 09/11/2023
 - 3.5t Panel Van Vehicle Tracking P01 received 27/07/2023
 - DB32 Refuse Vehicle Tracking P01 received 27/07/2023
 - Site Location Plan rev 0 received 26/05/2023
 - Floor Plans Existing revision P0 received 26/05/2023
 - Elevation + Section Demolition revision P0 received 26/05/2023
 - Floor Plans Demolition revision P1 received 09/11/2023

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 the commencement of the development hereby approved, a full phasing plan shall be submitted in writing and approved in writing by the local planning authority. The phasing plan agreed shall be implemented as part of this scheme.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27, ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

4a. Prior to the commencement of the development hereby permitted, a building recording survey to Level 3 in accordance with Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016) shall be undertaken. The building recording survey shall be submitted in writing and approved in writing by the local planning authority prior to any development works commencing. For the avoidance of doubt the recording shall be undertaken by an accredited archaeologist. The building recording survey shall include the modification works to lower the floor to create a level access.

Reason: To ensure there is a written and photographic record of the Listed Guildhall and Police Station as it currently exists prior to the conversion of the building in accordance with Paragraph 205 of the NPPF.

5a. Prior to the commencement of the development hereby permitted, a method statement for the implementation of the scheme shall be submitted in writing and approved in writing by the local planning authority. The method statement shall be structured so as to reflect the works of the various trades that will be instructed during the implementation of the scheme and shall set out the following as is relevant:

- i. Investigative works required;
- ii. Protective measures to be put in place to preserve features to be retained; including the fallen Statute of Justice's arm, the original Police Cell door, the ornate scroll work shown in image 69 of the Heritage Statement submitted on 21st June 2023
- iii. Tools and equipment to be used and how they will be used;

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- iv. Method of demolition and dismantling to be undertaken;
 - v. Strategy, extent, form and fixing of scaffolding;
 - vi. All temporary works;
 - vii. Location and form of temporary storage of historic materials removed and to be reinstated; including the fallen Statute of Justice's arm, the original Police cell door
 - viii. Type and fixing of safeguarding measures to historic fabric during implementation of works including shoring, protective packing including the fallen Statute of Justice's arm, the original Police cell door, and the ornate scroll work and screening;
 - ix. Measures for repair and remediation.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved under part A of this condition.

5c. The method statement approved shall be shared with and made available to all contractors instructed during implementation of works and its agreed strategies adhered to throughout the implementation.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27, ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

6a. Prior to the commencement of the development hereby approved, and following the soft strip of the basement a full measured survey of the basement structure shall be submitted in writing and approved in writing by the local planning authority. The measured survey shall include a record of all vaulted spaces and brick masonry.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved measured survey.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27, ENV32 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

7a. Prior to the commencement of the development hereby approved, a condition survey of the stone to the Guildhall shall be submitted in writing and approved in writing by the local planning authority. The condition survey of the stone shall be undertaken by a specialist stone conservator / masonry company and shall include:

- i. the current condition of the stone, details of the historic elevations identifying areas of decay, a full schedule / methodology outlining repairs to the stonework, including the type and density, bedding, fixing, surface finishing and arrangement, details of the mortar mix, sourcing of stone, all materials to undertake repair works, repointing works, workmanship, tools to be used.

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- ii. an inspection of the masonry around the two ex-situ cast iron windows, as referenced in the Heritage Statement, page 37 submitted on 21 June 2023 and detail the current condition of the masonry, a full scheme / methodology repairs to the masonry including materials, mortar mix, bedding, fixing, surface finish, arrangement, workmanship and tools to be used.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved stone condition survey.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

8a. Prior to the commencement of the development hereby approved, a full detailed methodology outlining the repair and reinstatement of the Statute of Justice's arm and scales shall be submitted in writing and approved in writing by the local planning authority. The methodology shall be prepared by a specialist stone conservator / masonry company and shall include type and density, surface finishing, all repair works, mortar mix, workmanship, materials, and tools to be used.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the methodology approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

9a. Prior to the commencement of the development hereby approved, details of the reinstatement of the original Police cell door in the basement shall be submitted in writing and approved in writing by the local planning authority. The original cell door shall be reinstated so its former function in relation to the original cell spaces is legible.

9b. The development hereby permitted shall not be carried out otherwise than in accordance with the reinstatement measures approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

10a. Prior to the commencement of the development hereby approved, a full strategy for the repair of the historic fabric shall be submitted in writing and approved in writing by the local planning authority. The details shall include:

- i. Repair to plasterwork: Including the plaster mix, application (coats), substructure, decoration and finish.
- ii. Repair to timber: Including the type and density, joints of joinery/carpentry, fixing (nails, pegs and/or adhesives) and finish

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- iii. Repair to bricks and tiles: Including the type and density, bonding and fixing, stitching together and or surface finishing.
 - iv. Repair to glass: Including the type, fixture and finish.
 - v. Repair to ironmongery and metal: Including the type of metal, form, structural integrity, composition, fixing, joints and finish.
 - vi. Repair to the main Guildhall Staircase: Including method of repair, materials and tools to be used, finish.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the methodology approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

11a. Prior to the commencement of the development hereby approved, a full strategy outlining the method of removal of the existing mezzanine floor within the Guildhall, as outlined in the addendum Heritage Statement submitted on 13th November 2023, shall be submitted in writing and approved in writing by the local planning authority. The details shall include the method of removal, tools to be used, details of proposed works to make good any damage to the historic walls shall be included in the details sought under condition 9a.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the methodology approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

12a. Prior to the commencement of the development hereby approved, full architectural and specification details (at a scale of 1:10) shall be submitted in writing and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and shall include:

- i. Doors (new and altered, internal and external) (including replacement door to the Magistrates Court and the replacement basement door to the High Street elevation, details of two locations where existing doorways in the Guildhall are to be widen as specified in the Heritage Statement submitted on 21st June 2023): Overall design, 1:10 elevation of each new door, dimension of frames/architraves, arrangement of materials and individual components and members, materials, reveal, opening mechanism, handles, latches and locks, full size sections through all the panelling, architraves, door linings, transoms, type of timber and fixing method, hand tools to be used, how the walls would be made good, finishes and materials.

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- ii. New staircases (internal and external): Materials, colour and finish, design of tread and riser, balustrade and rail, structural form and fixing to principal structure;
 - iii. Main Staircase Guildhall: including alteration to the existing balustrading including: design, detail of alteration, materials, methods of installation, location details of where the balustrades will be fixed into the staircase, tools to be used, finish and a Method Statement outlining full details of the wrought iron or hand forged steel balustrades to reduce the gaps within the ornate metalwork of the main staircase.
 - iv. New internal stud walling / Partitions: Exact position and relationship to adjacent and affected historic fabric, scribing round historic joinery and plasterwork and architectural features.
 - v. New internal glazed screens: including materials, glazing, method of fixing / attaching to the historic fabric, and tools to be used.
 - vi. New glazed openings in the former rear windows of the Guildhall: Including the type of glazing, method of fixing / attaching to the historic fabric, and tools to be used.
 - vii. Three new openings proposed in the upper wall of the Court Room as outlined in the addendum Heritage Statement submitted on 13th November 2023, and as shown plan drawing number 9333-CMPG-XX-XX-DR-A-1030/P2 entitled floor plans proposed submitted on 9th November 2023: Including method of creating the new openings, the hand tools to be used, materials and finish of the new openings.
 - viii. Proposed box lobby shown on drawing number 9333-CMPG-XX-XX-DA-A-1030/P2 submitted on 9th November 2023: Including design, materials, height of the lobby structure, how the lobby structure will be fixed / attached to the floor, and tools to be used.
 - ix. Windows: alterations to windows CR9 and CR10 as outlined on page 37 of the Heritage Statement: Overall design, specification, glazing bar, type of glazing, and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks;
 - x. Rainwater goods: Design, location, materials, finish and fixing;
 - xi. New internal joiners (skirting, ducting, and architraves): Design, materials, position, fixing and colour finish;
 - xii. New plasterwork (ceilings, walling and decoration): Form, composition and application, plaster mix, location of application, number and type of coats and decorative use.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

13a. Notwithstanding the details of the new entrance to the former Police Station as shown on drawing number 9333-CMPG-XX-XX-DR-1031/P1 and drawing number 9333-CMPG-XX-XX-DR-1030/P2 submitted on 19th November 2023 and prior to the commencement of the development hereby approved, full architectural and specification details (at a scale of 1:10) of the internal and external elevations of the replacement door to the Police Station with full sized sections of panels, door frame and transom shall be submitted in writing and approved in writing by the local planning authority. The details shall also include fanlight details, dimension of frames/architraves, arrangement of materials and individual components and members, materials, reveal, opening mechanism, handles, latches and locks.

13b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

14a. Prior to the commencement of the development hereby approved, details of the removal of the doorway to the first floor mezzanine and replacement of the glazed fixed full height light as outlined in the addendum Heritage Statement submitted on 13th November 2023, and as shown plan drawing number 9333-CMPG-XX-XX-DR-A-1030/P2 entitled floor plans proposed submitted on 9th November 2023 shall be submitted in writing and approved in writing by the local planning authority. The details shall include the type of glazing, the method of fixing and tools to be used.

14b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

15a. Prior to the commencement of the development hereby approved, a window survey of the existing windows in the Guildhall and Police Station shall be undertaken and shall be submitted in writing and approved in writing by the local planning authority. The window survey shall be undertaken by a qualified window specialist or joiner. The window survey shall outline the method of repair of the existing windows to be retained within the Guildhall and Police Station and the type of timber to be used for repair works.

15b. The development hereby permitted shall not be carried out otherwise than in accordance with the window survey approved under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

16a. Prior to the installation of new windows in the Guildhall, full details full architectural and specification details (at a scale of 1:10) shall be submitted in writing and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and shall include:

1. Overall design, specification, glazing bar, double glazed glazing details, how new windows would sit in masonry rebates, and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks;

16b. The development hereby permitted shall not be carried out otherwise than in accordance with the window details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

17a. Prior to the commencement of the development hereby approved, details of the refurbishment, replacement and relocation of existing windows shall be submitted in writing and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and shall include:

- i. Methodology for the reinstatement of the ex-situ original windows cast iron lights / windows referenced in the Heritage Statement on page 37 submitted on 21 June 2023 in the window opening identified as HS4b on drawing number 9333-CMPG-XX-XX-DA-A-1030/P2 and drawing number 9333-CMPG-XX-XX-DA-A-1031/P1 submitted 9th November 2023. The methodology shall include materials and tools to be used.
- ii. Refurbishment of the original cast iron lights / windows to the basement along the High Street frontage: including methodology of the refurbishment, materials, tools, redecoration, and finish.
- iii. The replacement of window identified as HS1 on drawing number 9333-CMPG-XX-XX-DA-A-1031/PO submitted 26th May 2023 with a double glazed window, which shall include the design, material, specification.
- iv. Where the original cast iron window from the male cells, as shown in plate 44 of the Heritage Statement submitted on 21st June 2023 is to be refurbished within the Listed building. The details shall include a plan of where the cast iron window is to be refurbished, the method of removal, the method of installation, tools to be used and materials and method of fixing into the masonry.

17b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

18a. Prior to the commencement of the development hereby approved, details of architectural paint analysis shall be submitted in writing and approved in writing by the local planning authority. The architectural paint analysis shall be undertaken by a suitably qualified specialist and the details shall include:

- i. paint analysis of the surviving timber sash windows to the Goodall Street elevation of the Guildhall, details of the original colour finish of the timber sash windows to the Guildhall, details of the redecoration of the surviving timber sash windows on the Goodall Street elevation of the Guildhall to be redecorated in same original colour finish.
- ii. architectural paint analysis of the stucco to the Police Station and details of the Police Station stucco should be redecorated with the same original colour finish.

18b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

19a. Prior to the commencement of the development hereby approved, details of the installation of the lifts shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall include:

- i. Details of the proposed lift from the basement and throughout the Guildhall: including a scale section plan and details of how the ornate ceiling and surviving architectural details, cornice and cast-iron vents will be retained within the Court Room and how the lift will be installed through the floor and ceiling spaces.
- ii. The platform lift to be installed within the Police Station as outlined in the Heritage Statement addendum submitted 13th November 2023 and drawing number 9333-CPMG-XX-XX-DR-A-1030/P2 submitted on 9th November 2023: Including method of installation, details of the modifications to the internal access, materials, fixings to the historic fabric, tools.

19b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

20a. Prior to the commencement of the development hereby approved, full details of the proposed fire rated ceiling in the basement shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall include:

- i. the type of fire rated ceiling, materials, the method of how the fire rated ceiling would be fixed / attached to the historic fabric and tools to be used to insert the fire rated ceiling.

20b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

21a. Prior to the commencement of the development hereby approved, full details of the new structural floor as shown on drawing 9333-CPMG-XX-XX-DR-A-1032/P2 submitted on 9th November 2023 shall be submitted to and approved in writing and approved in writing by the local planning authority.

21b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

22a. Prior to the commencement of the development hereby approved, full details of the method of upgrading the floor void to provide one hour fire protection shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall include sectional drawings (scale of 1:20) of the floor void, type of fire protection, details of the proposed fire protection, details of how the fire protection will be installed / fixed in the floor voids and retention of the fretwork ventilators.

22b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

23a. Prior to the commencement of the development hereby approved, details of all roofing works to both the Guildhall and Police Station shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and shall include repair of existing roofing materials, new roofing materials, where roofing materials that are to be re-used to be stored during works, tools to be used.

23b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

24a. Prior to the commencement of the development hereby approved, full details of the overlaid smooth finish floor to the basement shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall include the type of flooring, material, method of laying, method of installing and tools to be used to install the floor.

24b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

25a. Prior to the commencement of the development hereby approved, a plan showing:

- i. the extent of the original brick floor in the basement.
- ii. areas where the brick floor requires repair.

Together with a methodology outlining the full extent of repairs to the brick floor shall be submitted in writing and approved in writing by the local planning authority. The methodology shall include the safe storage of any floor bricks needed to be taken up, the reinstatement of the floor bricks, how the floor bricks will be laid / fixed into the floor, mortar mix, replacement floor bricks including the dimensions and colour.

25b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

26a. Prior to the commencement of the development hereby approved, a full structural survey shall be undertaken outlining the structural implications to the police cells and the original brick vaulted passageway from the creation of the new internal ramp access shall be submitted in writing and approved in writing by the local planning authority. The structural survey shall be undertaken by a conservation accredited structural engineer.

26b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

27a. Prior to the commencement of the development hereby approved, a full method statement outlining the removal of the corroded metal work from the basement shall be submitted in writing and approved in writing by the local planning authority. The details shall include the method of removal, tools to be used, and works to make good historic fabric / walls, including materials and finish.

27b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

28a. Prior to the commencement of the development hereby approved, full details of the mechanical and electrical systems strategy for the Guildhall and the Police Station shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall include:

- i. the exact position and location of the ducting for the mechanical and electrical strategy, the dimensions of the ducting, the type of ducting, how method of how the ducting will be fixed / attached to the historic fabric and the tools to be used. all methods of extraction, including ventilation through the roof slopes and on secondary elevations, installation of any smoke vents to the rear roof slope of staircase 2 and 3.

28b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

29a. Prior to the commencement of the development hereby approved, a 1:2 sectional drawing through the top of the newel post and finial together with details of the timber to be used to form the finial shall be submitted to and approved in writing and approved in writing by the local planning authority. The details shall include design, materials, specification, method of fixing and tools.

29b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

30a. The existing sandstone paving flags shall be retained within the proposed development and prior to the commencement of the development hereby approved, details of the relocation of the existing sandstone paving flags within the Guildhall shall be submitted in writing and approved in writing by the local planning authority. The details shall include the method of relaying the stone flags, mortar mix and methodology.

30b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

31a. The proposed rooflights to be installed shall be conservation rooflights, and prior to the commencement of the development hereby approved, details of the type of conservation rooflights shall be submitted in writing and approved in writing by the local planning authority.

31b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved conservation rooflight details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

32a. Prior to the commencement of the development hereby approved, full details of the proposed signage to be fixed / attached to the exterior elevation of the Guildhall fronting High Street shall be submitted in writing and approved in writing by the local planning authority. The details shall include the full design, dimensions, materials, method of fixing / attaching to the historic fabric, tools to be used to fix / attach the signage. The signage shall not be illuminated.

32b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990,

Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

33a. Prior to the commencement of the development hereby approved, details of the mortar mix for external masonry work shall be submitted in writing and approved in writing by the local planning authority. For the avoidance of doubt all works affecting historic fabric shall use Naturally Hydraulic Lime (NHL) to a specified ratio with sand in accordance with its use and location.

33b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

34a. Prior to the commencement of the development hereby approved, a full suite of materials for the exterior phase of the development shall be submitted in writing and approved in writing by the local planning authority. The details shall include:

- i. Masonry
- ii. Joinery (soffits, eaves)
- iii. Rainwater goods
- iv. Roofing
- v. Flashing

34b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details under part A of this condition.

Reason: To ensure the proposed works are sympathetic to the conservation of historic fabric and character of this Grade II listed building and in accordance with Section 16, 66 and 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies ENV27 and ENV29 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

35a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

35b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

35c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

36. Notwithstanding the annotation on drawing number 9333-CMPG-XX-XX-DR-A-1030-PO submitted on 26th May 2023, the remaining cells, vaulted ceilings, and masonry walls of the five former female prisoners' cells shall not be removed or demolished.

Reason: The remaining cells, vaulted ceilings, and masonry walls are an important survival of the original floor plan of the courts and their removal would be harmful to the original layout of the Listed building, its historic use and association with its historic use and in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policy ENV27 of the UDP.

37. The existing brick floor in the basement and the historic vaulted ceilings and masonry walls shall be retained within the Listed buildings at all times.

Reason: To ensure survival of original historic fabric brick floor in the basement in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policy ENV27 of the UDP.

38. The two cast iron windows to be removed from the ground floor of the Guildhall shall not be removed from the Guildhall. A fourteen-day written notice period shall be given to the Council's Conservation Officer to inform them that the ex-situ cast iron windows on the ground floor are to be removed, so that a site visit can be undertaken to confirm the windows are ex-situ and shall remain in the Guildhall.

Reason: To ensure survival of original historic fabric in the Guildhall in accordance with Section 16 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policy ENV27 of the UDP.

Notes for Applicant

Environmental Health - Non-Material Advisory Comment

The applicant is advised to ensure that the café food preparation area meets the necessary food safety requirements in terms of the facilities provided.

The following link provides additional information:

<https://go.walsall.gov.uk/business/food-businesses-and-their-safety>.

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England.

West Midlands Police

The applicant may consider the following:

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

External LED lights with daylight sensors to the external walls of buildings in particular at entry and exits.

Additional LED lighting for parking areas.

If lighting columns are used ensure they are not located close to the perimeter. Similarly any trees.

That might provide an offender with a climbing aid.

A monitored alarm system. cctv particularly identifying at all doors.

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Any cycle storage should be located close to entrances in clear view, natural surveillance.

Cycle stores, approved products. (SBD Homes 2019 page 68, 56

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf

Historic Environment - Notes for Applicant

1. The applicant should have regard to Historic England Guidance on Traditional Windows, Their Care and Upgrading.

<https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

-
2. The applicant should have regard to Historic England Guide to the Fire Resistance of Historic Timber Panel Doors.

<https://historicengland.org.uk/images-books/publications/fire-resistance-historic-timber-panel-doors/>

3. Historic England Guidance on Easy Access to Historic Building

<https://historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/>

4. No additional signage shall be erected on buildings without the submission of an advertisement consent and/or Listed Building Consent.

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 3

Reason for bringing to committee

Significant Community Interest – Petitions submitted against the application.

Application Details

Location: 55, REDHOUSE STREET, WALSALL, WS1 4BQ

Proposal: CHANGE OF USE FROM NURSING HOME (C2) TO 11NO. 1 BED APARTMENTS AND 3NO. 2 BED APARTMENT FOR OVER 55 (C3)

Application Number: 23/0719

Case Officer: Stephanie Hollands

Applicant: S Sidhu

Ward: Palfrey

Agent: J Mason Associates Ltd

Expired Date: 22-Sep-2023

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

Time Extension Expiry: 08-Dec-2023



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant planning permission subject to conditions and the satisfactory completion of a Section 106 legal agreement to secure a financial contribution toward the provision of off-site recreation open space and subject to;

- 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

The proposal relates to the change of use of the existing building from residential nursing home in Use Class C2 to 11 one-bedroom apartments and 3 two-bedroom apartments falling in Use Class C3. The proposal also entails the demolition of an existing conservatory to the rear, formation of new parking areas, bin store, construction of a lockable cycle storage facility and landscaping (including tree planting).

Site and Surroundings

The site is a modern two storey red brick building and gardens situated in a predominantly residential area. The area is predominantly characterised by rows of terraced dwellings fronting directly onto the street, though to the south of the site there are a number of mid-20th century semi-detached and terraced dwellings with larger front and rear gardens. The application site currently has a car park to the rear accessed via an undercroft from Redhouse Street, with a further parking area to the front. The site has small garden area to the rear along with a rear conservatory.

Relevant Planning History

BC54314 for variation of condition 11 of BC37581 – premises shall be used as a Nursing Home and no other purpose was granted on 15 June 2020.

05/0908 for the demolition of 53 Redhouse Street, erection of two storey side extension, re-siting of vehicular cross over was approved on 05 July 2005.

06/0629 for the demolition of 53 Redhouse Street and extension to provide additional bedrooms, en-suites and lounge, re-siting of vehicular crossover was refused on the grounds on 3 July 2006 and the subsequent appeal was dismissed on 15 November 2006.

07/0240 for the demolition of 53 Redhouse Street and erection of ground floor and first floor extension to provide additional bedrooms, en-suites and lounge was granted on 12 June 2007.

08/1741 for two storey side and single storey rear extensions (amendment to 07.0240 was refused on 16 January 2009 on the grounds of highway safety.

09/0532 for two storey side and single storey rear extensions (amendment to 07/0240) was granted on 04 September 2009. Conditions 1 and 2 discharged under 09/1441.

11/1365 for demolition of 61 Redhouse Street and erection of two storey side extension adjacent nursing home, including conversion of bathroom to bedroom, installation of 2 windows on front elevation and creation of parking area was granted on 01 March 2012.

18/099 for works to protected trees. part approved and part refused on 21 March 2018.

19/1266 - Change of use from Nursing Home (C2) to 11 no. 1 Bed Apartments and 3no. 2 Bed Apartments (C3) – Withdrawn – 01/12/2022.

This application was originally approved at planning committee on 17/09/2020 subject to conditions and the satisfactory completion of a Section 106 legal agreement to secure a financial contribution toward the provision of off-site recreation open space. However, due to the Section 106 agreement not being completed the application was withdrawn.

20/0802 - Proposed change of use from nursing home (Use Class C2) to provision of a 35 bedroom House in Multiple Occupation (HMO) (sui generis) for people sharing associated amenity, recreation, training and laundry facilities – Refused – 09/02/2021.

Relevant Policies

National Planning Policy Framework (NPPF)

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 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) 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. 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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Woodlands
- ENV32: Design and Development Proposals
- H6: Nursing Homes and Rest Homes for the Elderly
- T7 - Car Parking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

EN1: Natural Environment Protection, Management and Enhancement
HC2: Development of Other Land for Housing
HC3: Affordable Housing and Housing for People with Special Needs
T2: Bus Services
T4: The Highway Network
T5: Highway Improvements

Supplementary Planning Document

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

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

Officer comments in italics.

Archaeology: No objection. Confirm there are no archaeological implications for this proposal.

Clean and Green: Transport statement section 4.4 states each resident will be provided with their own grey and green bins and placed at the kerbside for collections on their allocated day. This is not adequate for this site. The bins we would be looking to introduce at this site are our large euro bins 1x 1100L domestic + 1x 1100L green recycling bin.

C&G vehicles would not fit down the side of the building and around the bend to the bin store at the rear. We would like the bin store to be built to house the large euro bins for our crews to have easy access and not to block the footpath with 28 green and grey bins on collection days if the residents had their own bins.

Amended plans have been submitted to address the above concerns with the bins store now located at the front, any re-consultation comments received from Clean and Green will be detailed in the supplementary paper.

Coal Authority: No objection. The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

Conservation: No objection.

Environmental Protection: No objection. It may be relevant for the proposed development to be assessed by the local planning authority in regard to formal requirements for the provision of electric vehicle charging points, which fall under The Building Regulations 2010 (as per Approved Document S) or the Black Country Air Quality Supplementary Planning Document.

Highway Authority: Support subject to conditions relating to formalisation of parking areas, visibility splays and cycle storage

Lead Local Flood Authority: No objection subject to a Construction Surface Water Management Plan condition.

Public Health: No objection.

Strategic Planning Policy: Support.

Tree Officer: The Council's Arboricultural Officer objected to the proposal on the grounds that the alterations to the parking area to the front will necessitate the removal of a protected Beech tree.

West Midlands Fire Service: No adverse comments to make under B5 on this application.

West Midlands Police: No objection. Note for applicant.

Representations

The application was advertised by way of the display of site and press notices and notification letters sent to surrounding properties. The public consultation time expired on 29th August 2023. Twenty-five individual objections have been received against the application (some being duplicates, no reasons given and with no names or address given) with the following concerns summarised below:

- Anti-social behaviour
- Substance abuse
- Risk to young children
- Overlooking/loss of privacy
- All male/type of occupants
- Applicant already owns 2 HMOs in the street, poorly managed
- Increase in crime/nuisance in area
- Elderly neighbours/health conditions
- Refuse waste/fly tipping
- Increase in cars/traffic/congestion/unsuitable parking
- Increase pests
- Safety/Security
- Impact on services (doctors, dentists, etc)
- Increase noise and air pollution
- Existing new dwellings being built in area
- Deprived area
- Enough flats in area
- No information on letting/management/care staff

A letter of objection has been received from Rt Hon Valerie Vaz MP on the grounds that it is contrary to policy, overoccupancy and use as an HMO.

Councillor Ditta has submitted a petition against the application based on inadequacy of parking and impact on the amenity of the area with 67 signatures. The same petition was also submitted by a local resident.

It should be noted that comments made in relation to the use as an HMO are not material considerations and therefore cannot be taken into consideration as the proposed development is for the change of use of the existing building from residential nursing home in Use Class C2 to 11 one-bedroom apartments and 3 two bedroom apartments falling in Use Class C3, and not an HMO.

Comments made in relation to decrease in house values, replacement fence panels and trimming of overgrown trees are also non-material planning considerations.

Determining Issues

- Principal of development
- Design and character of the area
- Amenity of nearby residents
- Community safety

- Highway safety
- Tree impact
- Impact on air quality and climate change
- Section 106 Obligations
- Local Finance Considerations

Assessment of the Proposal

Principal of development

The site is within the development boundary and is unallocated on the Walsall Site Allocations Document, whilst its last known use was as a nursing home falling under Use Class C2. The site is sustainably located in an established residential area, with various local amenities such as shops, schools, pubs and places of worship within 300m. The site is also accessible by public transport with the nearest bus stop approximately 175m away on Weston Street. The proposed change of use will contribute to the district's housing targets by providing 14 new apartments for the open market. The proposal to change the use of the building to 14 apartments along with minor external alterations, parking, landscaping and ancillary bicycle and bin stores is considered to be acceptable in principle subject to a full assessment of the impact on the local environment.

This is a resubmission of a previous application that was withdrawn, reference 19/1266, except that the latter proposed that no restriction on the age of occupiers was proposed. Strategic planning policy supported the application on planning policy grounds but noted that, given that future residents are likely to be more mobile than the existing ones, consideration should be given to the possible requirement for additional parking and the need to provide a contribution to off-site open space in accordance with the Open Space SPD.

Over 55's not in need of care are as likely as younger residents to be active and car owners. It is noted that the current proposal includes the provision of additional parking. The number of spaces would appear to be less than required by the standard in saved UDP policy T13, however it should be noted that this is an area of low car ownership, and the majority of existing housing has no on-site parking.

Design and character of the area

The proposal includes relatively minor changes to the external appearance of the existing building, including replacement windows, external lighting and new fences and gates. The primary visual impact will be from the formation of the new parking areas and bin/cycle stores to the front and rear and the landscaping of the shared amenity space. The proposal also entails the removal of an existing conservatory to the rear which is welcomed. The proposal is therefore in accordance with saved Policy ENV32 of the Walsall Unitary Development Plan, Policy ENV3 of the Black Country Core Strategy, the Designing Walsall Supplementary Planning Document and Section 12 of the National Planning Policy Framework.

The application site sits within the intermediate setting of all three Whitehall Schools, which are Grade II Listed.

Para 195 of the NPPF states "the LPA should identify and assess the significance of any heritage asset that may be affected by the proposals". Para 200 of the NPPF states "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

Paragraphs 201 and 202 require the LPA to assess whether the harm is substantial or less than substantial harm to the significance of the designated heritage asset.

The proposal seeks the conversion of the care home into apartments for over 55's. The proposed conversion works would have no harm the intermediate setting or to the significance of the Listed schools.

The Conservation Officer has no objection to the proposed development.

Amenity of nearby residents

Objections were received from neighbours on the grounds of overlooking and loss of privacy, overshadowing, noise, and disturbance. The proposal does not include the construction of any extensions therefore the development will not result in any additional overshadowing of neighbouring properties. The only new window openings proposed are to be in the southern elevation of the front projection of the building overlooking the front car park. These windows will be 25m from the side boundary of 61 Redhouse Street to the south, which is greater than the 24m recommended separation distance for windows. As such the proposed windows are not considered to result in any loss of privacy for the occupants of the no 61. The impact on neighbours to north, east and west will be unchanged in terms of overlooking.

Whilst the proposal amounts to a change of use, the former use as a nursing home is residential in nature, and the impacts on the occupants of nearby dwellings are predominantly related to the use of the private amenity space, cycle store and bin stores. The bin stores have been designed to be fully enclosed to reduce the noise impact on neighbours. The proposal is considered unlikely to result in undue noise and disturbance for neighbouring residents, and any such disturbance in the future would be a matter for Environmental Health to investigate.

Community safety

The proposed change of use from nursing home to 14 residential apartments is not considered to result in any community safety implications. West Midlands Police had no objection to the proposal and the development includes secure gated access to the rear of the building along with LED security lights to the front and rear of the building which will reduce the opportunity for crime and antisocial behaviour. In addition, a condition requiring the doors, windows to meet a security specification is considered reasonable. In addition, lighting, door call system, secure letter boxes are all reasonable elements to secure via a condition to ensure future occupiers of the flats are protected from fear of crime and anti-social behaviour, which will in turn assist in the property not becoming a target which will assist in reducing the fear of crime for neighbours.

Highway safety

The site is considered to be within a reasonably sustainable location with local amenities and public transport links located within a short walking distance of the site.

The existing site has two access arrangements from Redhouse Street, the northern access arrangement provides access to a parking area to the rear of the site, while the southern access arrangement provides access to a car park area at the front of the site. As part of the development proposals the 2 no. access arrangements will be retained. A condition will ensure visibility splays are maintained.

The northern access arrangement will be gated, the Highway Authority requires gates to be positioned 5m back for Redhouse Street.

The development proposals include 14 no. car parking spaces, which equates to one car parking space per dwelling (100% provision). The Highway Authority accepts the proposed car parking provision. A condition is proposed to ensure the formalisation of the parking and turning area.

9 no. car parking spaces are available to the rear of the development site, via the northern access point, while 5 no. of the car parking spaces are available at the front the development site, via the southern access point.

A planter is proposed adjacent to car parking bay no.8 which will need to be removed to ensure sufficient width of the reversing aisle. This can be secured by condition.

The development proposals include 5 no. cycle shelter and secure cycle parking stands able to store up to 10 no. cycles. The cycle storage is located south of parking bay no.8, a condition is proposed to secure the construction of the cycle shelter

It is not considered that the application will create any material impact on the surrounding network. The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

In light of the comments above, the Highway Authority supports the proposal, subject to conditions.

Tree impact

The proposed alterations to the car parking area to the front cannot be carried out without harm to, or removal of, the existing Beech tree which is the subject of a tree preservation order. The Council's Arboricultural Officer objects to the proposal on these grounds. The proposed site plan shows new planting of three Field Maple trees in the rear garden and one to the front in the location of the existing Beech tree.

The existing Beech tree contributes to the character of the area, and its loss would be unfortunate. However, it is considered that other material considerations, namely the proposal to bring an empty building back into an appropriate use, are considered to outweigh the loss of the protected tree. Furthermore, the proposed replacement planting in the rear garden and one to the front in the location of the existing Beech tree alongside a commitment from the applicant to enter into a legal agreement to provide a financial contribution to urban open space which will enable further planting in the area would mitigate against the harm caused by the Beech tree on the application site.

Impact on Air Quality and Climate Change

Section 14 of the National Planning Policy Framework requires local planning authorities to consider the impact of development on climate change. The Black Country Air Quality Supplementary Planning Document 2016 sets out the details of how this will be achieved. Of particular relevance to the proposed development is the provision of electric vehicle parking charging points. The SPD requires proposals for residential apartments to provide 1 charging point per 10 parking spaces. The proposed site plan shows three EV charging points in the

front car park. However, this does now fall under The Building Regulations 2010 (as per Approved Document S).

Section 106 Obligations

The development of 14 units on this site will trigger a Section 106 requirement for off-site open space.

A contribution to off-site open space would be required in accordance with BCCS Policy DEL1, UDP Policies GP3 and LC1, and the Open Space SPD. Based on the proposed development and the Council's ready reckoner, the urban open space contribution would be **£11,101**.

Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 57.

Based on the three tests in the legislation, it is considered that an urban open space contribution and affordable housing are considered necessary to make the development acceptable in planning terms.

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 14 new homes.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

The proposed change of use will contribute to the housing targets for Walsall Council and is not considered to have any significantly adverse impact on the character of the area, residential amenity or community and highway safety.

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 spoken with the applicant's agent and in response to concerns raised regarding the Lead Local Flood Authority, Highways and Clean and Green, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant planning permission subject to conditions and the satisfactory completion of a Section 106 legal agreement to secure a financial contribution toward the provision of off-site recreation open space and subject to;

- 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;

Conditions and Reasons

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

- Proposed Plans and Elevations (JMA-XX-GA-A-0002 Revision E) received 12/06/2023
- Design and Access Statement received 12/06/2023
- Existing Plans and Elevations (JMA-XX-GA-A-0001) received 17/08/2023
- Transport Statement received 08/09/2023
- Detailed Site Plan & Landscaping (2325-03 Revision G) received 09/10/2023
- Location Plan & Block Plan (2635-9001 Revision F) received 09/10/2023

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 the commencement of development hereby permitted, a Construction Surface Water Management Plan to demonstrate how flood risk will be managed prior to the completion of the approved drainage strategy shall be submitted to the Local Planning Authority for approval in writing. The developer must ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy.

3b. The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction, in accordance with policy EQ7 of the adopted Core Strategy.

4. a. Prior to the development hereby permitted coming into use details of the access turning area and parking facilities shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate:
 - i) how the surfaces are to be hard surfaced and drained to prevent surface water run off on to the highway or into any highway drain.
 - ii) That the planter located adjacent to car parking bay no.8 (shown in plan *Proposed_Site_Plan_and_Landscaping 09-10-23*) has been removed to ensure sufficient width of the reversing aisle
- 4b. The development hereby permitted shall not be occupied until the approved accesses, turning area and parking facilities have been carried out.
- 4c. The approved accesses, turning area and parking facilities shall not be used for any purpose than for access, turning and parking respectively.
- 4d. 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.

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.

5. a Prior to the development first coming into use, full details of the proposed cycle shelter and refuse bin storage areas, 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 Prior to the development first coming into use, these facilities shall be fully implemented in accordance with the approved details.
- c The cycle shelter shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate servicing arrangements of the development and to encourage sustainable modes of travel in accordance with UDP Policy T13 and BCCS TRAN4.

6. Upon first occupation of the development, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted TTC's Travel Plan Statement for the lifetime of the development.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

7. A 2.4m x 3.4m pedestrian visibility splay shall be always maintained at the new access point, within which no structure or planting exceeding 600mm in height above footway level will be permitted.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is maintained at the access point in the interests of highway safety in accordance with UDP Policy GP2.

8. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum-security measures and thereafter the security measures shall be retained;
- All external doors to individual flats and the external doors to the building to be PAS24; 2016
 - All ground floor windows and over accessible roofs to be PAS24; 2016
 - All ground floor windows and over accessible roofs to have not less than one pane of 6.4mm laminated glass.
 - There should be an area of defensible space in front of all ground floor rear facing windows
 - No Lead or metal should be used on the ground floor,
 - Dusk until dawn lights (white light source) to be installed adjacent to each external door
 - Mail boxes shall be located at the primary entrance/exit lobby point of the building, covered by CCTV, 1.5mm steel letterboxes of robust construction, lockable individual letterboxes, secure, anti-identity theft proof and wall mounted
 - Recycling and refuse areas as shown on plan JMA-XX-SI-A-0003 rev D dated 24/6/19 shall be a lockable storage facility
 - All external doors including those to the shared passage shall have a door entry phone system and electronic lock release
 - All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
 - All pedestrian access gates shall be self-closing, lockable, designed to not create any climbing aids and flush with the front of the building
 - All vehicular access gates shall be self-closing, lockable and designed to not create any climbing aids

Reason: To ensure the safety and security of the development and its occupiers in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

West Midlands Police

The applicant may consider the following:

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

I would recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see : https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf

For flats / apartments.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2023 page 73 2b.45).

SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2023 page 73, 45.3).

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008)

(SBD Homes 2023 page 74, 45.4-5).

Suitable lighting will provide some security.

External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas.

This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2).

I would recommend 24 hour lighting using a daylight sensor to communal areas. Good quality LED lighting.

Providing security to residents as they make their way within the building. (SBD Homes 2023 page 77 49.8).

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

Advice on alarms and CCTV <https://www.policesecuritysystems.com/>

Consider for communal shared entrances doors and visitor door entry systems to standard SBD Homes 2023 S48.

In the interests of safety, security and crime prevention.

Door sets fitted with TS 007 3 star rated cylinders to each of the individual rooms.

Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9).

All doors to a minimum PAS 24: 2022 standard doors for houses and apartments. Particularly external doors.

PAS 24 2022 for all new windows. Controlled fittings – Building Regulations etc.

This includes combined fire resistance with security.(See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

Any entry and to each room would be an individual victim of dwelling burglary.

If required cycle stores, approved products, are recommended (SBD Homes 2023 page 60, 32 and 85, 64).

Located in a clearly visible area.

Petition

We the undersigned and residents of Redhouse Street and Weston Street (Number 36-52 Weston Street) object to the application 23/0719 of the change of use of from Nursing home to apartments at 55 Redhouse Street.

The objection is based on:

- Inadequacy of parking- there is not enough parking for the occupants of the proposed application (14 parking spaces are inadequate for 14 proposed 3 bedroom and 2 bedroom apartments.)
- Impact on the amenity of the area- this area already has a number of social housing buildings and RMO's that is impacting the area

Name	Address	Signature
Rehmat Juan	47 Redhouse St	
Nicola Perry	71 Redhouse St	
Saeeda Bibi	69 Redhouse	
Rose YOUSANG	75 Redhouse	
Shereaz HUSSEIN	44 REDHOUSE	
MOHAMAD Ali	40 Redhouse St	
MICK DITON	17 COLLINS	
TERRY MULDOONEY	36 Red House ST	
Mrs Tahira Uddin	40 Love Lane	
Mr. M. Sturt.	38 Love Lane	
Wood	34 Love Lane	
A Isam	32 Love Lane	
S. Mar 0750949624	30 LOVE LANE	
M. Sandale	22 Love Lane	
Channa M	20 Love Lane	
D. Stevenson	18 LOVE LANE	
Uzma Abid	26 Redhouse Street	
ASMA TARI	63 Redhouse street	
AISHA DEAN	65 Redhouse Street	

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 4

Reason for bringing to committee

Significant Community Interest

Application Details

Location: SODEXO GOVERNMENT SERVICES, 85, STONNALL ROAD, ALDRIDGE, WALSALL, WS9 8JZ

Proposal: PLANNING APPLICATION FOR THE INSTALLATION OF TWO SINGLE-STOREY MODULAR UNITS FORMING AN EXTENSION TO THE EXISTING APPROVED PREMISES (AP) TOGETHER WITH ANCILLARY SITE WORKS AT 85 STONNALL ROAD, ALDRIDGE, WS9 8JZ

Application Number: 22/1173

Case Officer: Charlotte Van De Wydeven

Applicant: Probation Service

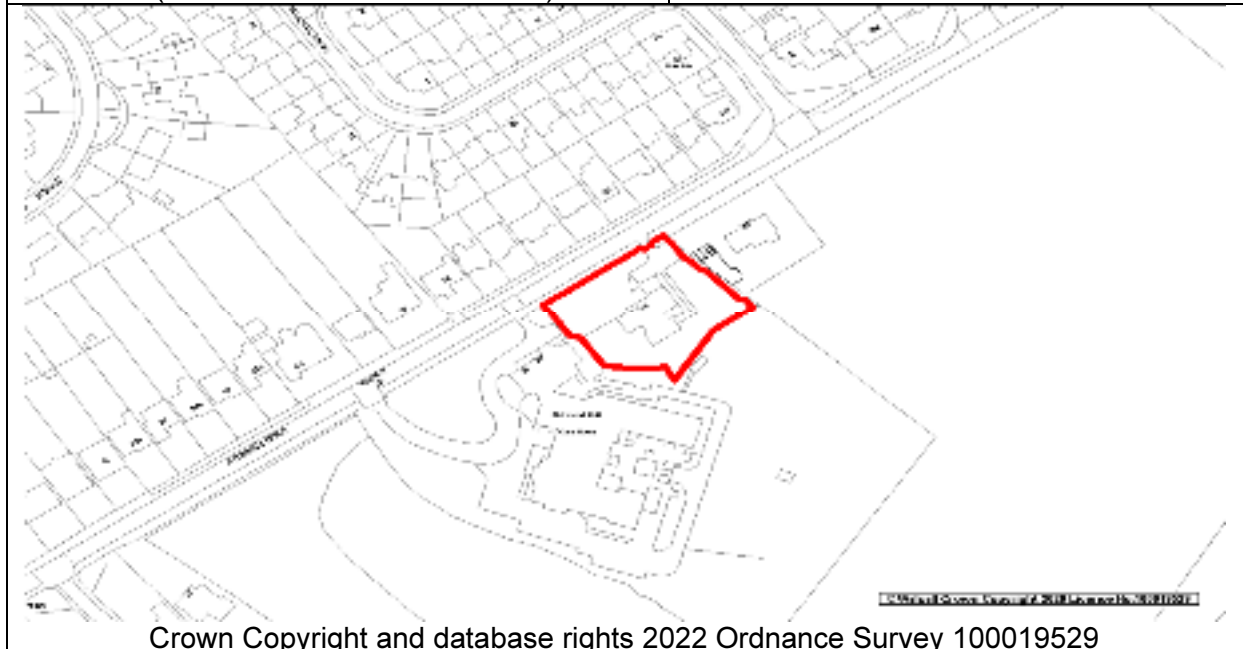
Ward: Aldridge Central And South

Agent: Miss Ugne Staskauskaite

Expired Date: 13-Oct-2022

Application Type: Full Application: Minor Use Class C2A (Secure residential institutions)

Time Extension Expiry: 15-Dec-2023



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to Conditions and a legal agreement to secure mitigation payments towards the Cannock Chase SAC and subject to;

- 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

The proposed development is for the installation of two single-story modular units forming an extension to the existing 'Approved Premises' (AP) together with ancillary site works at 85 Stonnall Road, Aldridge, WS9 8JZ.

85 Stonnall Road AP is a 2-storey detached building, which currently provides accommodation for 8 residents plus staff facilities. There is a garden surrounding the property and a car park for staff. Access is taken from Stonnall Road.

On the Ground Floor, there is an entrance lobby, residents lounge, dining room, separate lounge (quiet room), laundry, kitchen, main office and two rear offices, 2 residents' bedrooms, a resident shower room, and 3 toilets. On the First floor, there are 6 residents' bedrooms, 1 bathroom, 1 shower room, 2 toilets and the manager's office.

The proposed scheme is to introduce 4 single occupancy rooms within two separate prefabricated offsite modular buildings for the National Probation Service (NPS) Approved Premises (AP). The development would use modern methods of construction by constructing the units off site and brining to site and lifting into their final positions to minimise the amount of onsite construction and disruption to both the existing unit and surrounding residential areas.

Each proposed unit will comprise of 2No. secure rooms which will include a bedroom / living space / kitchen area, and a separate en-suite. This will be in the form of two units making 4No. new rooms in total. The proposed spaces have been designed to Ministry of Justice standards in terms of size and layout, but do not work to National Space Standards as set out within the Department for Communities and Local Government: Technical Housing Standards document, as these units would be classed under secure accommodation used as temporary living spaces as opposed to full time living accommodation for extended periods of time by persons.

The proposed prefabricated units will be placed in the south west side of the site which allows it to be close to the existing National Probation Service building although not directly linked. The landscape strategy has been designed for ease of access between both units allowing level access between the main building and both new units, and all buildings will be linked via security systems.

The units have flat roofs and are square in shape, with only external doors and windows located on their facing elevations which look into the proposed courtyard space they occupy.

Site and Surroundings

The application site comprises 0.19 ha within the ownership of the Ministry of Justice.

The site is approximately 4.3 miles northeast of Walsall Town Centre, in the town of Aldridge. The site lies on the eastern edge of Aldridge and the surrounding area is residential in character to the north, immediately adjacent to the south of the site is a residential care home and to the east are private residential dwellings. In the wider area to the south and east is Druids Heath Golf Club and beyond are agricultural fields.

The site is within the West Midlands Green Belt. The building is not listed and there are no Tree Preservation Orders on or adjacent to the site.

The existing site contains 9 bedrooms for residents within a 2-storey building. The existing units are used as secure probation service rooms as temporary accommodation for residents transitioning from prison services. Approved premises formally known as probation or bail houses are residential units which house ex-offenders within the community. The existing building given its use as an AP [Approved Premises] would fall into planning use class: C2A – Secure Residential Institution: Use for a provision of secure residential accommodation, including use as a prison, young offenders' institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.

The existing building is situated within a walled garden and surrounded by trees and is well set back from the highway.

Relevant Planning History

Application Ref.	Description	Date	Decision
06/2002/FL/E12	New Entrance Canopy & Conservatory Roof & Ramps	05.01.2007	Grant
BC26788P	Section 53 Determination: Conversion to bail Hostel	24.07.1989	PP not required
BC41573P	Outline – Proposed Extension to Bail Hostel	03.01.1995	Refused
BC26783P	Erection of residential unit for nine teenagers, alternative care unit forming part of the Druids Heath community house	N/A	N/A

Relevant Policies

National Planning Policy Framework (NPPF)

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 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 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural 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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV7: Countryside Character
- 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
- H7: Hostels and Houses in Multiple Occupation
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- EC2: Cannock Chase SAC

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network
- T5: Highways 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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Ecology Officer

No objection subject to SAC mitigation

Local Highways Authority

No objection subject to condition to formalise parking arrangements.

Severn Trent Water

No objection subject to drainage condition

Strategic Planning Policy

No objection subject to condition to ensure units are used only in connection with the premises. Further comments as discussed in the report below.

Environmental Protection

No comment

West Midlands Police Service

No objection, recommendations regarding security measures provided.

West Midlands Fire Officer

No objection, information provided in relation to compliance with Part B of Schedule 1 to the Building Regulations 2010.

Representations

There were a total of 17 objections received from local residents. The concerns raised were surrounding both existing and perceived exacerbated safety, harassment, and crime issues, from the use of the building(s) as a bail hostel, and the proposed extension.

Email correspondence was received from Cllr Pard Kaur, asking for the full details regarding the application to be sent, and that the previous application to be looked at. Cllr also asked informally that the application is reviewed by the committee before any application is approved.

Determining Issues

- Principle of Development and Green Belt Assessment
- Design of Works and Character of Area
- Amenity of Nearby Residents
- Amenity of Future Occupiers
- Residential Amenity and Safety
- Transport and Highways
- Ecology
- Cannock Chase Special Area of Conservation (SAC)
- Waste and Recycling

Assessment of the Proposal

Principle of Development and Green Belt Assessment

A section 53 determination (the equivalent under the 1971 Act of a lawful development application) for the use of the premises as a bail hostel was granted in 1989 (application BC26788P) and there have been subsequent applications for alterations or extensions.

The main planning policy issue in relation to the current proposal is that the site lies in the Green Belt. As such it would represent inappropriate development unless it fell within one of the exceptions in NPPF paragraph 149. Clause c) of that paragraph allows the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

The current proposal is for two modest freestanding buildings rather than an extension, but it could be argued that the proposed use is to form an extension of the existing use of the current building so the effect is the same.



Figure 1: 85 Stonnall Road as stood in 1989



Figure 2: Block plan of 85 Stonnall Road as stood in 1989. Neighbouring properties are shown.

The above historical drawings show 85 Stonnall Road as the property stood in 1989. Although there is planning history on this site to indicate there have been various developments allowed; the dwelling does not appear to differ in its footprint to current day other than the area of hardstanding to the front of the dwelling. As such, it is considered that the current proposal would be acceptable as it would not result in disproportionate additions to the original building (original in the sense means as first built or as it existed in 1948) given the modest size of the proposal in comparison to the two-storey detached dwelling.

As such, the works would be acceptable in principle, subject to other material considerations. It is recommended that a condition is imposed to ensure the units are only used in connection with the existing use of the premises and are not sold or let as separate dwellings.

Design of Works and Character of Area

The proposed development will be built using modern construction methods and the units will be delivered to the site prefabricated. The proposed wooden and grey cladding provides a minimal architectural outlook, which aims to tie in with the natural elements of the site. The proposed prefabricated units will be placed on the existing hardstanding on the southwest side of the site which allows it to be close to the existing building although not directly linked.

It is considered that whilst the buildings are simplistic in design, they are built for purpose and the use of materials as above would result in a robust development.

The street scene is mixed in style and size with a variety of styles of houses, as such it is considered the proposal would assimilate well with the surrounding area and would not be out of place.

The proposed buildings do not project further than the established building line and at 2.4m in height, are a modest addition and would be subservient to the existing building.

Given all the above, it is considered that the design of the proposal is acceptable.

Amenity of Nearby Residents

The surrounding area is characterised by predominantly residential properties of mixed styles and sizes. The nearest residential property to the north east of the site is 87 Stonnall Road at a distance of 15.3m, to the north of the site 106 Stonnall Road is sited at a distance of 38.5m and to the south west of the site lies a Care Home, Richmond Hall, 83 Stonnall Road is sited at a distance of 18.2m. To the rear of the property is open fields.

Appendix D of the Designing Walsall SPD states that there should be 24m separation between habitable windows in two storeys (and above) developments however, it states that this standard will be applied more robustly at the rear than across roads at the front. It also specifies that there should be 13m separation between habitable windows and blank walls exceeding 3m in height.

The proposed modular units lie to the south, southwest of the existing AP. To the south lies a Care Home – Richmond Hall. There is at least a 12m gap between the Care Home and 85 Stonnall Road boundary. Minimum garden dimensions set out in Designing Walsall SPD are 12m and 13m separation between habitable windows and blank walls exceeding 3m in height.

The proposed modular units only have openings in the front elevation, which faces away from Richmond Hall. Therefore, the minimum distance standards are being met, as set out in the Designing Walsall SPD (2008). In addition, the view from Richmond Hall Care Home and Regal Care Home will be obstructed by the mature vegetation and there are no habitable windows within Care Homes facing the proposed extension.

There is existing mature landscaping within the site, which will continue to further ensure that a limited overlooking occurs from one garden into another.

87 Stonnall road is adjacent to the subject site. This property is a detached property.

The proposed units are not sited near to this dwelling, and as such, would not be detrimental in terms of being overshadowing or overbearing.

The proposal complies with the Policy ENV3 of the Black Country Core Strategy and Policy ENV32 of the Saved Unitary Development Plan

Amenity of Future Occupiers

Each proposed unit will comprise of 2No. secure rooms which will include a bedroom / living space / kitchen area, and a separate en-suite. This will be in the form of two units making 4No. new rooms in total. The proposed spaces have been designed to MOJ standards in terms of size and layout, but do not work to National Space Standards as set out within the Department for Communities and Local Government: Technical Housing Standards document, as these units would be classed under secure accommodation used as temporary living spaces as opposed to full time living accommodation for extended periods of time by persons.

The internal GIA of each unit equates to 20.2 Sqm, so a total of 80.8 Sqm additional living space across the 4 units, and the external footprint of each unit equates to 47.25 Sqm or 94.5 Sqm combined between the two units. These are considered suitable for the use of the buildings and will provide for a comfortable level of amenity for future occupiers.

Residential Amenity and Safety

The NPPF now refers to fear of crime (paragraphs 92 and 130), although this is primarily in the context of the design of places. NPPF paragraph 96 states that “to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”

Crime prevention is referred to in the development plan in paragraph 5 of BCCS policy ENV3. Saved UDP policy H7 provides guidance on proposals for the establishment, enlargement or alteration of hostels or HMOs.

The existing use of the premises has been controversial. Some of the planning history is relevant to the current proposal. It was determined in response to an application in 1989 under section 53 of the Town and Country Planning Act 1971 that planning permission was not required to convert the premises to a bail hostel (application BC26788P).

A subsequent planning application to extend the premises was refused in 1995 on the grounds that “*The residents of the area and the adjoining properties now experience severe and material problems and incidents arising from the existing use of the premises, which are incompatible with the surrounding residential area. The further expansion of a use which, in the considered view of the local planning authority, is unsuitable for that area has the potential to further exacerbate these problems, to the detriment of the amenities which local residents could reasonably be expected to enjoy*” (application BC41573P).

The proposal became the subject of a planning appeal and ultimately hearings in both the High Court and the Court Appeal. These confirmed that fear of crime was a material consideration that could be taken into account in the determination of planning applications.

Of particular note, the Inspector considered the implications of an expansion of the hostel. He concluded:

'I consider that the proposed expansion of this hostel would be likely to significantly increase the disturbance endured by those living nearby'.

He next considered the apprehensiveness and insecurity of residents living in the vicinity of the hostel and stated that:

'Such harmful effects would be capable of being a material consideration provided, of course, that there were reasonable grounds for entertaining them; unsubstantiated fears – even if keenly felt- would not warrant such consideration, in my view'.

The Inspector found that the hostel had attracted numerous police visits, some involving arrests, personal injuries, or the breach of bail conditions. Evidence submitted demonstrated that residents might well have had to endure such occurrences at fairly regular and frequent intervals.

With regards to the current application, from the objections received from local residents, it would appear that the previous concerns about the premises remain. However, whilst a total of 17 objections were submitted, none of these provided evidence of the perceived on-going issues at the hostel, such as the frequency of police visits to the property, and the nature of these visits i.e., whether they involve arrests, personal injuries or breach of bail conditions. Also, any other police/incident reports that have affected local residents.

Without such evidence, it is difficult to consider whether there are reasonable grounds for residents to feel apprehensive, and whether the expansion would exacerbate the potential frequency of 'occurrences'. Therefore, limited weight can be attributed to these concerns when assessing the application.

Furthermore, additional information was submitted by the applicant/agent to support the application, that would be contrary to the assertions made by the local residents. It was stated that Stonnall Road AP works very closely with the local Police, both the Offender Management teams and community/neighbourhood policing. Previous meetings (within the last 2 years) with such have not identified known issues of concern or increase of crime directly linked to the Approved Premise or its residents. Police colleagues attend the site regularly as they provide Police Offender Management for some of the residents. In addition to this Police will attend should a resident have their licence revoked to facilitate the return to custody. It is part of a well-managed risk management structure, ensuring public protection remains at the forefront of what the service provides. Stonnall Road is an active member of the local neighbourhood watch reaching out to 1,600 homes with recent articles about the management, structure and positive outcomes of its business. Complaints locally from neighbours have been minimal and generally relate to infrequent littering. This is being addressed by the Approved Premise financing and installing an outside litter bin. Residents of the AP are subject to robust licence conditions which are regularly enforced.

Additionally, it can be considered that the public benefits arising from the proposal in respect of its contribution towards managing the transition from custody to the community for offenders through a structured method of protection, rehabilitation and resettlement are a material consideration in assessing this application and carry a degree of weight in that process.

The additional information provided by the applicant/agent also summarises proposed community safety measures;

- The additional units are sited in a secure area and within the existing perimeter walls and fenced/gated area.
- CCTV will be reviewed to ensure full oversight of the planned buildings.
- External lighting is provided to both new buildings, complete with emergency fittings.
- Intruder alarm systems are provided to both new buildings.
- Residents who are placed in these planned buildings will have first demonstrated their progress within the main building as they progress to moving on from the Approved Premise.

West Midlands Police have not objected to the proposal and have provided safety and security recommendations for the management of the premises, it is recommended that this is included as an informative note on the decision notice.

In summary, taking account of all the information available, it is considered that the minimal increase of 4 additional spaces and occupancy increase from 8 to 12 people is not considered to increase the security risk impact on the wider community. The modest extension would not materially affect the safety, nor perceived safety of the local area, with particular regard to crime, disorder and antisocial behaviour.

The development complies with Policy ENV3 of the Black Country Core Strategy.

Transport and Highways

There are six parking spaces for the staff on the site including one disabled parking space. The proposed development increases parking provision by three spaces for use by staff. AP residents do not have access to cars.

There will be no increase in staff members and therefore, no increase in vehicle movements therefore it would not impact local traffic.

The proposed development complies with Policy H7 and Policy T13 of the Saved Unitary Development Plan.

Ecology

The mitigation and precautionary working practices outlined within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report completed by ArbTech in July 2022 should be implemented in full according to the specified timescales, unless otherwise agreed in writing by Walsall Council. This can be subject to a condition. The proposal does not offer any further ecology concerns.

Cannock Chase Special Area of Conservation (SAC)

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely

significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £290.58 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC's conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application is situated within 15km from Cannock Chase SAC and proposes a net increase of two residential units. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £290.58 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant submitted an HRA Form and has agreed to provide the SAC mitigation payment via a planning obligation which will need to be completed prior to planning approval being granted.

Waste and Recycling

The 4 additional rooms to the scheme would generate relatively little refuse and recycling and as such the existing facilities are appropriate.

Any waste produced as part of the building works will be managed by the contractor. Any waste which is not reusable will be taken to an appropriate approved centre for recycling or disposal. New timbers or joinery materials that may be used will be from a sustainable source and will be used in preference to others. Proof of sourcing of these will be mandatory. Careful material estimating will be employed throughout the development to minimise both waste and cost.

As an active water conservation measure, twin flush cisterns are proposed, together with basin and sink taps with spray head nozzles and thermostatic blending valves. Showers will similarly be thermostatically controlled for both safety and economy.

Conclusions and Reasons for Decision

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 spoken with the applicant's agent and in response to concerns raised regarding Cannock Chase Special Area of Conservation, and security measures, and additional information has been submitted which enable full support to be given to the scheme.

Recommendation

Planning committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and a Legal Agreement to secure mitigation payments towards the Cannock Chase SAC and subject to;

- 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.

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions 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. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:

- AQ226-E-GA-100 - Lighting Layout (Rev T1)
- AQ226-E-GA-120 - Fire & Security Layout (Rev T1)
- Proposed_Section_-_STON1-CBLS-00-ZZ-DR-A-3902-D2_REV_T0_-_19-08-22.pdf
- Proposed_Site_Plan_-_STON1-CBLS-00-ZZ-DR-A-0010-D2_REV_T0_-_19-08-22.pdf
- Proposed_Elevations_-_STON1-CBLS-00-ZZ-DR-A-3701-D2_REV_T0_-_19-08-22.pdf
- Proposed_Elevations_-_STON1-CBLS-00-ZZ-DR-A-3702-D2_REV_T0_-_19-08-22.pdf
- Proposed_Level_00_and_Roof_Plan_-_STON1-CBLS-00-ZZ-DR-A-3101-D2_REV_T0_-_19-08-22.pdf

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

3. The additional buildings shall be used for residents of the bail hostel, an Approved Premises, and for no other purpose.

Reason: Their use as separate residential units would result in an unsatisfactory relationship with the use of the principal building safeguard the amenities of adjoining dwellings and future residents and to comply with the NPPF, Walsall's Unitary Development Plan saved policy GP2 and Designing Walsall SPD appendix D.

4. The mitigation and precautionary working practices outlined within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report completed by ArbTech in July 2022 should be implemented in full according to the specified timescales. This should include:

- a. Retention of the trees and shrubs, where possible, with additional native tree and shrub planning incorporated within the design;
- b. Vegetation removal outside bird nesting season (Sept to Feb);
- c. Provision of the two bat boxes on either the building or retained trees;
- d. Use of a sensitive lighting scheme in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018
- e. Precautionary working practices in respect to Hedgehogs,

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

5a) If bat/s or evidence of bats are found during these operations:

1. Natural England or the ecologist for this project must be contacted.
2. The bat/s should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
3. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
4. Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation

5. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: to conserve local bat populations and to be in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994 Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

6a) Prior to the development first coming into use, the extended parking area shall be implemented, the area being consolidated, hard surfaced in tarmac and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of the parking bays.

b) The parking area 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 UDP policy GP2, T7 and T13.

7a) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

b) The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with Unitary Development Plan saved policies T13, T7 GP2 and ENV40.

Notes for Applicant

Severn Trent Water

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to
Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

West Midlands Police

- Door-sets and windows to PAS 24 standard or higher, were PAS24:2016, now PAS 24:2022.
- Lighting and alarms are important.
- The premises operate a curfew for residents 11pm to 6am, Consider access control to the new accommodation. Immediately alerting staff of door access. Combined with window security. To assist monitoring by staff.
- Cctv alone insufficient without constant screen monitoring - I would expect existing cctv and security measures to be reviewed.

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 5

Reason for bringing to committee

Significant Community Interest.

Application Details

Location: Land between 120A and 108 Coltham Road, Willenhall, WV12 5QD

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT OF 6 NO. DWELLINGS COMPRISING OF 2 SEPARATE TERRACES OF 3 NO. DWELLINGS COMPRISING 3 NO. 1 BEDROOMED DWELLINGS AND 3 NO. 2 BEDROOMED DWELLINGS. ACCESS FROM COLTHAM ROAD TO A SHARED, HARDSURFACED PARKING AREA WITH BIN AND CYCLE STORAGE AREAS (REVISED).

Application Number: 23/0104

Case Officer: Jeff Penfold

Applicant: Guiseppe Vernava

Ward: Willenhall North

Agent: Armstrong Walker

Expired Date: 01-May-2023

Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)

Time Extension Expiry: 15-Dec-2023



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure contributions to the Cannock Chae SAC and subject to:

- 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

Proposed residential development of 6 no. dwellings comprising of 2 separate terraces of 3 no. dwellings comprising 3 no. 1 bedroomed dwellings and 3 no. 2 bedroomed dwelling. Access from Coltham Road to a shared, hard surfaced parking area with bin and cycle storage areas.

Site and Surroundings

The application site comprises an existing parcel of disused scrub / vegetation with areas of made / unmade hardstanding, both located and accessed directly off Coltham Road, Willenhall.

The site measures approximately 1006sqm and is enclosed to the flanks and rear by residential properties.

The immediate site context comprises two-storey dwellings of red brick / painted render finish constructed between the 1800s and early 2000s. The site has some topographical change, sloping downwards from the north to the south.

The site is located within a SSSI Impact Risk Zone, a Coal Development High Risk Area, the Bentley Character Area, and the Cannock Chase 15Km SAC Zone of Influence.

The site is not located within a flood risk zone as identified by the Environment Agency, nor a critical drainage area.

The site is not located near to any listed buildings and / or heritage assets, nor is the site within a conservation area.

Planning History

Ref: 07/0010/FL/W3 - Residential development of 9 flats and associated parking – Approved – 27 March 2007.

Ref: 09/0282/FUL - Conversion of retail units to two self-contained flats – Approved – 31 March 2009.

Ref: 12/0195/FUL - Convert 1 dwelling into 2no. 1-bedroom flats – Approved – 15 May 2012.

Relevant Policies

National Planning Policy Framework (NPPF):

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 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 15 – Conserving and enhancing the natural environment.

On planning conditions the NPPF 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.

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

Saved Policies of Walsall Unitary Development Plan (UDP):

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T13: Parking Provision for Cars, Cycles and Taxis.

Black Country Core Strategy (BCCS):

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV7: Renewable Energy
- ENV8: Air Quality.
- EQ2: Cannock Chase Special Area of Conservation

Walsall Site Allocation Document 2019:

HC2: Development of Other Land for Housing

Supplementary Planning Documents:

Conserving Walsall's Natural Environment

Designing Walsall

Open space, sport and recreation

Affordable Housing

Air Quality SPD.

Consultee Comments

Strategic Planning Policy: Support – see relevant section of this report.

Local Highways Authority: No objection, subject to conditions (see relevant section of this report).

The Coal Authority: No objections, subject to conditions concerning a pre-commencement condition (scheme of intrusive investigations & remediation works and / or mitigation measures) and a prior to occupation condition (signed statement) and informatives

PRoW: No objections – subject to conditions – See relevant section of this report.

Environmental Protection: Concerns raised – ‘A Contaminated Land and ground gas investigation is required, depending upon findings remediation needs to be agreed and implemented.

Applicant needs to undertake a noise survey to determine noise mitigation measures to ensure any future and existing residents will not be adversely affected by road traffic noise, and noise from the access road and car parking area.

Applicant will need to agree and implement a Construction Environmental Management Plan’.

Fire Officer: Concerns Raised – See Notes section of this report.

Police: No objections.

Severn Trent Water: No objections, subject to conditions requiring the submission of both foul and surface water drainage plans. See relevant section of this report.

Ecology / Biodiversity: No objections, subject to conditions. See relevant section of this report.

Housing Standards: No comments.

Waste Management: No comments.

Asset Management: No comments.

Clean and Green Services: No objections – ‘I have just looked at the plans for the proposed site and the layout looks ok for the waste collections. The only thing we will want from this site is the access to the car park to be a coded lock as we will not accept any fobs or keys to access this site. If this is a problem with the site, then the bin store will need to be allocated somewhere at the front so our crews do not need to enter site.’

Trees: No comments.

Neighbour and interested Parties Comments

18no. Letters of objection have been received raising the following concerns (officers comments are provided in italics):

- Type of housing (market, affordable housing or rented accommodation); The application form confirms the dwellings are market housing.

- Car parking provision / highway safety / increase in traffic / Access (Walkers Fold, Coltham Road)/ junction);.
- Purported inaccurate statements concerning current vandalism, fly-tipping;.
- Potential increase in Care in the Community placements;
- Safeguarding concerns to child and community welfare;
- Plans similar to those refused in 2007;
- Neighbouring Amenity / loss of privacy / noise disturbances;
- Lack of consultation / notification. Notifications were carried out in line with statutory requirements and site notice erected in line with council protocol.
- Potential impacts on rights of way for interested parties along nos. 106 and 108 Coltham Road.
- No disruption to Walkers Fold during construction.

1no. Petition (55no. signatures in total) has been received raising the following concerns:

- Method of consultation / notifications;
- Lack of consultation;
- Anti-social behaviour;
- Residents safety;
- Car parking levels / stress;
- Highways Safety.

Officer's Response: the concerns raised above are considered as part of this report. Matters concerning land ownership have been confirmed by the agent as acceptable and wholly within the applicant's ownership.

Determining Issues

- Principle / Sustainable Development
- Design / Visual Impacts
- Neighbouring Amenity
- Drainage / Flood Risk
- Highways Safety / Access
- Ecology / Biodiversity
- Public Rights of Way
- Local Finance Considerations.

Assessment of the Proposal

Principle / Sustainable Development

The application site lies within the main, built-up area of Willenhall which is identified as a sustainable Town Centre under BCCS Policy CEN2.

The council's policy team makes the following, observations:

"The proposal will add to the supply of housing and can be supported on strategic planning policy grounds by BCCS policy CSP2 and SAD policy HC2.

Plots 4 to 6 would have little on-site private amenity space, however this is similar to the existing flats at number 120. The site benefits from the adjacent public open space. Under emerging national legislation, provision for biodiversity net gain would also be required, either on part of the site or elsewhere.

The site lies within the 15km zone of influence of Cannock Chase SAC, so a contribution to mitigate the impact of the development on the SAC will be required.

The latest available figures show that the Council does not currently have a 5 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. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect'.

As such, the works are deemed acceptable in this sustainable location, subject to the wider considerations within this report.

Design / Visual Impacts

The proposed works comprise 2no. separate terraces of 3no. dwellings comprising 3no. 2-bedroom dwellings and 3no. 1 bedroomed dwellings.

When viewed from the south of Coltham Road, Plots 1 – 3 will be set-back from the main building line of the adjacent buildings Nos. 120, 120A and 108 Coltham Road yet sited / handed on a northeast to southwest axis which is welcomed.

Whilst this siting effectively breaks the dominant front building line in this area, it is mitigated by the erection of a dedicated access / frontage to plots 1-3 which enhances the street-scene and provides a good degree of movement / accessibility around the 3no. dwellings.

The two-storey terraced plots 1-3 are suitably separated from the dwellings to the west (120a) and 108 Coltham Road so as to avoid a terracing effect. Broadly, the bulk, scale and massing of Plots 1-3 are deemed acceptable.

With regard to Plots 4-6, the existing situation at 120 Coltham Road sees two-storey dwellings inward facing into an enclosed courtyard area with a single storey extension. The existing properties are sited / handed in a north to south direction and continued to the north by a long single storey structure.

The works will replace the long single storey structure in this location with the two-storey terraced structure. If implemented, this rear section of the site will not likely be overly visible from the street-scene given the presence of the permanent plots 1-3 obscuring any such views to an effective degree.

Views to Plots 4-6 may be possible down the side access route / path to the west of the plot, yet overall will likely be read against the surrounding two-storey structures to not result in a visually prominent nor conspicuous structure. The works will also likely break-up the current continuous built form in this area given the proposed amenity space and resultant separation between plots 4-6 and the structures to its south west.

The proposed schedule of materials includes:

- Walls – Red facing brickwork;
- Roof – Concrete pan tiles;
- Windows – White UPVC;
- Doors – UPVC (various colours);
- Boundary Treatments – Masonry walls to boundaries of site, close board fencing.

No significant concerns are raised in respect of the above which is broadly reflective of neighbouring properties.

The proposed amount and location of doors and windows is deemed acceptable from a visual impact perspective.

Overall, the works as a whole will likely represent an acceptable introduction of bulk, scale and massing in this well-established urban area which will not likely detract from the overall character and appearance of the surrounding area.

As such, subject to conditions, the works are deemed acceptable in respect of design and visual impacts.

Neighbouring Amenity:

The northeastern and southwestern gable ends of Plots 1-3 will be mainly blank facing with only two windows in each at both ground and first floor levels serving hallway areas, and not habitable spaces / rooms.

Given the limited and infrequent use of such areas, it is not deemed necessary to restrict said windows to be obscurely glazed nor their opening style. Similar serving windows are located in the gable ends of both 120A and 108 Coltham Road and no significant concerns are raised in respect of loss of privacy nor intervisibility between the dwellings in these areas.

Plots 1-3 will be suitably sited so as to not break the 45-degree rule when taken from the rear elevations of Nos, 120A nor 108 Coltham Road.

The (southwestern-most) rear of plot 1 will likely introduce new built form near to the two-storey property to the rear of nos. 120 and 120A Coltham Road, with approximately 6.2m separation distance, which features a window at two-storey level.

Plot 1 will include a rear habitable window at two-storey height therefore significantly less than the 24m recommended distance as per SPD Annexe D. However, the works will not be directly opposite each other and likely only allow for oblique, limited views between them.

With regard to plots 4-6, the works provide increased separation distance between its southern gable end and the structures further to the south and this is welcomed.

As with plots 1-3, plots 4-6 include 2no. windows in the gable ends at both ground and first floor levels which serve staircases and not habitable rooms. As such, no significant concerns are raised in respect of neighbouring amenity (loss of privacy / intervisibility) between the southern gable end and the structures to the immediate south.

Given the proposed separation distance between plots 4-6 and the rear garden areas of Nos. 106 and 108 Coltham Road, no significant concerns are raised in respect of any loss of privacy / overlooking into the rear garden areas of said dwellings.

The south-western facing rear elevation of plots 4- 6 is suitably separated from dwellings further to the west so as to not give rise to any significant, detrimental amenity impacts.

Plots 1-3 are each provided with dedicated rear garden / amenity space all of which fall short of the minimum required 68sqm. However, given the works are sited in a sustainable location in close proximity to open spaces (e.g. Short Heath Park), no significant concerns are raised in this instance.

Plots 4-6 are provided with communal amenity space which falls short of the 60sqm requirement (20sqm per each dwelling). However, given the proximity to open spaces, the works are deemed acceptable in this respect.

Plots 1-3 provide for two-bedroomed properties providing for 3no. bedspaces set over two floors (2B3P). Plots 1-3 provide for a GIA of 70.84sqm which meet National Space Standards (70sqm).

Plots 4, 5 and 6 provide 1no., one-bedroomed properties providing for 2no. bedspaces set over two floors (1B2P). Each plot meets National Space Standards.

The works as revised now also maintain a rear access to Nos. 106 and 104 and this is welcomed.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, subject to conditions, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with saved UDP policy GP2.

Drainage / Flood Risk

The site is not located within a flood risk zone as identified by the Environment Agency, nor a critical drainage area.

Severn Trent Water confirm that they have no objection to the proposal subject to the inclusion of a condition to require the submission of drainage plans prior to the commencement of development. They also provide explanatory notes with regard to the location of sewers and the statutory protection of these. It is therefore recommended that a condition is applied to any decision to require the submission of these details..

As such, subject to conditions, the proposal is deemed acceptable in respect of drainage / flood risk.

Highways Safety / Access:

The works seek to provide off-street car parking provision for the 6no. dwellings in a secure car park area and this is welcomed so as to address concerns raised over car parking stress levels in the local area.

The council's highways engineers make the following observations:

Coltham Road is an unclassified road. There are footways on both sides and a zebra crossing a short distance to the south of the site.

The rear car park access looks to utilise the existing dropped kerb access. Adequate pedestrian inter-visibility is provided.

Adequate turning space within the rear car park is provided.

The development looks to provide 9 spaces for the 6 dwellings. UDP T13 parking policy requires 12 spaces (2 per dwelling). Taking into account 2011 Census data for this part of the Ward shows that around 65% of households have only 1 car or no car at all, the level of provision is acceptable.

One parking space is allocated to no.108 Coltham Road within the applicant's control to compensate for the loss of the existing rear parking at this property.

Additional parking space is available within the development if needs be (fronting Plots 4 to 6) and there is also unrestricted parking on-street available if necessary.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2023 paragraph 111.

Conditions are recommended to secure the implementation of the parking and access area, the construction of the proposed cycle shelter, and a Construction Environmental Management Plan. Notes are also provided on keeping the highway clear.

As such, subject to conditions, the works are deemed acceptable in respect of highways safety / access.

Ecology / Biodiversity

The council's ecologist confirms that the development would have an impact on the Cannock Chase SAC and that mitigation is therefore required in the form of a planning obligation.

The council's adopted SPD 'Conserving Walsall's Natural Environment' requires a detailed bat survey to be submitted if certain criteria are met indicating that bats are likely to be present.

This application meets the criteria/ criterion set out below:

- If any part of the application site lies within 50m of open land. This includes parks, golf courses, cemeteries, agricultural land, river valley or other unmanaged open land.
- If any part of application site lies within 50m of the following habitat or features: woodland, mature trees, wetland, disused transport corridors, water courses, canals and all designated wildlife sites.
- Lies with a neighbourhood characterised by large mature gardens.

A site visit was undertaken on the 1st November 2023, by the Ecology Officer, to ascertain whether the single storey storage structures had any potential for roosting bats. From the survey it was determined that the structure was of single layer brick construction with a corrugated steel roof. From an internal inspection the steel roof was easily visible with no insulation layer or roofing felt in place to create cavities that could be used by roosting bats.

The brick work on the eastern side was noted to have areas of mortar missing, these did not lead to significant crevices that could be utilised by roosting bats.

While the survey was not a comprehensive preliminary roost assessment, it provides sufficient information on the structure to ascertain that the building had low to limited potential for roosting bats. As such no further bat surveys are required to support the

application. However, it is recommended that the residual risk is covered by a precautionary planning condition:

1. Cannock Chase Special Area of Conservation (SAC):

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £329.83 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC's conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application proposes a net increase of 6no. dwellings. This development would result in an increase in recreational disturbance resulting in significant harm of

the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £329.83 per each net new dwelling which can be secured by a Unilateral Undertaking, s.111 payment or within a Section 106 Agreement when other obligations are required.

The applicant has agreed to provide the SAC mitigation payment via planning obligation which will need to be completed prior to planning approval being granted.

As such, subject to conditions and the agreement for the mitigation payment, the works are deemed acceptable in respect of ecology / biodiversity.

Public Rights of Way:

A definitive public right of way (PROW), known as Footpath 27 Willenhall (Wil27) is present directly alongside the red planning boundary outline.

The council's PROW officer requests additional details be provided in the form of:

1. A cross section to show the proposed new boundary treatment for plots 4-6 alongside public footpath Wil24, to confirm the position of the site boundary and build line in relation to the footpath edge and highway verge..
2. Confirmation of the proposed height of the development in relation to the current verge and footpath level and if a ramp or step is required? Any ramp or step will not be permitted to extend beyond the red planning boundary outline into the verge or footpath..
3. Confirmation of cross fall and/or drainage arrangements for the proposed concrete paving adjacent to footpath Wil27, to demonstrate there will be no discharge of surface water run-off from the development onto the adjacent highway.

The PROW officer comments further that the introduction of proposed dwellings with windows overlooking footpath Wil27 will have a positive impact on natural surveillance and safety for path users. The proposal for a keypad lock on the proposed gate connecting to footpath Wil27, to ensure residents access only, is supported.

As such, subject to conditions, the works are deemed acceptable in respect of public rights of way.

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 6 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

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 spoken with the applicant's agent and in response to concerns raised in respect of design / visual impacts, neighbouring amenity, highways safety / access and ecology and amended plans have been submitted which enable full support to be given to the scheme.

Decision Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure contributions to the Cannock Chase SAC and subject to:

- 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.

Conditions

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

- Site Plans – Ref: 21-864-02 – Rev: B – Dated: September 2021.
- Plots 1 to 3 – Ref: 21-864-03 – Rev: B – Dated: September 2021.
- Plots 4 to 6 – Ref: 21-864-04 – Rev: A – Dated: September 2021.
- Site Layout Plan – Ref: 21-864-05 – Rev: A – Dated: December 2022.
- Site Elevations – Ref: 21-864-06 – Rev: A – Dated: December 2022.

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

1. 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
 2. 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
 3. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority
- b. Prior to the carrying out of building operations of the development hereby permitted the approved remedial works shall be carried out
 - c. 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.

4: a Prior to the first occupation of any dwelling on the development, the access and parking area shall be consolidated, hard and drained so that surface water runoff from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

b. One parking space shall be retained for the sole use of no.108 Coltham Road.

c. The access and parking areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development to compensate for the loss of the existing rear parking at no. 108 and in accordance with UDP policy T7 and T13.

5: Prior to the commencement of the development hereby permitted a plan showing the proposed new boundary treatment for plots 4-6 alongside public footpath Wil24 and the position of the site boundary and build line in relation to the footpath edge and highway verge shall be submitted in writing to and approved in writing by the Local Planning Authority. See note for applicant.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

6: Prior to the commencement of the development hereby permitted details of the height in relation to the current verge and footpath level of the proposed inward opening pedestrian access gate to connect to footpath 24Wil shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall's Unitary Development Plan.

7: a. 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.

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

c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has 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.

8: i) Prior to the commencement of the development hereby permitted an acoustic assessment with consideration of 'Professional Practice Guidance on Planning and Noise for New Residential Development' and British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', requirements including an Acoustic Mitigation Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority.

ii) The Applicant shall implement the agreed acoustic mitigation measures.

iv) Prior to the occupation of the development hereby permitted a written validation document that confirms implementation of the agreed mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: to protect the health and amenity of future occupiers/users in line with saved UDP policies GP2 and ENV14. .

9: a. 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:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

9. Measures to prevent flying debris

10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)

11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

13. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

b. 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.

10: a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water including drainage arrangements for the proposed concrete paving adjacent to footpath Wil27 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.

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/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.

11: a Prior to the development first coming into use, details of the proposed cycle shelter, which shall be covered and illuminated, shall be submitted in writing to and approved in writing by the Local Planning Authority and the facility shall thereafter be 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 UDP policy T13 and Black Country Core Strategy TRAN4.

12: 1) If bat/s or evidence of bats are found during these operations:

- Natural England or the ecologist for this project must be contacted.
 - The bat/s should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
 - No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
 - Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation.
 - Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued
- 2) The development should include the provision of one bat box and one bird box and ensure the lighting proposed for the development will be minimised, where possible, and in accordance to the guidance available within Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018.

Reason: to conserve local bat populations and to be in accordance with National legislation; wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994 and Local legislation; Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

Notes for Applicant

1. General Information for the Applicant:

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2. Highways: The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

3. To ensure pedestrian safety and create a safe work area, a permit to work and/or temporary prohibition of traffic order may be required. Prior to commencement of any work associated with the development within, or adjoining footpath Wil27, the applicant must agree details of their proposed work with highways and apply for any necessary permits. Upon completion, the applicant must reinstate the path and verge to its present condition. For details go to Apply to temporarily close a public right of way (PROW) | Walsall Council, or contact PublicRightsofWay@walsall.gov.uk at least 28 days before commencement of any work within the footpath. No excavations,

scaffolding, hoarding, signage, storage of materials, or other activities associated with the proposed development are to be present within, over or underneath this footpath without prior agreement of the highways authority.

4. Note: Acoustics - 'Professional Practice Guidance on Planning and Noise for New Residential Development', ProPG, is available from the websites of the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH), and/or the Association of Noise Consultants (ANC).

5. CL1 - Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011+A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2 - When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water, advice on this aspect can be obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority and the persons/business responsible for the Building Regulation compliance. For example, photographs of earthworks, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive, and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority. The Validation Report shall be written by a Technically Competent person/company.

CL4 - The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

6. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

NOTE: we would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

7. Fire: 'Please note required access widths for fire appliances and turning circles provided below. This information does not appear to have been supplied in the application.

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England.

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010.'

8. Public Rights of Way:

The development must not encroach into the public footpath and verge, and there are to be no abrupt changes in level/ trip hazards in the area of the development directly adjacent to the verge/ footpath to ensure pedestrian safety. No cross section has been provided to confirm proposed levels and verify pedestrian safety.

END OF OFFICERS REPORT