

Planning Committee

Report of Head of Planning and Building Control on 10 February 2022

Plans List Item Number: 2

Reason for bringing to committee

Called in by Councillor Singh-Sohal due to requiring sensitive planning judgement – community interest.

Application Details

Location: FORMER JABEZ CLIFF AND CO LTD, LOWER FORSTER STREET, WALSALL, WS1 1XA

Proposal: OUTLINE APPLICATION FOR THE ERECTION OF A PART 5, PART 2 STOREY BUILDING TO FORM A MIXED USE COMMERCIAL AND LEISURE DEVELOPMENT (CLASS E) INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE

Application Number: 20/1289

Case Officer: Sally Wagstaff

Applicant: James Malkin

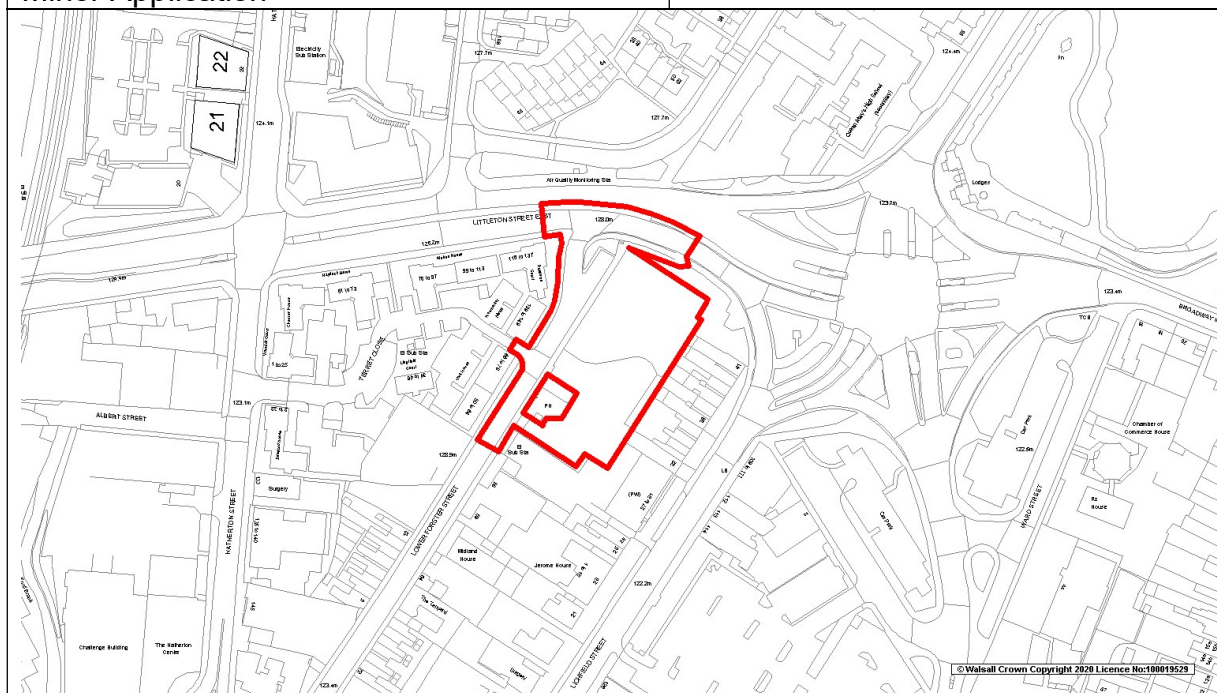
Ward: St Matthews

Agent: Mr Jim Malkin

Expired Date: 13-Dec-2020

Application Type: Outline Permission:
Minor Application

Time Extension Expiry: 12-Nov-2021



Crown Copyright and database rights 2021 Ordnance Survey 100019529

Recommendation

Refuse Permission

Current Status

At the 4th November 2021 Planning Committee meeting, this application was deferred by Committee to consider a more acceptable design due to location of the site within the Conservation Area.

The following section of this update report will set out any changes since the original report (which follows), including matters which were contained within the previous supplementary paper.

Supplementary Paper

Matters contained within the previous supplementary paper:

For clarity the site is on the corner of Lower Forster Street and Littleton Street East as there are sections in the report which incorrectly refer to Little Street East or Littleton Street. Also for clarity the site is within the Lichfield Street Conservation Area - the report incorrectly refers to Lichfield Conservation Area in parts of the report and recommended reason for refusal 1.

For clarity the Location Plan at the top of the plans list refers to a superseded plan. An amended redline on the Location Plan was received on 22/06/21 changing the extent of the redline. Members of the public and relevant consultees have been consulted on the change. The consultation period ended on 07/10/21, no additional comments were received by local residents. Local Highway Authority comments within officer report relate to the amended redline Location Plan. To note. No change to officer recommendation.

A Preliminary Ecological Assessment has been submitted alongside this application. The Assessment concludes the brownfield site has no clear ecological connectivity to natural or semi natural areas in the local or wider area. The assessment recommends:

An updated walkover survey for invasive species once the site has been cleared of drug paraphernalia is considered necessary. Precautionary measures for nesting birds implemented. Other enhancements including bird boxes. Safeguarding conditions regarding any potential identification of protected species during construction.

There were no other matters contained within the previous supplementary paper relating to this item.

Any Other Updates

The following matters have been updated to relating to the assessment:

Additional information and amended plans

A document has been submitted titled 'Appendix 2' which explains the rationale for the scale, mass, design and materials used in addition to the changes made to the proposal. The document explains as summarised:

- The building is positioned on the same front footprint as the original building (Jabez Cliff) was located
- The appearance of the external elevations have been designed with reference to the modernity

Changes made to the scheme are described follows:

- The ground floor envelope design proposes a solid façade, created by red brick walls as a reference to the Conservation Area and traditional materials used in the past.
- The solid brick walls will be divided by curtain walling
- The height of the building has been reduced by 3 metres from the previous proposal

Amended plans illustrate the building remains predominantly 5 storeys but the height has been reduced by 3 metres from 25 metres in total height to 22 metres in total height. Whilst it is not mentioned in the text of the submitted 'Appendix 2' document, plans show a storey has been removed on the western elevation adjacent to Fountain Inn Public House reducing the building from 3 storeys to 2 storeys. This part of the reduction is approximately 18 metres in height to 11 metres in height.

Consultee comments

Conservation Officer

Concerns raised. Changes made to materials and design of the building have not overcome previous conservation objections. The amended scheme is not in keeping with the character and appearance of Lichfield Street Conservation Area and furthermore, fails to enhance and preserve the character and appearance of Lichfield Street Conservation Area. The proposed development would harm the setting and significance of the above listed and locally listed buildings/structures that scale of harm would be medium to high.

Fire Officer

No adverse comments subject to any comments made by WMFS against the previous versions of this application that WMFS have received and the following;

Blocks of flats with a floor more than 11m above ground level should be fitted with a sprinkler system, throughout the building.

The approval of Building Control will be required to Part B of the Building Regulations 2010 (*comments below in original report*)

Natural England

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal

Police Architectural liaison Officer

No new comments to make, refer to previous. (*comments in original report below*).

Pollution Control

No comments to make on the amendments, comments submitted 4th December 2020 remain relevant (*comments in original report below*).

Representations

None

Determining Issues

Does the design of the proposal overcome concerns regarding its impact upon character and appearance of Lichfield Street Conservation Area

Assessment of the Proposal

The 4th November 2021 Planning Committee deferred the application for the applicant to consider amending the proposal for the scheme to integrate with the local characteristics of the area including the design and materials.

In response to this, the proposal has been amended in relation to the overall height being reduced by 3 metres, removal of a storey adjacent to Fountain Inn Public House and the introduction of red brick walls to the ground and part of the first floor of the building. Other materials remain as per the original proposal.

Whilst it is acknowledged the applicant has made some amendments to the scheme, it is considered on balance the proposed design and materials have not been altered sufficiently to overcome the concerns in relation to the impact upon the character and appearance of the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School.

Whilst the overall height of the building has been reduced by 3 metres, which is considered a positive amendment in relation to the amenity of adjoining properties on Lichfield Street, partially addressing concerns relating to overshadowing in the early evening. Whilst the amended proposed buildings proximity to the rear of properties on Lichfield Street has not altered. On balance it is considered the amended proposal would limit the shading and loss of light impact to the rear amenity areas and rear first floor windows within the flats at no. 36, 40, 40a and 41 Lichfield Street. It is considered that on balance that the reduction in harm means refusal reason two can fall away by the amendment to the height of the building.

On balance, it is considered that whilst there have been some improvements to the scheme and weighing the potential investment into the town, in this instance, the level of remaining harm to the heritage assets, it is considered the recommendation remains as set out within the original report.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed development by reason of its scale, mass, bulk, height, design, and materials represents poor design that visually detracts from the character, architectural and historical significance of the street scene and the character and setting of Lichfield Conservation Area that neither enhances nor preserves the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the Black Country Core Strategy, UDP Saved Policies GP2 (Environmental Protection), ENV27 (Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness), AAPLV6 (Securing Good Design) and AAPINV6 (Secondary Development Sites) of the Town Centre Area Action Plan, and DW3 (Character) of Designing Walsall SPD.

Recommendation

Refuse Permission

1. The proposed development by reason of its scale, mass, bulk, height, design, and materials represents poor design that visually detracts from the character, architectural and historical significance of the street scene and the character and setting of Lichfield Conservation Area that neither enhances nor preserves the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the Black Country Core Strategy, UDP Saved Policies GP2 (Environmental Protection), ENV27 (Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness), AAPLV6 (Securing Good Design) and AAPINV6 (Secondary Development Sites) of the Town Centre Area Action Plan, and DW3 (Character) of Designing Walsall SPD.

Original Report from 4th November 2021 Planning Committee Now Follows Below

Proposal

This proposal relates to an outline planning application for a mixed use commercial and leisure development, part 5 storey part 3 storey building including details of access, appearance, layout and scale. Landscaping is a reserved matter for future consideration.

The proposed building is sited on the corner of Little Street East and Lower Forster Street. It comprises of two floors of leisure use (for a national gym operator) and three floors of commercial use (described as offices with conference space). Access into the site is from Lower Forster Street along with a car park including 55 parking spaces and 28 bike lockers.

The design of the building includes a 'stepped' approach with 3 storeys adjacent to the 'Fountain Inn' on Lower Forster Street 'stepping up' to 5 storeys on the corner of Lower Street and across Littleton Street East, down to 3 storeys adjacent to the rear of Lichfield Street.

The application is supported by:

Design and Access Statement – Sets out the context of application site and proposed development.

Planning and Statement – Provides justification for the development.

Heritage Statement – Assesses the proposal's impacts on heritage assets within the vicinity of the application site.

Transport Statement - Confirms the development would promote a sustainable pattern of development and would not result in any material risk to highway safety.

Framework Travel Plan – defines a long term management strategy for the site that seeks to deliver sustainable transport objectives which is regularly reviewed.

Preliminary Ecological Appraisal - Makes an assessment of potential ecological impacts.

Phase 1 Site Appraisal – Risk Assessment report relating to the site's history, geology and environment.

Following the receipt of comments from the Local Highways Officer, the applicant has revised the access arrangement to retain the existing one-way operation of Lower Forster Street. Members of the public have been consulted on these changes, and no further comments were received during this period.

Sketches of potential revised elevations have also been submitted for consideration by the Local Planning Authority following discussion with officers in relation to the scale, bulk and mass of the proposal. Despite the LPA providing feedback to the applicant on these potential revisions, these have not been formally submitted along with the necessary suite of updated plans for this planning application. Notwithstanding this, the LPA consider such changes would not adequately address the concerns and would not therefore change the recommendation set out in this report.

Site and Surroundings

The 0.3 ha site is located on the corner of Lower Forster Street and Littleton Street approx. 300 metres north of Walsall Town Centre. It was host to a former locally listed factory building used for saddle making known as Jabez Cliff 'Globe Works' which was subject to a fire in 2011 and was later demolished. The site has been vacant since. Prior to the fire, the site occupied a number of buildings of historic and architectural interest and value to the benefit of the area.

The site sits high above the ring road (Littleton Street East). It is a very prominent location and commands long reaching views from both directions along the ring road, Broadway and Lichfield Street/Road.

The site is located within the Lichfield Street Conservation Area and on the opposite side of Littleton Street East to the Grade II listed building Queen Marys High School which itself falls within the Arboretum Conservation Area. The Arboretum is a Grade II listed registered park. The site is therefore within a highly sensitive location.

The site is located on the boundary of Walsall Gigaport allocated within the Walsall Town Centre Action Plan (APP) 'APPINV3' for high quality office development. Nearby recent development includes; Walsall Housing Group located on the corner of Littleton Street East and Hatherton Street and Jhoots Pharmacy which are both modern landmark buildings.

Adjacent to the site is the Fountain Inn, a 19th Century two storey public house designated as an Asset of Community Value.

Opposite the site on Lower Forster Street is a part three, part four storey residential development comprising of flats accessed from Hatherton Street known as Terret Close.

Lichfield Street is to the east of the site which comprises two storey businesses including retail and commercial with some residential at first floor. Lichfield Street sits below the application site due to the significant change in land levels.

Relevant Planning History

11/1555/CC – Demolition of Former Jabez Cliff. Conservation Area Consent 09/03/2012.

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 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **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

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T7 - Car Parking NOTE

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN8: Car Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV7: Renewable Energy

- ENV8: Air Quality

Walsall Town Centre Area Action Plan 2019

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness

AAPLV6: Securing Good Design

AAPINV2: St Matthews Quarter

AAPINV3: Walsall Gigaport

AAPINV6: Secondary Development Sites

AAPINV7: Addressing Potential Site Constraints

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW3 Character
- DW5 Ease of Movement
- DW6 Legibility
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- ***Section 5 – Mitigation and Compensation:***
- Type 1 – Electric Vehicle Charging Points

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

Consultation Replies

Archaeology

No Archaeological implications

Conservation Officer

Objection - The proposed design does not relate well to the existing historic environment within Lichfield Conservation Area, this is due to its size (height and footprint) and the materials palette chosen. It is assessed that the proposed design does not offer 'locally distinctive' design – and would fail to preserve or enhance the character of the Conservation Area because of integrating poorly with the existing local built environment.

Local Highways Authority

No Objections subject to conditions in relation to the submission of a Construction Methodology Statement in the interests of highway safety. The implementation of access ways, parking and vehicle manoeuvring and the modification of dropped kerbs prior to the development first coming into operation. Also details of the bike lockers prior to the development first coming into use to encourage sustainable modes of transport.

Fire Officer

No objection subject to the relevant Building Regulations Requirements in relation to access in the event of a Fire.

Police Architectural Liaison Officer

No objection – Security recommended using principles of Secured by Design.

Natural England

No comments to make.

Environmental Protection

No objections - Conditions recommended to implement a Construction Management Plan, undertake an intrusive contaminated land investigation and remediation, ensure external machinery and plant will not result in significant noise disturbance to nearby residential premises, and agree measures to comply with the Black Country Air Quality SPD for Electric Vehicle charging points.

Severn Trent Water

No objection subject to conditions relating to the submission of drainage plans for foul and surface water.

Strategic Planning Policy

No objections subject to inclusion of conditions to restrict the use class of development to former B1a and D2 uses now contained within the much wider Use Class E as the site lies outside of the primary shopping area and certain uses would not be considered appropriate at this site.

Representations

Three objections have been received from two nearby property owners and a local resident. Concerns raised relate to: (*Officer comments in italics*)

- The height of the building would result in:
 - a) Loss of view of the Arboretum Park due to siting of the building (*Loss of views is not a material consideration in the determination of planning applications*).
 - b) Loss of light to property
 - c) Loss of privacy due to being overlooked
- Building used for class E could result in an additional noise within the neighbourhood
- Redline boundary incorrect in relation to 'The Fountain Inn' (*This matter has been rectified and the red line boundary altered*).

Determining Issues

- Principle of Development
- Heritage Assets

- Layout
- Scale
- Appearance
- Access
- Planning Obligations

Assessment of the Proposal

Principle of Development

Walsall Area Action Plan identifies the site within the Town Centre boundary, but falling outside of the Primary Shopping Area (PSA).

The site is within a sustainable location with public transport links to Walsall town centre, cycle routes and pedestrian routes. Vehicular access can be gained from Lower Forster Street.

The site is identified within Walsall Area Action Plan Policy AAPINV3 as site reference TC37 and the Policies Map highlights the location as a gateway site within Walsall Gigaport. Whilst the site is not within the Gigaport Boundary, it is within the vicinity of the Gigaport area so could be suitable for office use.

The supporting table with policy AAPINV3 states that TC37 is allocated for opportunities for mixed town centre uses. This proposal relates to a mixed use commercial building incorporating office space and leisure facilities over four floors. The Design and Access Statement states, *“The commercial building will offer office accommodation with associated conference space as a modern digital platform from which high tech companies can network and operate. It will also offer leisure facilities for a national gym operator”*.

The principle of a mixed use commercial development is considered acceptable in this location as identified within AAP Policy AAPINV3. It is noted that the application form refers to former use classes B1(a) and D2, however these are not identical to the new use class E. Class E mainly comprises a wider range of uses than the two former classes. Whilst nearly all the categories in class E are town centre uses, not all would be appropriate for this location, or the design and functioning of the proposed building.

Former class B1(a) and D2 comprised use as an office, or use as a cinema, concert hall, bingo hall or casino, dance hall, swimming bath, skating rink, gymnasium or area for indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

New class E places offices in sub-class E(g)(i) whilst indoor sport, recreation or fitness is in sub-class E(d). Outdoor sport or recreation is listed under class F2(c) whilst an indoor or outdoor swimming pool or skating rink is listed under class F2(d). Use as a cinema, concert hall, bingo hall or a dance hall, as well as use as a drinking establishment, are now listed as ‘sui generis’ uses that do not fall within any use class.

Class E also includes retail (class E(a)), the sale of food and drink for consumption on the premises (class E(b)), medical or health services, and use as a crèche, day nursery or day centre.

The uses in the former classes B1(a) and D2 would be acceptable in this location and in the proposed building. However, the site is outside the primary shopping area. Use of the site as an eating establishment, for example as a banqueting suite, would also give rise to significant concerns, especially on traffic grounds, given the location of the site

directly off the ring road, unless the retail or eating use was ancillary to the main use of the site, as required by AAP policy AAPINV3.

It is therefore recommended, that should Members be minded to support this proposal that any permission is subject to a condition that limits the use to classes E(c) to (g) only. Any proposal to use part of the building for classes E(a) and (b) should be subject to further approval. This would enable control to be retained should both of these uses be proposed for part of the building in future.

Heritage Assets

The site is situated in Lichfield Street Conservation Area and there a number of nearby historic building/ conservation constraints including, Grade II listed Queen Mary's Grammar School, Walsall Arboretum Grade II registered Park and Garden and locally listed buildings including 55,56 to 58 Lichfield Street, Arboretum Gate. The Fountain Inn which is an asset of community value is also a non- designated heritage asset adjacent to the site.

Paragraph 197 of the NPPF states *'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness'*.

The Design and Access Statement states that the proposed design "...*strongly identifies with the local history and character of Walsall.*" It is considered that the modern industrial appearance is not reflective of the previous character of the site. Whilst the Local Planning Authority do not consider a pastiche development would be more appropriate for the site, it is considered the proposal fails to acknowledge the architectural style or merit of the former Jabez Cliff building.

Whilst the elevated position of site means it is suitable for a landmark building, it is considered that the proposed building is excessive in terms of height and mass. The proposal would result in the building being unduly dominant within the Conservation Area due to the proposed height and scale in comparison to the context of the wider Conservation Area.

The expansive use of glass and perforated metal panels, along with the shades of grey colour scheme, are not key feature design elements elsewhere within the Lichfield Conservation Area.

It is considered the due to the height, footprint and palette of materials chosen the development would not integrate with the historic environment within the Lichfield Conservation Area. The proposals fails to enhance and preserve the character and appearance of the Lichfield Street Conservation Area.

The proposed development would also harm the setting and significance of the Grade II listed building, Queen Mary's School and is contrary to Section 16 of the NPPF 'Conserving and enhancing the historic environment' and Development Plan Policies.

Layout

The proposal is for a large 'L' shaped building which would sit partly in place of the original 'Globeworks' building. The footprint of the building would be focused on the corner of Littleton Street East and Lower Forster Street.

Vehicular entrance into the site would be from Lower Forster Street with car parking provision within the middle of the site and against the boundary with the rear boundary of premises on Lichfield Street.

Pedestrian access into the building is from Lower Forster Street and separated between the commercial and the leisure facilities. Access can also be gained from within the site itself.

The building would be sited approx. 17 metres from the nearest residential block of flats with habitable room windows adjacent to the site accessed from Terrat Close.

The Design and Access Statement includes a sun path diagram which is considered clearly illustrates that the proposal, due to its bulk, mass, height and proximity, is likely to result in additional shading and loss of light to the rear gardens and rear facing habitable first floor windows of premises on Lichfield Street during early to late evening.

There are residential units located within the first floor of no's. 36, 40, 40a and 41 Lichfield Street approximately 23 metres from the proposed building. There are windows within the rear elevations of these buildings which are likely to serve habitable rooms, and the applicant has failed to address this concern.

It is therefore considered that the proposal fails to address this relationship and demonstrate the proposal would not result in a loss of light and shading to habitable rooms and rear amenity areas on Lichfield Street.

Generally, in principle the proposed layout of the site is considered to be acceptable insofar as the footprint reflects historic and current pattern of development. However, the proposal by way of its scale, mass, bulk and height fails to demonstrate it would not result in a detrimental impact upon neighbouring residents in terms of light and shading.

Given the recent changes to the Use Class Order and the extensive use of permitted development, should Members be minded to approve this proposal a condition is recommended to restrict the change of use from offices to residential without the submission of a planning application. This is to ensure that the Local Planning Authority can make a full assessment as to the impacts upon potential occupiers in terms of internal layout of the building and the absence of any outdoor amenity space to serve the development, plus safety and security of the site overall. A residential development of this scale would also usually be required to contribute to local infrastructure to make the development acceptable i.e. likely open space contribution to local open space arising from additional pressure from further residents in the locality.

Scale

Policy AAPL6 within Walsall Area Action Plan states that, "new development should seek to create a positive environments with an identity that relates to the specific character of Walsall Town Centre and its historic context. New buildings should i) be of appropriate scale and massing to the streetscene...".

The proposed building would be part 5 part 3 storey with a reduction in height to three storeys adjacent 'The Fountain Inn' and on the eastern elevation towards Lichfield Street.

Whilst the elevated position of site means it is suitable for a landmark building, it is considered that the proposed building is excessive in terms of height and mass. It is

considered the scale in relation to height and mass and would result in a development which is not appropriate within the streetscene. The height of the building at three storeys adjacent to Lichfield Street would dwarf the two storey buildings which are set lower than the application site. In addition it is considered the scale of the building would be over bearing in relation to the historic 'Fountain Inn' which would appear diminutive in comparison. Whilst it is acknowledged that there is a multi-storey residential block adjacent to the site, which in part is four storeys, it is considered that the scale of the apartment block cannot be directly compared to the proposed development due to the significant additional height and difference in design whereby the apartments include architectural features which help to break up the mass of the building.

The applicant has been informed of officer concerns in this regard. Whilst draft revised elevations were submitted for consideration, these did not mitigate these concerns.

Appearance

The proposed aesthetic as specified within the Design and Access Statement is 'modern, industrial development. The palette of material include glazing and metal cladding in grey and black.

It is noted that there are modern developments within the vicinity of the application site including WHG building and JHoots. It is considered that whilst the use of a modern design is not opposed, in this instance the significant mass coupled with the proposed use of materials would not be in keeping with the context of the character of the area.

Access

The revised access proposal now looks to implement Access Option 1 to retain the existing one-way operation of Lower Forster Street. Having explored Access Option 2, which was to allow development traffic out onto the Ring Road, this was not found not to be achievable.

The planning submission to date had been based on the Option 2 access arrangement. However, it has been found the potential difficulty and disruption in modifying the Littleton Street E / Lower Forster Street junction and it is now proposed to provide the site access arrangements based on the Option 1 arrangement. That is the proposed simple T-junction to access the site would maintain the current one-way southbound Lower Forster Street arrangement and provide a left in / left out site access arrangement as shown on the attached Site Layout Plan (SMD Architect drawing 1910-PL-011_Rev G).

The development looks to provide 55 parking spaces and 28 bike lockers. This is significantly below the UDP T13 parking policy maximum of 233 spaces (inclusive of 22 disabled spaces). However, taking into account the site is in the town centre which is a highly sustainable location, with good access to public transport and public car parking within reasonable walking distance, on balance the Highway Authority considers the level of parking provision acceptable.

The on-site car park will be supervised by a car park management company such that unauthorised parking by non-development related vehicles will be managed and suitably enforced if misuse is identified such that the car park is specifically for the use of the development patrons.

A Transport Assessment has been submitted to support the application which sets out

the traffic impact of the development.

The proposed development is predicted to generate up to 52 pedestrian journeys, one by cycle, 12 by bus and 8 by train during a peak hour. The existing and proposed infrastructure would be able to accommodate that increase in demand. The development would further enable sustainable transport by the production of a Travel Plan that will be delivered through a S106.

The development would generate up to 44 traffic movements in a peak hour. The impact of that traffic on the surrounding highway network has been examined. The calculations and assessments in this report highlight that the proposed development would not have a severe impact on the local highway network in the vicinity of the site. This is accepted by the Highway Authority.

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.

Should the application gain approval, conditions are recommended in relation to the submission of a Construction Methodology Statement in the interests of highway safety; and the implementation of access ways, parking and vehicle manoeuvring and the modification of dropped kerbs prior to the development first coming into operation. To add, full details of the bike lockers shall be submitted to and approved by the LPA prior to the development first coming into use to encourage sustainable modes of transport.

Planning Obligations

A Travel Plan has been submitted to mitigate the relatively low level of on-site parking and encourage sustainable travel modes as the site has benefit of being in a highly sustainable town centre location. It is recommended therefore the Travel Plan, which will require review and monitoring, is delivered through a S106 Agreement should Members be minded to approve this planning application.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed development by reason of its scale, mass, bulk, height, design, and materials represents poor design that visually detracts from the character, architectural and historical significance of the street scene and the character and setting of Lichfield Conservation Area that neither enhances nor preserves the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the Black Country Core Strategy, UDP Saved Policies GP2 (Environmental Protection), ENV27 (Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness), AAPLV6 (Securing Good Design) and AAPINV6 (Secondary Development Sites) of the Town Centre Area Action Plan, and DW3 (Character) of Designing Walsall SPD.

The proposal would also have a detrimental impact to the adjoining premises on Lichfield Street due to additional shading and loss of light to rear amenity areas and rear windows within first floors of residential premises within flats at no. 36, 40, 40a and 41 Lichfield Street. Therefore the proposal is contrary to saved policies GP2

(Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and the National Planning Policy Framework.

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal. Revised elevations have been submitted for consideration by the Local Planning Authority following discussion with officers in relation to the scale and mass of the proposal. The Local Planning Authority gave feedback on the revised proposals. The revisions have not been formally submitted for consultation.

Recommendation

Refuse Permission

1. The proposed development by reason of its scale, mass, bulk, height, design, and materials represents poor design that visually detracts from the character, architectural and historical significance of the street scene and the character and setting of Lichfield Conservation Area that neither enhances nor preserves the Conservation Area and the setting and significance of the Grade II listed building Queen Mary's School. As such the proposal is contrary to the National Planning Policy Framework, Policies ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) of the Black Country Core Strategy, UDP Saved Policies GP2 (Environmental Protection), ENV27 (Buildings of Historic or Architectural Interest), ENV32 (Design and Development Proposals), AAPLV5 (Protecting and Enhancing Historic Character and Local Distinctiveness), AAPLV6 (Securing Good Design) and AAPINV6 (Secondary Development Sites) of the Town Centre Area Action Plan, and DW3 (Character) of Designing Walsall SPD.

2. The proposal would also have a detrimental impact to the adjoining premises on Lichfield Street due to additional shading and loss of light to rear amenity areas and rear windows within first floors of residential premises within flats at no. 36, 40, 40a and 41 Lichfield Street. Therefore the proposal is contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and the National Planning Policy Framework.

END OF OFFICERS REPORT