



### Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 4

#### Reason for bringing to committee

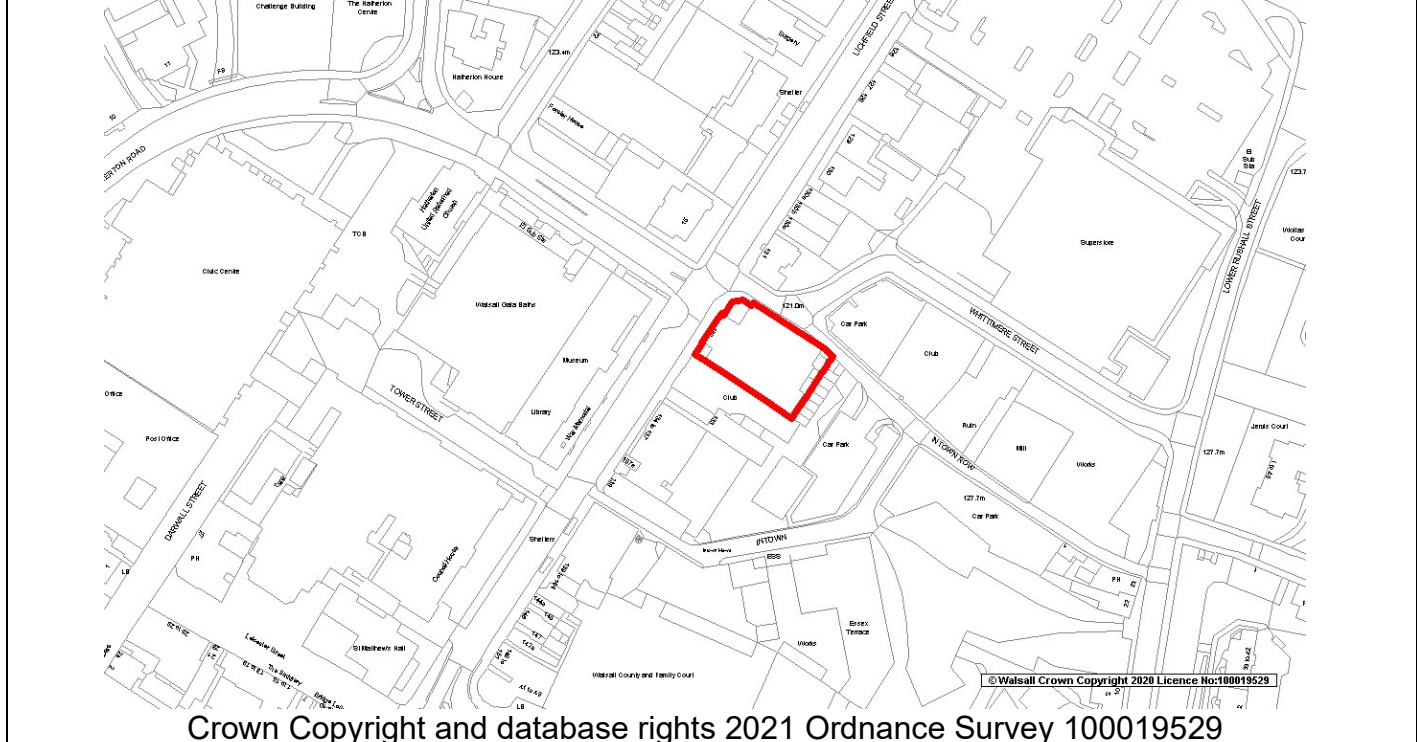
Major Application

#### Application Details

**Location:** 132-132A, LICHFIELD STREET, WALSALL, WS1 1SL

**Proposal:** DETAILED APPLICATION FOR CONVERSION OF 132 LICHFIELD STREET (GRADE II LISTED) AND ERECTION OF APARTMENT BLOCK TO REAR OF LISTED BUILDING TO CREATE NO. 28 APARTMENTS AND AMENITY SPACE. DEMOLITION OF FORMER NIGHT CLUB, FOYER AREA AND CANOPIED OUTDOOR AREA AND PORTAL FRAME WAREHOUSE BUILDING TO THE REAR OF THE LISTED BUILDING.

<b>Application Number:</b> 21/1670 & 21-1671	<b>Case Officer:</b> Sally Wagstaff
<b>Applicant:</b> 5unner Properties Limited	<b>Ward:</b> St Matthews
<b>Agent:</b> JBVJ Architects	<b>Expired Date:</b> 18-Feb-2022
<b>Application Type:</b> Full Application: Major Use Class C3 (Dwellinghouses) and Listed Building Application	<b>Time Extension Expiry:</b>



## Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure Urban Open Space contribution of £21,731.00 and subject to ...
  - The amendment and finalising of conditions;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent and subject to ...
  - The amendment and finalising of conditions;

## Proposal

The proposal relates to a full application for conversion of 132 Lichfield Street (Grade II listed) and erection of apartment block to rear of listed building to create no. 28 apartments and amenity space. Demolition of former nightclub foyer area and canopied outdoor area and portal frame warehouse building to the rear of the listed building.

The proposal also includes the application for Listed Building Consent for conversion of 132 Lichfield Street (Grade II listed) and erection of apartment block to rear of listed building to create no. 28 apartments and amenity space. Demolition of former nightclub foyer area and canopied outdoor area and portal frame warehouse building to the rear of the listed building.

This report incorporates the assessment for both the Planning Application and Listed Building Consent application.

There are 4 key elements to the proposal which include:

- Retention and refurbishment of the Grade II Listed Building fronting Lichfield Street. The building will be utilised for no. 4 apartments with access from the original opening on Lichfield Street
- Two storey extension to the Listed Building replacing the existing Equator nightclub terrace on the corner of Lichfield Street and Intown Row which will incorporate living accommodation as part of the apartments in the Listed Building
- Retention of the part two/ part three storey historic warehouse fronting Intown Row including an extension to add an additional storey to the two storey part of the warehouse including a new roof to facilitate no. 12 apartments.
- Demolition of unsympathetic extension to rear of the warehouse and a three storey extension attached to the warehouse to facilitate no. 12 apartments
- The proposals include a shared residential courtyard. Apartments to the ground floor facing the amenity space will have their own terraces divided by defensible space.

### Listed Building Conversion:

- 1no. 1 bed apartment - 45sqm
- 3no. 2 bed apartment - 59-72sqm

### Warehouse Conversion:

- 20no. 1 bed apartment - 44-53sqm
- 4no. 1 bed studio - 35sqm

Total = 28 units

There are four residential accesses in total. Two for the Listed Building, one on Lichfield Street and one at the rear of the Listed Building, another access on Lichfield Street into the courtyard

area, one on Intown Row incorporating the existing door opening and another secondary access for residents living within the warehouse conversion and extension to the rear of the warehouse. All accesses will be controlled for resident security.

The design of the extensions take on board the architectural merits of the existing heritage assets incorporating modern features within the extensions. The palette of materials will reflect those of the existing buildings as well as modern glazing and roofing materials.

Extensive discussions have taken place between officers and the applicant which has resulted in an amended scheme taking on board Conservation officer concerns regarding the scale, mass and design of the extensions. Improvements have also been sought to the Listed Building.

The amendments are summarised below:

- Reduced the overall mass of the scheme and removed the 4th storey of accommodation above the warehouse extension.
- Reduction in proportion and size of infill corner extension
- Further reduction on the pitched roof element of the cladding extension to the warehouse
- Ensuring the Listed Building height remains the highest roofline of the scheme.
- Traditional material palette driven and directed by the existing architectural style of the Listed Building and Warehouse.
- Slot glass infill between direct abutment of corner infill extension and the Listed Building return facade.

The application is supported by the following documents:

**Design and Access Statement -Sets** out the evolution of the proposal from pre application advice to the current scheme including a detailed history of the site and the heritage features found internally and externally.

**Heritage Statement** - References the Lichfield Street Conservation Area, the HER and the application site and listed building. It considers that the proposal would have direct benefits on the application building and the Conservation Area.

**Heritage Condition Report** – Summarises that the condition of the building is deteriorating and that without significant investment the building is at further risk of substantial loss of fabric which in turn will have an impact upon the Conservation Area. The report references changes already made to the Listed Building and the important features of heritage interest.

**Transport Statement** – Concludes no intensification of vehicular trips due to no parking available on site. Site is within a sustainable location with good transport links, cycling and walking to nearby facilities. It is considered proposed pedestrian access points are well located especially combined with the traffic calming measures proposed on Intown Row.

**Noise Assessment** – Summaries mitigation can be provided in the form of very heavy glazing and mechanical ventilation.

**Flood Risk Assessment** – Concludes the site is located within Flood Zone 2. There is high risk of surface water flooding in the roadway adjacent to the site and medium risk of groundwater flooding.

## Site and Surroundings

Number 132 and 132a Lichfield Street are designated heritage assets, as defined in the NPPF. The site is within Lichfield Street Conservation Area, a designated heritage asset as defined in the NPPF.

The site is in-centre of Walsall Strategic Centre but out of the Primary Shopping Area.

The site is located on the corner of Lichfield Street and Intown Road. The site currently comprises

of Equater Night Club which is currently vacant. The night club includes the historic warehouse on Intown Row, the terraced area extension on the junction of Intown Row and Lichfield Street. To the rear of the site is a flat rood infill structure.

Lichfield Street Conservation Area has considerable historic and architectural interest. There are a number of 'landmark' Grade II listed buildings within the immediate locality, the most prominent of which are the Council House fronting Lichfield Street, the Town Hall Leicester Street, the Library Lichfield Street, Old Court House Lichfield Street, St Pauls Church Darwall Street, 144A to 147A and 138 Lichfield Street.

The historic character of Lichfield Street is one of offices and there is a hierarchy of architecture with industrial architecture to the rear of the buildings fronting Lichfield Street and civic polite architecture fronting Lichfield Street with some buildings finished in stucco.

The adjacent building No. 133 Lichfield Street has also has modern addition which do not contribute to the Conservation Area.

## Relevant Planning History

BC51552P/C - Change of Use to create two A3 Units including Refurbishment, Alterations, Extension and Redevelopment – Grant Permission Subject to Conditions 11/09/1998

BC5155AP/C LISTED BUILDING CONSENT: Demolition of part of building, Change of Use to create 2no. food & drink (A3) Units including Refurbishment Alterations and Redevelopment. Grant Listed Building Consent 11/09/1998

BC54164P/C Conversion creating single A3 unit including refurbishment, alterations, extensions and redevelopment (amendment to BC51552P/C) Grant Subject to Conditions 11/06/1999

BC54162P/C LISTED BUILDING CONSENT: conversion creating single A3 unit including refurbishment, alterations, extensions and redevelopment (amendment to BC51554P/C) Grant Listed Building Consent 11/06/1999

16/1943 Change of use to Drinking Establishment (A4) and Restaurant (A3) with external shisha lounge. Withdrawn- invalid application 20/02/2017

## Relevant Policies

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

[www.gov.uk/guidance/national-planning-policy-framework](http://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 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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

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

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



## **Development Plan**

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

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

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S8: Housing in Town Centres
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- LC1: Urban Open Spaces
- LC8: Local Community Facilities

### **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

### **Walsall Site Allocation Document 2019**

HC2: Development of Other Land for Housing  
OS1: Open Space, Sport and Recreation  
EN3: Flood Risk  
EN5: Development in Conservation Areas

### **Walsall Town Centre Area Action Plan 2019**

AAPLV1: Residential Developments  
AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness  
AAPLV6: Securing Good Design  
AAPLV7: Enhancing the Public Realm  
AAPT2: Cycling

### **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

### **Affordable Housing**

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

### **Air Quality SPD**

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

## **Consultation Replies**

### **Archaeological Officer**

No Archaeological Implications

### **Conservation Officer**

No objection to the proposal subject to conditions to ensure any works do not result in harm to the historic fabric of the Grade II listed building.

### **Environment Agency**

No objection. Development proposal in FZ2, Flood Risk Standing Advice recommended.

### **Fire Officer**

No objection subject to implementation in accordance with Approved Document B, Volume 1, Dwelling-houses, 2019 Requirement B5: Access and facilities for the fire service

## **Georgian Group**

No objection in principle to the conversion of the buildings on the site to apartments

## **Historic Buildings and Places (Former Ancient Monument Society)**

No objection in principle to the conversion of the grade II listed former night club and warehouse building into residential apartments

## **Historic England**

No objections

## **Housing Standards**

No objections. Observations in relation to internal layout and potential fire risk

## **Local Highways Authority**

No objection subject to conditions in relation to a Construction Environmental Management Plan, traffic calming measures and waste management

## **National Highways**

No objection

## **Natural England**

No comments to make

## **Network Rail**

No comments to make

## **Police Architectural Liaison Officer**

No objections. Secured by Design Principles recommended

## **Pollution Control**

No objection subject to written confirmation proposed glazing can be installed in the building or a condition recommended for an agreed glazing and mechanical ventilation system to be installed.

## **Severn Trent Water**

No objection subject to a condition recommending a foul and surface water drainage Strategy

## **Strategic Planning Policy**

No objection on planning policy grounds

## **Representations**

None

## **Determining Issues**

- Heritage Assessment
- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Flood Risk / Drainage
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations



### Heritage Assessment

In determining any planning application, special attention shall be paid to the desirability of preserving listed buildings as set out in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As a listed building is defined as a 'heritage asset' it is necessary to determine if the harm is 'substantial harm' (paragraph 200) or 'less than substantial harm' (paragraph 196). The assessment must balance the scale of the harm against the significance of the heritage assets.

Amended plans have been received after discussions with the Conservation Officer and comments received from other bodies including Historic England, Georgian Group and Historic Buildings and Places. The principle of the development has not been objected to rather concerns were raised regarding the scale and design of the additions and the need for further detail to support the application.

A condition survey of the interior has subsequently been submitted, which outlines very little original historic fabric remains internally, the staircase, timber panelled door and fanlight, timber sash windows and chimneybreasts remain and externally the decoration including the Giant pilasters remain.

The amended scheme seeks to bring a vacant listed building back into use by minimising the amount of internal alterations to retain the original layout and form of the building. The bathrooms and kitchens are stacked to minimise the amount of pipework around the building. The proposal seeks to retain existing staircase, windows, chimneybreasts, timber panelled door and external decoration and seeks to reinstate existing openings to enhance the significance of the listed building. The submission outlines original features will be retained and made good and the conditions report states in some areas of the building the original fabric could not be assessed due to panelling in of features. There are no specific details with regards to the works, however these can be secured by conditions.

The proposal as a whole retains the historic nature of the listed building with a subservient glass framed extension linking the subservient side extension that comfortably fronts both Lichfield Street and Intown Row. The proposed roof extension to the Intown Row elevation illustrates the changing character of the site, whilst retaining the original brickwork and crittal style windows. The roof extension is modest and the extension towards the rear is considered acceptable. The rear of the site is the least sensitive, as such; a modern extension here could be supported which reflects the modern element of the rear of the buildings fronting Lichfield Street. Overall, the proposal would have less than substantial harm to the significance of the Listed Building, the harm should be weighed against public benefits of the proposals, including, securing optimum viable use. The proposal would enhance the character and appearance of the Lichfield Street Conservation area by seeking to remove an unsightly extension and replacing it with a more sympathetic extension that better reflects and enhances the conservation area.

Planning conditions are recommended to ensure any works do not result in harm to the historic fabric of the Grade II listed building.

### Principle of Development

The site was previously used as a nightclub which is now vacant. As the site lies in the town centre, priority should be given to town centre uses. However, there are numerous other drinking and nightclub facilities in the centre. The loss of the drinking and nightclub establishment is offset by the availability of alternative venues in the town centre and does not represent the loss of a

unit in active use, with sufficient information provided to allay such concerns. It is considered the loss of the former use is considered acceptable.

The proposal provides a significant number of dwelling units contributory to the housing shortfall in Walsall and in the strategic centre, where housing is supported near to existing public transport links and services where centre vitality is not threatened. It is considered that type of accommodation is suited to the locality due to the proximity to the town centre.

The site adjoins another evening entertainment venue which could give rise to disturbance to future residents. Paragraph 187 of the NPPF the 'agent of change' principle states, "*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed*".

The 'agent of change' principle in NPPF paragraph 187 will therefore apply to this proposal. To ensure that the new development would not have a detrimental impact upon the adjoining business the developer has agreed to provide acoustic glazing mechanic ventilation.

On balance it is considered that the principle of residential development within this location is acceptable.

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

The principle of the design is to utilise the existing Listed Building and historic warehouse on site. The Listed Building fronting Lichfield Street will have minimal design changes with entrances retained and utilised with improvements to the internal and external fabric. Existing window openings on the Intown Row will be retained to preserve the historic character of the building.

The Design and Access Statement advises any new materials proposed will match the existing. The windows to the extension will be warehouse/critical style to be in keeping with the character of the building. In order to ensure that the materials proposed will provide a satisfactory appearance of development a condition is recommended for full details of materials to be approved.

The scheme has been amended to reduce the scale and massing of the proposal. It is considered the amended design which includes a reduced extension to the Intown Row elevation would not be unduly dominant or be overbearing and out of character within the streetscene. On balance it is considered that the proposal is in keeping with the historical character of the building and would not have a detrimental impact upon the character of the area.

There is approximately 123 sqm of green amenity space provided within the site in the form of a communal courtyard. This would be private and secure for the use of the apartments residents however it below the 20 sqm per unit as set out in the amenity space guidelines within Appendix of Designing Walsall SPD. It is considered that whilst the development would fall short of useable private amenity space for the occupiers the proposal is within a sustainable location in proximity to the Arboretum which is approximately a 10 minute walk from the site. Due to the apartments being majority no. 1 bedroom it is very unlikely that the development would attract those with families who are more likely to want larger outdoor space. On balance, in this instance it is considered the proposed shortfall is acceptable and would not have a detrimental impact upon the amenity of future occupiers of the site.

A sheltered cycle stand will be provided next to the residential courtyard for 15 bicycles. The location is considered appropriate within the site.

The bin store is located to the rear of the site. Waste management have not commented on the proposal however it is considered to ensure that waste management are able to collect and return the bins in an appropriate manner a condition is necessary for a waste management plan to be submitted and approved.

On balance it is considered the layout would result in a proposal that is safe, secure and functional for the occupiers

### **Amenity of Neighbours and Amenity of Future Occupiers**

The flat sizes within the development vary between 35.0 sqm for a no. 1 bedroom apartment and upto 72.0 sqm for a no. 2 bedroom apartment. Walsall Council do not have adopted space standards in which to assess the appropriateness of flat sizes, nevertheless, National Minimum Space Standards are used as a guide for residential development. It is acknowledged that one of the no. 1 bedroom units is under the prescribed 37.0 sqm for a one bed, one person flat as it is 35.0 sqm and one the flats within the Listed building is 59.0 sqm is under the prescribed 61.0 sqm for a two bed, three person flat however it is considered that overall the proposal would result in adequate room sizes for the occupiers. It is considered all flats would have and acceptable level of natural light into the dwellings.

The proposed layout would not lead to any habitable room window conflict. It is considered that the proposed internal layout would not result in a loss of privacy to the occupants.

There are two entertainment venues in the vicinity, Manhattans discotheque occupies the building next door - No. 133 Lichfield Street, and MPV, a live music and creative arts venue 20m from the rear facade. Manhattans is open every Friday and Saturday night until 04:00 and it is understood that the MPV building is currently un-used. A Noise Assessment has been submitted which considers that the proposal would result in a significant adverse noise impact in relation to music and patron noise. It is considered that in context this impact is limited to the 2nd floor (south west facing) rooms only, as they have direct line of sight to the club.

ProPg noise risk levels are considered to be medium at Lichfield Street Day and night due to traffic and buses. It is also considered there would be a noise impact source from traffic and Morrison's deliveries on Intown Row elevation.

The Acoustic Consultant is of the opinion that mitigation can be provided in the form of acoustic glazing and mechanical ventilation, such that future occupants will need to ensure that their windows are kept closed to ensure than an adequate internal acoustic environment is achieved. The glazing being recommended should achieve up to 56 dB sound reduction and includes Pilkington Optiphon 9.1mm/20mmArgon/13.1mm outer, 300mm cavity, 6mm Optiphon secondary glazing. The applicant has confirmed that such glazing can be installed and achieved within the Listed Building due to the heaviness of the glazing as recommended within 'Blue Acoustics BS3722 Report'.

It is acknowledged that if that to ensure satisfactory amenity for the occupiers of the flats in relation to noise that the mitigation measures are necessary. It is considered that on balance the proposal would not result in an undue detrimental impact upon the quality of life for its occupants.

### **Highways**

The proposal looks to modify and convert the existing commercial buildings into 25 apartments. No on-site parking is currently available or proposed.

The site is located within the town centre and hence is highly sustainable with close access to public transport hubs and commercial and public facilities.

The site does not presently have any vehicle access onto the site. Pedestrian accesses are proposed off Lichfield Street and Intown Row.

Cycle storage is provided on site.

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.

A traffic calming feature is required on the public highway outside the secondary pedestrian entrance on Intown Row due to its poor pedestrian/vehicle inter-visibility. This will slow traffic on the approach to the entrance coming down.

Conditions are recommended in relation to traffic calming measures, waste management proposals and cycle storage.

## **Flood Risk / Drainage**

The development is situated within Environment Agency Flood Zone 2 and immediately borders Flood Zone 2. The proposed development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed. The applicant has submitted a Drainage Strategy for surface water and further to this engaged with the Local Lead Flood Authority. The Local Lead Flood Authority do not object to the proposed development subject to securing conditions in relation to ensuring that a full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

## **Ground Conditions and Environment**

Due to the nature and age of the buildings, a pre demolition site survey should be carried out to identify any potentially hazardous material (e.g. asbestos) and the production of a method statement detailing actions and time scale to be taken to prevent localised contamination. A condition is recommended to this effect.

With regard to the above application and air quality, no concerns have been raised regarding relevant pollutant levels at the proposed site but, with reference to the adopted Black Country Air Quality Supplementary Planning Document (SPD), that this is a type 1 application. The applicant therefore needs to install low NOx boilers in the development. A condition is recommended to this effect.

## **Planning Obligations**

An Urban Open Space contribution of £21,731.00 is required to comply with the Urban Open Space SPD policy and Policy LC1(d) of the UDP. The applicant has agreed this figure and are actively engaged in the process for the completion of a S106 Agreement.

The proposal would also be expected to provide for affordable housing in accordance with BCCS policy HOU3, however vacant building credit will apply. As the proposal involves a net reduction in the building floorspace, this means that no affordable housing can be required.

## **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 28 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

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered that the proposal would have less than substantial harm to the significance of the designated heritage assets and on balance the proposed residential development is acceptable.

The use of safeguarding conditions can be included if approved to 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.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework (para 196), policies, ENV2 and ENV3 of the Black Country Core Strategy, policy AAPLV5 AND AAPLV6 of Walsall Town Centre Area Action Plan and saved policies GP2, ENV27 and ENV32 of Walsall Unitary Development Plan and Supplementary Planning Document Policy DW3 of Designing Walsall.

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

### Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the design of the proposal and impact upon designated Heritage Assets, amended plans have been submitted which enable full support to be given to the scheme.

## Recommendation

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## Conditions and Reasons

21/1670 Full Application 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. Plans list and documents

3a. Prior to the commencement of development hereby permitted, a full suite of materials for the exterior including details of colour finishes and manufacturers details, as listed below shall be submitted to and approved in writing by the local planning authority.

- i. Masonry: including facing brickwork and projecting brickwork, stone details, stone coping and dentils, stucco and external colour finish of the stucco
- ii. Windows; Including details of aluminium windows
- iii. Joinery (soffits, eaves, bargeboards, canopies);
- iv. Rainwater goods;
- v. Roofing; Including details of standing seam metal roof
- vi. Flashing;
- vii. Aluminium Frame and Curtain Wall
- viii. Hard surface areas: Including materials
- ix. Paintwork to windows and doors, including finish and manufacturers details and type of paint.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved materials.

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

4a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water to include the name and contact details of the body(-ies) responsible, 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.

4b. 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.

4c. 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.

5a. 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. Site security arrangements including hoardings



6. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
7. Measures to prevent flying debris
8. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
9. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

5b. 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.

6a. 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.

6b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

6c. 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.

7a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

7b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

7c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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

8a. Prior to the development hereby permitted first coming into use, full details of the proposed cycle shelter, which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

8b. 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 Bl: Country Core Strategy TRAN4.

9. No boilers shall be installed in any of the units hereby permitted, save for

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh.
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

10. Notwithstanding the submitted information of the development hereby permitted, written confirmation from the applicant that the proposed Raised Table outside the secondary entrance in Intown Row (below) can actually be achieved in engineering terms due to the level differences between the site and adjacent public highway. In particular how surface water will be prevented from discharging onto the site from the public highway due to the gradient and lack of existing highway drainage.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2 and in the interests of highway safety

11a. Prior to the first occupation of the development the following works within the public highway shall be fully implemented to the satisfaction of the Highway Authority;

i) The installation of the Raised Table or other appropriate traffic calming feature in Intown Row outside the pedestrian entrance to the building,

ii) The removal and reinstatement back to full kerb height of the existing dropped kerb in Intown Row made redundant as a result of the development, back to full kerb height.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2 and in the interests of highway safety.

### **21/1671 Listed Building Consent 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. Plans list and documents

3a. Prior to the commencement of development hereby permitted, a 'building recording survey' in accordance with Historic England's Understanding Historic Buildings: A guide to good recording practice (2006) to Level 3 shall be commissioned by an accredited archaeologist and shall be submitted to and approved in writing by the local planning authority.

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

4a. Prior to the commencement of development hereby permitted, a full phasing plan for the proposed works shall be submitted to and approved in writing by the local planning authority.

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

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

5a. Prior to the commencement of development hereby permitted, a method statement outlining:

- i. Investigative works required, including the opening of the brick and block aperture in Room F3
- ii. Protective measures to be put in place to preserve features to be retained;
- iii. Tools and equipment to be used and how they will be used;
- 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;
- viii. Type and fixing of safeguarding measures to historic fabric during implementation of works including shoring, protective packing and screening; and
- ix. Measures for repair and remediation of original historic fabric, including decorative mouldings, architraves, ceiling cornices
- x. The method to remove cement based mortar by hand.

shall be submitted to and approved in writing by the local planning authority. The method statement shall be structured to reflect the works of the various trades that will be instructed during the implementation of the scheme.

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

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

6a. Prior to the commencement of development hereby permitted, a full strategy for repair of the historic fabric of the listed building shall be submitted to and approved in writing by the local planning authority. This strategy shall include the following:

- i. Repairs to Chimney stacks and parapets, including the method of repair and the type and density, bonding and fixing, stitching together and or surface finishing;
- ii. Repair to brickwork: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- iii. Repair to existing rear wall of listed building as specified on drawing number 20-108-007/C: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- iv. Reinstatement of gable wall to listed building as specified on drawing number 20-108-007/C: Including the type and density, bonding and fixing, stitching together and or surface finishing, facing materials;
- v. Repair of stucco: Including areas where stucco repair to be undertaken, the method of repair, the lime stucco mix, the method of applying the lime stucco;
- vi. Repair to timber: Including the type and density, joints of joinery/carpentry, fixing (nails, pegs and/or adhesives) and finish;

- vii. Repair to timber door: including the method of repair, replacement timber, method of paint removal, details of any new paintwork including type of paint and manufactures details;
- viii. Repairs to fan light: Including details of replacement glazing, details of paint removal, details of any new paintwork including type of paint and manufactures details;
- ix. Repair to Bow Window: Including method of removal of paint from stonework, opening up panelling to establish if historic features remain and how they will be retained.
- x. Repair to glass: Including the type, fixture and finish;
- xi. Repair to plasterwork: Including the plaster mix, application (coats), substructure, decoration and finish;
- xii. Repair to stone: Including the type and density, bedding, fixing, surface finishing and arrangement;
- xiii. Repair to the roof: Including slates details, fixing, bedding;
- xiv. Staircase: The method to remove paint from the staircase, details of the repair works, details of any new paintwork including type of paint and manufactures details;
- xv. Existing Timber Sash Windows: Including: method of repair, repairs to the glazing bar/, pulleys, repair or replacement nylon sash cord encased in waxed cotton, details of how the sash cord will be fixed within the sash window, painting of rebates, weights, opening mechanism, handles, latches, locks and frame dimensions and arrangement and the insertion of any new timber materials, details of the type of timber to be used for any repair works and the grain of the timber to be used for repair works.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved strategy for repair.

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

7a. Prior to the commencement of development hereby permitted, full architectural and specification details (at a scale of 1:10) shall be submitted to and approved in writing by the local planning authority. The details shall be referenced in accordance with the phasing plan and the architectural and specification details shall include the following:

- i. New Timber Sash Windows: Including Overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from;
- ii. New window on rear elevation annotated 10 on drawing number 20/108/012/B to be full size Georgian timber sash windows details of overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from;
- iii. New Timber Sash Gable Window annotated on drawing 20-108-006-C: Including Overall design, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks, type of wood the windows are to be constructed from;
- iv. Crittal Windows: Including jamb details, glazing bars, coupling details, finish, top, bottom or side hung details;
- v. Rebuilding of curved ground floor wall as specified on drawing 20-108-014/A;
- vi. Stone Cills: Including type and density, bedding, fixing, surface finishing and arrangement;
- vii. Secondary glazing: Overall design and how it relates to the principal window, glazing bar and frame dimensions and arrangement, materials, reveal, opening mechanism, handles, latches and locks;
- viii. Doors (new and altered, internal and external): Overall design, dimension of frames/architraves, arrangement of materials and individual components and members, materials, reveal, opening mechanism, handles, latches and locks;
- ix. Rainwater goods: Design, location, materials, finish and fixing;
- x. New masonry: The position, form and bonding;
- xi. New stud walling: Exact position and relationship to adjacent and affected historic fabric, scribing round historic joinery and plasterwork and architectural features.

- xii. New internal joiners (skirting, ducting, and architraves): Design, materials, position, fixing and colour finish;
- xiii. New plasterwork (ceilings, walling and decoration): Form, composition and application, plaster mix, location of application, number and type of coats and decorative use;
- xiv. Aluminium Frame Extension: Including type of glazing, details of aluminium frame, colour finish;
- xv. Uncovering existing openings: including methodology to reopen infilled openings.

7b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved strategy for repair.

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

8a. Prior to the commencement of development hereby permitted, a full strategy for internal and external works to the historic fabric of the listed building shall be submitted to and approved in writing by the local planning authority. This strategy shall include the following:

- i. Partitions: Including 1:20 plan showing how partitions will be fixed around architectural details, fixing and attaching, type, material, installation method, type of tools;
- ii. Internal openings to be infilled with blockwork: Including type of facing materials to be used to infill the opening and the type of lime plaster to be used, including the plaster mix details to finish the wall to a smooth level finish;
- iii. Internal openings to provide access to rooms and the corridor: Including method;
- iv. Internal openings: including whether they are floor to ceiling or half openings;
- v. Restoration works to the exterior of the listed building: Including exact details of the level of restoration, the method of restoration, the materials and tools to be used to restore the exterior;
- vi. External works to the exterior of the listed building: Including specification of the external works, the method;
- vii. Stucco where replaced following the removal of the Equator Club and Canopy: Including the type of stucco, the mix of the stucco, the method of applying the stucco;

shall be submitted to and approved in writing by the local planning authority.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved works.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

9a. Prior to the commencement of development hereby permitted, a full mechanical and electrical systems strategy, water utilities strategy and heating strategy shall be submitted to and approved in writing by the local planning authority.

9b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved mechanical and electrical systems, heating and water utilities strategies and implemented in accordance with the phasing plan.

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

10a. Prior to the commencement of development hereby permitted, notification shall be given in writing to the Local Planning Authority twenty one days prior to removal of the internal suspended ceilings and internal wall coverings (where necessary) in order to allow a visual inspection by the local planning authority to be undertaken.

10b. Should the visual inspection by the local planning authority discover original historic architectural detailing, details of the method to safeguard these features together with details of the method to install fire/noise and sound insulation to retain these features shall be submitted in writing to and approved in writing by the local planning authority.



10c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved fire/noise and sound insulation measures to retain historic architectural detailing.

Reason: To safeguard the significance 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

11a. Prior to the commencement of development hereby permitted, details of the exact location of kitchen and bathroom extraction vents and heating flues shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. The internal location of the kitchen and bathroom vents, the type of vents to be installed, the method of fixing the vents to the internal historic fabric and the type of tools to be used to fix the vents onto the internal historic fabric.
- ii. The external location of the kitchen and bathroom vents, the type of vents to be installed, the method of fixing to the external historic fabric and the type of tools to be used to fix the vents onto the external historic fabric.
- iii. The location of the heating flues, the material of the proposed heating flues, the method of fixing the heating flues to the historic fabric and the type of tools to be used to fix the heating flues to the historic fabric.

11b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved kitchen and bathroom vents.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

12a. Prior to the commencement of development hereby permitted, details of the new soil and ventilation pipes shall be submitted to and approved in writing by the local planning authority.

The details shall include:

- i. The type of foul water pipes to be installed on the external fabric of the building, the proposed material of the foul water pipes, the method of fixing the foul pipes to the external fabric of the listed building and the type of tools to be used to fix the foul water pipes to the external historic fabric.
- ii. A plan showing the proposed route of the proposed foul water pipes within the building.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved foul water pipes.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

13a. Prior to the commencement of development hereby permitted, details of how fire, sound and noise insulation will be installed within the listed building shall be submitted to and approved in writing by the local planning authority. The details shall include:

- i. The type of breathable insulation to be installed, where the insulation will be installed and the method of insulation.
- ii. Where noise, fire and sound insulation will be installed between flats and the implications this would have on the existing door levels, decorative features, existing flooring. How original features will be retained and restored once the insulation has been fitted.
- iii. How fire insulation will be fitted whilst retaining historic ceiling plasterwork, including the method of insulation, what original features will need to be removed, where these will be installed whilst fire insulation is fitted, how the original materials will be attached back to the listed building.

13b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved noise, fire and sound insulation measures.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

14a. Prior to the commencement of development hereby permitted, a full suite of materials for the exterior including details of colour finishes and manufacturers details, as listed below shall be submitted to and approved in writing by the local planning authority.

- i. Masonry: including facing brickwork and projecting brickwork, stone details, stone coping and dentils, stucco and external colour finish of the stucco
- ii. Windows; Including details of aluminium windows
- iii. Joinery (soffits, eaves, bargeboards, canopies);
- iv. Rainwater goods;
- v. Roofing; Including details of standing seam metal roof
- vi. Flashing;
- vii. Aluminium Frame and Curtain Wall
- viii. Hard surface areas: Including materials
- ix. Paintwork to windows and doors, including finish and manufacturers details and type of paint.

14b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved materials.

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

15a. Prior to the commencement of development hereby permitted, details of all boundary treatments including low walls, railing, pedestrian gates and details of the facing materials and external finishes of all boundary treatments shall be submitted to and approved in writing by the local planning authority.

15b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved boundary treatments.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

16a. Prior to the commencement of development hereby permitted, an exterior survey of the condition of the stonework and brickwork shall be undertaken by a qualified cleaning specialist and shall be submitted to and approved in writing by the local planning authority. The survey shall establish whether the exterior of the listed building requires cleaning. The survey shall include:

- i. The current exterior condition of the stonework and brickwork
- ii. Justification as to whether the exterior stone and brick work require cleaning
- iii. What elements of the stonework and brickwork will require cleaning
- iv. The method of cleaning
- v. The machine to be used to clean the exterior stone and brick work.
- vi. The time framework for the cleaning of the stonework to be undertaken.

16b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved works.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

17a. Prior to the commencement of development hereby permitted, details of the exact position and location of television aerials and satellite equipment shall be submitted to and approved in writing by the local planning authority. The details shall include:

- I. The type of television aerial/s and satellite equipment to be fitted, how the television aerial/s and satellite equipment will be fitted to the external historic fabric, the method of fixing, the type of tools to be used to fix the television aerials and satellite dishes.

17b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved aerial and satellite equipment details.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

18a. Prior to the commencement of development hereby permitted, a mortar mix for external masonry work and repointing work shall be submitted to and approved in writing by the local planning authority. All works affecting historic fabric shall use Naturally Hydraulic Lime (NHL) to a specified ratio with sand in accordance with its use and location.

18b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved mortar mix.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

19a. Prior to the commencement of development hereby permitted, details of the bin and cycle store shall be submitted to and approved in writing by the local planning authority.

19b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved bin store location.

Reason: To safeguard the significance, setting 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

20a. Prior to the commencement of development hereby permitted, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include the type of lighting to be installed, the exact position where the lighting will be erected / fixed / attached, the type of lamp, type of column, type of fixture, the method of installation and the level of illumination.

20b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting scheme.

Reason: To safeguard the significance, setting 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

21a. 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.

21b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

21c. 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.

22. The proposed finish of the proposed extension hereby approved shall match the stucco and Ashlar mock jointing finish as 132 Lichfield Street, Walsall.

Reason: In the visual amenities of the Lichfield Street Conservation Area in accordance with Policy EN5 of the UDP.

23. No soil and ventilation pipes, external kitchen and bathroom vents, heating flues, television aerials, satellite equipment or CCTV cameras shall be fixed to the elevations fronting Lichfield Street and the side elevation fronting Intown Row of this Grade II listed building.

Reason: To safeguard the significance of the 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, Policy ENV27 of the UDP, Policy EN5 of the SAD and Policy ENV2 of the BCCS.

## **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.

### **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 of any works pertaining thereto.

For new road construction or alterations to existing highway the developer must enter into an Agreement with the Highway Authority under S38/278 of the Highways Act 1980. For further advice please contact Highway Development Control Team at [Stephen.Pittaway@walsall.gov.uk](mailto:Stephen.Pittaway@walsall.gov.uk)

The Highway Authority's permission is required under the Highways Act 1980 and the New Roads : Street Works Act 1991 for all works on or in the highway.

As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing [Trafficmanagement@walsall.gov.uk](mailto:Trafficmanagement@walsall.gov.uk)

### **Fire Officer**

**Approved Document B, Volume 1, Dwelling-houses, 2019 Requirement B5: Access and facilities for the fire service**

#### **Section 13: Vehicle access**

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.2 For flats, either of the following provisions should be made.

a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

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.

#### **Blocks of flats fitted with fire mains**

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight, of an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

#### **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).

### **Section 14: Fire mains and hydrants – flats**

#### **Provision of private hydrants**

14.8 A building requires additional fire hydrants if both of the following apply.

a. It has a compartment with an area of more than 280m<sup>2</sup>.

b. It is being erected more than 100m from an existing fire hydrant. OFFICIAL  
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14.9 If additional hydrants are required, these should be provided in accordance with the following.

a. For buildings provided with fire mains – within 90m of dry fire main inlets.

b. For buildings not provided with fire mains – hydrants should be both of the following.

i. Within 90m of an entrance to the building.

ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990. 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](mailto:Water.Officer@wmfs.net)

### **Section 15: Access to buildings for firefighting personnel – flats**

#### **Provision of firefighting shafts**

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7.

Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

#### **Sprinklers**

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

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:

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 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

### **Secured by Design**

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

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

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

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see :

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_NEW\\_version\\_2.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf)

**END OF OFFICERS REPORT**