



Planning Committee

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

Plans List Item Number: 5

Reason for bringing to committee

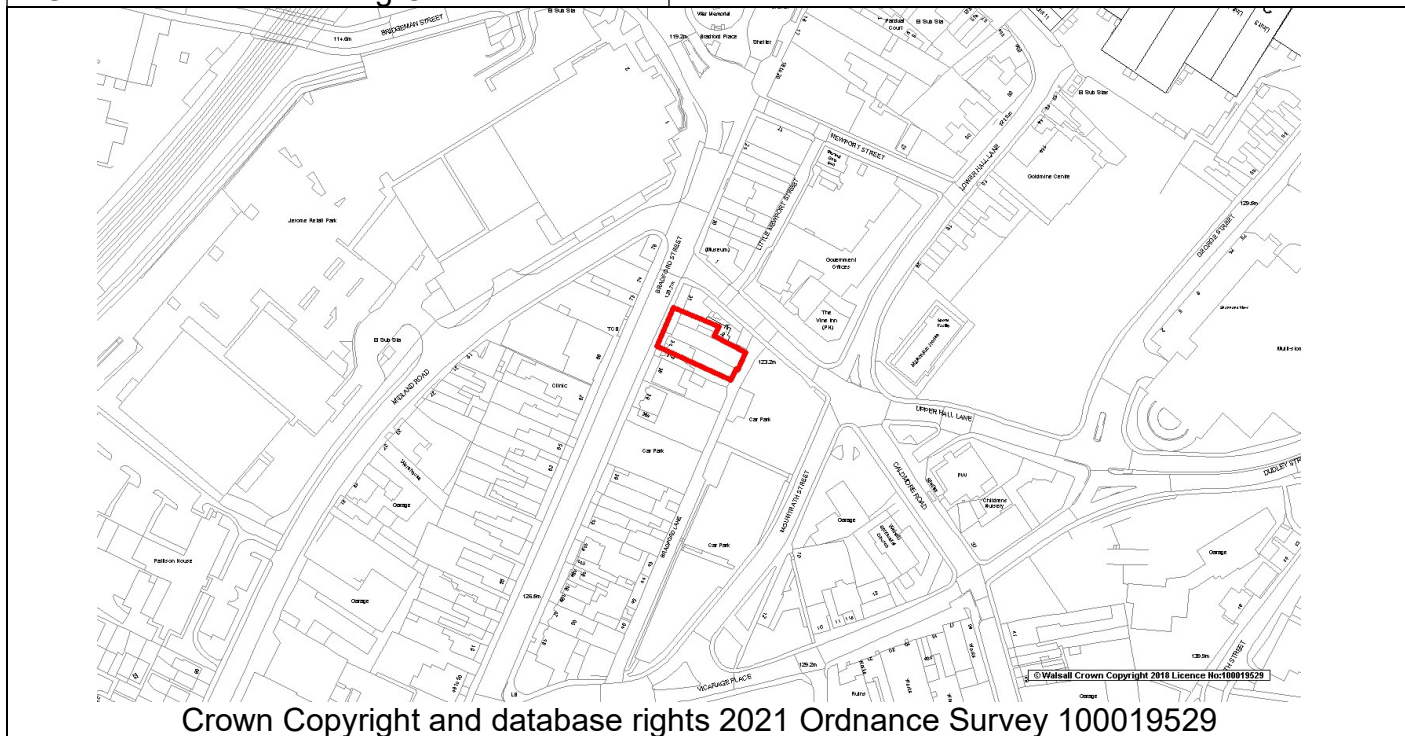
Significant Community Interest

Application Details

Location: 32-34, BRADFORD STREET, WALSALL, WS1 3QA

Proposal: PROPOSED CHANGE OF USE AND CONVERSION OF EXISTING OFFICES TO 5 APARTMENTS COMPRISING 2 NO. 2 BEDROOM AND 1 NO. 3 BEDROOM SELF-CONTAINED APARTMENTS IN 32 & 33 BRADFORD STREET AND 1 NO. 1 BEDROOM AND 1 NO. 2 BEDROOM SELF-CONTAINED APARTMENTS IN 34 BRADFORD STREET (PLANNING USE CLASS C3). REMOVAL OF REAR GARAGE AND ACCESS AND PARKING VIA BRADFORD LANE.

Application Number: 18/1431 & 19/0122	Case Officer: Helen Smith
Applicant: JAMES WADSWORTH	Ward: St Matthews
Agent: Lapworth Architects	Expired Date: 13-Mar-2019
Application Type: Full Application: Change of Use AND Listed Building Consent	Time Extension Expiry: 12-Feb-2020



Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent subject to conditions and subject to;
 - The amendment and finalising of conditions;

Proposal

These two applications seek planning permission (18/1431) and Listed Building Consent (19/0122) for the proposed change of use and conversion of existing mostly vacant offices into 5 apartments comprising 2 no. 2 bedroom and 1 no. 3 bedroom self-contained apartments in 32 & 33 Bradford Street and 1 no. 1 bedroom and 1 no. 2 bedroom self-contained apartments in 34 Bradford Street (Planning Use Class C3). Removal of rear garage and access and parking via Bradford Lane.

The planning application has been revised from the originally proposed 16 bedroom house of multiple occupation (HMO) with shared facilities, to the current proposal as set out above, and re-consultations have taken place along with the display of a new site notice and press release.

This proposal will include the conversion of all floors of the building. Bedroom sizes would range from 10.4m² to 16m². Internal alterations to partitioning are proposed.

There have been delays in the processing of this application as requested information required for the determination of the application had not been provided. The current planning agent has now provided the additional information.

The proposal includes the following changes;

32 – 33 Bradford Street

- Apartment 1 (ground floor – colour purple) – 2 bedroom, 4 person apartment – 75m² floor area
- Apartment 2 (first and second floor – colour green) – 3 bedroom, 4 person – 88m² floor area
- Apartment 3 (first and 2nd floor – colour pink) – 2 bedroom, 3 person – 70m² floor area

34 Bradford Street

- Apartment 4 (ground floor – colour blue) – 1 bedroom, 2 person – 54m² floor area
- Apartment 5 (first and second floor – colour orange) – 2 bedroom, 3 person – 70m² floor area

The existing entrances to the premises would be utilised to serve the development. Access to apartment no's 1 and 3 would be via a shared lobby area next to 31 Bradford Street. Access to apartment no. 2 would be via an internal staircase leading off an enclosed lobby area and hallway from Bradford Street.

Adjacent to the access to apartment no. 2 is an existing access which would be shared by the future occupiers of the proposal giving access to the private communal amenity space to the rear.

Apartment no's 4 and 5 would have a shared access using the existing access and staircase that serves 34 Bradford Street. No. 4 would have a separate access into the rear amenity space area.

The proposal states that secured gated entrances would be provided with key access for the occupants only. Shared accesses would have a door control system with an entry phone and electronic lock release. PIR sensor lighting is proposed for entrances and within hallways and lobby areas.

The proposed modern shop floor frontage to 34 Bradford Street would be removed and the original building line reinstated.

The existing more recently built large garage and sheds to the rear of this property would be removed to provide rear communal private amenity space and associated vehicle parking.

An existing first floor rear window in no. 34 would be removed and two new windows would be installed. The existing kitchen extension would now be retained.

The original staircases to no's 32 and 33 Bradford Street would be retained whilst the rearwards existing staircase in no. 34 would be removed. This updated proposal retains the original remaining chimney breasts and chimney stacks. Bathrooms and kitchens have been located to the rear of the property with the exception of apartment no's 2 and 5 which have a bathroom and a kitchen area to the front (respectively).

The Heritage Statement has been updated for the amended proposal being considered. This states that the structural changes required for the revised proposal would be minor.

The statement says that apartment no. 1, an opening would be made between the front and rear rooms. The opening from the front room of no. 32 Bradford Street to the entrance hall would be re-filled. A new doorway would be made between no's. 32 and 33 in addition to another connecting door that already exists. The existing openings off the hall in no. 33 into the ground floor rooms would be sealed.

The Heritage Statement also states that as apartment no's 2 and 3 are on the upper storeys, the existing entrance halls of nos. 33 and 32 Bradford Street would be used respectively for access. Minimal alteration is proposed and the report advises that the existing interiors on the upper floors are plain and of minimal intrinsic value.

The modern opening between the first floor front rooms of no. 33 Bradford Street would be filled in again, and the modern W.C. enclosure at the rear first floor of no. 33 would be removed. Other interventions are considered by the report to be gentle, including a widened opening between the kitchen and dining rooms of apartment no. 2, formation of a lobby to the bathroom and bedroom 2 of apartment no. 2, and the formation of an entrance lobby to apartment no. 3 on the first floor landing of no. 3

The report states that there is scope for enhancement of the street elevation by reinstating the timber sash windows and the moulded cornice, and by repairing the render which appears patched. The best-preserved interiors are considered by the report to be on the ground floor and aside from the repositioning of doorways, these would all be preserved. Furthermore the existing cellars would remain open and not be filled in.

Furthermore the statement comments that issues of fire and noise separation between apartments would need to be sensitively addressed and comments that from a heritage point of

view, they consider that it makes little difference whether no. 34 is used as a single house or two flats. The alterations required are not extensive in either case, and the interior is not protected because this building is not formally listed. Externally, the elevations of no. 34 would remain the same with either option, and the removal of the modern shopfront for a reinstated domestic frontage is considered by the report to be an improvement in this instance.

To the rear the existing garage/workshop structure would be mostly demolished to create parking for 5 vehicles with access from Bradford Lane along with secure bin storage adjacent to Bradford Lane.

The proposed combined open courtyard, patio and lawn private amenity space would measure 172m². The plans indicate that 2 metres high close boarded fencing would be installed along the rear boundary. Internal walling would remain within the private amenity areas along with a bin store and separate bin area for no. 34 Bradford Street.

Parking for vehicles would be located on the Bradford Lane side of the proposed fenced area opposite an existing public car park to the south east of the application site. Bike shelter details have been provided however the amended plans for apartments do not include a bike shelter.

The applicant has advised that the application property has been empty since the end of 2008 following the economic impact of the credit crunch in 2007 when office tenants submitted notices to vacate. Lower rents with rent free period were offered but the applicants' state that they have been unable to re-let these offices.

In 2016 the applicant advised that the premises was put up for sale by auction on two separate occasions and no bids were made on either date. The situation has not improved following the pandemic.

The following documents have been provided in support of the applications;

- Heritage Statement prepared by Philip E Heath, deposited 30/05/22
- Design and Access Statement, Job no. 2514 May 2022, deposited 30/05/22
- Local Amenities Plan, Job no. 2514 drawing no. 08, deposited 27/7/20
- Supporting Statement, deposited 19/3/19
- Bike Shelter Details, deposited 15/3/19

Site and Surroundings

The application site is located within Walsall Town Centre and Bradford Street descends in a northerly direction into the Town Centre.

No's 31, 32 and 33 are all three storey Grade II Listed Buildings (32 and 33 listed separately).

Historic England Official List Entry for 32 and 33 Bradford Street refers to the frontage of the premises only as follows;

“WALSALL MB BRADFORD STREET (east-side) SP 0198 SW 15/14 Nos 32 & 33

GV II Pair of houses, now offices. Early to mid-C19. Stuccoed brick. Three storeys, three bays. Bays 1 and 2 project slightly. Windows have architraves. Those on the ground floor have floating cornices, those on the first floor a sill band. They are sashed with glazing bars except for the ground floor and second floor ones to the first and second bays, which are sashed with no glazing bars. Doors, to left of first bay and in third bay, are flanked by pilasters and have round heads with fanlights. Roof behind parapet, which now has no cornice. Forms part of a formal

composition with No 31 Bradford Street (qv). Listing NGR: SP0118698241”

This planning application relates to no's 32, 33 and 34 Bradford Street. These premises are currently mostly empty office space. No. 34 Bradford Street has a modern shopfront to the ground floor and modern uPVC windows and is not a Listed Building but is attached to no. 33 which is listed and is a non-designated heritage asset. Details of what is happening with the existing tenants Law Tec Solicitors at no. 34 Bradford Lane have been requested and will be updated at planning committee.

The original timber sash windows were regrettably mostly lost in 2003 and replaced with uPVC frames and modern glazing to the first floor of 32 & 33 Bradford Street. There is an area of raised outside space to the front of 32 and 33 Bradford Street with access steps from defined by a low brick wall topped with railings.

No's 24-30 Bradford Street (consecutive) are Grade II Listed.

The building is within Bradford Street Conservation Area which is designated 'at risk' with a condition of 'very bad' and a trend of 'no significant change' according to the Heritage at Risk Register.

To the rear of 32 and 33 Bradford Street is a large, more recently built, garage area facing onto Bradford Lane at the rear and a public car park beyond this.

31 Bradford Street has front and rear facing habitable room windows and a rear garage fronting Bradford Lane. 34a Bradford Street has a rear entrance at first floor and a non-habitable room window.

Surrounding uses include computer and phone shop, restaurants, supermarket, solicitors and takeaway amongst other town centre uses.

This site is within a Coal Development Low Risk Area and Bradford Street is a designated District Distributor (Highway).

Bus, rail services and car parking facilities are within walking distance of the application site as demonstrated on the submitted Amenities Plan, drawing 08, provided by the Planning Agent.

Relevant Planning History

31 Bradford Street

18/1084 -Change of use of ground floor from commercial A2 into a residential 2 bed self-contained apartment – GSC 9/10/18

18/1083 - Change of use of ground floor from commercial A2 into a residential 2 bed self-contained apartment – GSC 10/10/18

18/0181 - Change of use from A3 (restaurant) to A2 (offices) with ground floor one bed flat to rear – GSC 10/5/18

17/1494 - Listed Building Consent: Conversion of first floor to 2 no. self-contained flats and conversion of second floor to 2 bedroom flat – Granted 11/1/18

17/1493 - Conversion of first floor to 2 no. self-contained flats and conversion of second floor to 2 bedroom flat – GSC 11/1/18

16/0111 – Listed Building Consent: Retention of existing fascia sign and existing side elevation to be applied with lime render – Not determined

32 & 33 Bradford Street

08/1378/LB - The installation of Georgian railings to the front elevation of 32-33 Bradford Street – Granted Listed Building Consent 16/10/08

04/0565/FL/W4 - After Representations Hearing - Retrospective: Installation of white PVC Georgian style windows – Granted Listed Building Consent

03/2056/LB/W4 - Retrospective: Installation of white PVC Georgian style windows to replace existing – refused LBC 15/12/03 (*Appeal - see 04/0565/FL/W4*)

34A Bradford Street

18/1204 - Conversion of first and second floor to one bedroom flat. Metal external staircase and landing to rear elevation. New shopfront and removal of rear chimney – GSC 15/11/18

Relevant Legislation and Policies

Legislative Context

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

16(2) In considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Heritage List for England for 32 & 33 Bradford Street states;

“WALSALL MB BRADFORD STREET (east-side) SP 0198 SW 15/14 Nos 32 & 33

GV II Pair of houses, now offices. Early to mid-C19. Stuccoed brick. Three storeys, three bays. Bays 1 and 2 project slightly. Windows have architraves. Those on the ground floor have floating cornices, those on the first floor a sill band. They are sashed with glazing bars except for the ground floor and second floor ones to the first and second bays, which are sashed with no glazing bars. Doors, to left of first bay and in third bay, are flanked by pilasters and have round heads with fanlights. Roof behind parapet, which now has no cornice. Forms part of a formal composition with No 31 Bradford Street (qv).

Listing NGR: SP0118698241”

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses

- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in Centres
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN5: Development in Conservation Areas
- T4: The Highway Network

Walsall Town Centre Area Action Plan 2019

- AAP1: Walsall Town Centre Boundary
- AAPS1: Primary Shopping Area
- AAPLV1: Residential Developments
- AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
- AAPLV6: Securing Good Design
- AAPT1: Pedestrian Movement, Access and Linkages
- AAPT2: Cycling
- AAPT3: Public Transport
- AAPT5: Car parking
- AAPINV1: Regeneration Strategy

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

- DW10 Well Designed Sustainable Buildings
- Appendix D

Consultation Replies

Archaeology – To be updated at Planning Committee

Conservation Officer – No objections subject to the inclusion of planning conditions and details to be updated at planning committee

Clean and Green – No objections subject to bins being presented on Bradford Road rather than Bradford Lane on collection day

Environmental Protection – No objections subject to the installation of acoustic mitigation measures from road traffic noise impacts and sound reducing to party walls with adjoining premises

Fire Officer – No objections subject to compliance with part B of the Building Regulations 2010. An informative note can be included for the applicant with the requirements.

Historic England – No comments and they advise that the views of specialist conservation and archaeological advisers are sought.

Local Highway Authority – No objections subject to the inclusion of a planning conditions in respect of the provision of a cycle shelter and an informative note to keep the highway free from any mud.

Police Architectural Liaison Officer – To be updated at planning committee

Severn Trent Water - To be updated at planning committee

Strategic Planning Policy – No objections

Representations

(Local Planning Authority comments in italics and brackets)

A public petition was submitted with 12 signatories in respect of the initial proposal for a 23 bedroom HMO on the following grounds;

“A 23 bed house in a conservation area is unsuitable. There is already alcohol, drug and begging issues on Bradford Street. There are used needles, anti-social behaviour and prostitution on the street. We are constantly being asked for money, cigarettes. We the residents/tenants/business owners of Bradford Street take the view that our businesses will be adversely affected if this goes ahead. Our staff and clients will be affected and will mean a loss of trade. We request that the planning application be rejected.”

(Regarding the comments above, no evidence has been provided that clearly demonstrates any future occupiers of the current proposal will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals)

Additional individual objections were received from 20 neighbours and residents on the amended

proposal reducing the proposed HMO to 16 bedrooms following grounds;

- Changes the street scene from predominantly offices and businesses
- Anti-social behaviour and impacts of this on businesses and customers (*No evidence has been provided that clearly demonstrates any future occupiers of the current proposal will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals*)
- Potential for redundancies if customers choose not to visit existing businesses (*This is not a material planning consideration*)
- Personal safety concerns of lone females walking in the area (*Regarding the comments above, no evidence has been provided that clearly demonstrates any future occupiers of the current proposal will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals*)
- Existing businesses may need to relocate (*This is a choice of the local businesses and not a material planning consideration*)
- Increased waste seen along Bradford Street from existing residential conversions
- Deteriorating condition of Bradford Street will worsen
- No enforcement of a Public Spaces Protection Order of 2017 (*This is not a material planning consideration*)
- Unsuitable environment for vulnerable adults (*There is no evidence to suggest the application property will be for vulnerable adults or that future occupiers will cause an impact for any vulnerable adults in the locality*)

The proposal has been amended to 5 self-contained apartments and 6 objections have been received on the following grounds (19/0122);

- Crime, anti-social behaviour and drug problems on Bradford Street (*No evidence has been provided that clearly demonstrates any future occupiers of the current proposal for flats will bring these concerns to the locality. Consequently, limited weight in the planning balance must be attributed to these concerns based on appeal decisions for similar proposals*)
- Should remain a commercial business rather than flats
- Poor quality tenants (*there is no evidence to suggest there would be anti-social behaviour by any future occupiers of the proposed 5 apartments*)
- Noise

Any further comments or objections received will be updated at planning committee.

Determining Issues

- Heritage Assets
- Principle of Development
- Design, Character and Appearance of the Area
- Residential Amenity
- Noise
- Safety and Security
- Parking and Access

Assessment of the Proposal

Heritage Assets

The Walsall Town Centre Characterisation Study (2015) which forms part of the AAP identifies Bradford Street sub-area as comprising of “...a handsome parade of Regency architecture within Bradford Street Conservation Area” and refers to the Listed Buildings identified in this report as “The northern section of the street is all Grade II Listed and of great significance to the early 19th century route into the town and the prospect over the former racecourse.” The study identifies the historic environment in this area as “highly sensitive” and any proposal should preserve and enhance these important heritage assets.

The original proposal consisted of 23 units included the conversion of the garage into residential use. Concerns were raised by the Council’s Conservation Consultant at that time who advised that with considered design this proposal could be accepted as a HMO but with fewer units and with no. 34 becoming a single dwelling house. This was then reduced to 17 units and then 16 units. It was considered at this stage that there was insufficient acceptable detail to make an informed assessment on the heritage impact of the proposals. Since this date, amended plans have been received which have revised the proposal to 5 self-contained apartments.

There are considered to be limited architectural details within the listed building; however, there are original fireplaces, original stairs, stained glass windows on the ground floor on the front elevation, fanlights above the front entrance doors etc.

Following the Conservation Officers site visit to the premises they are satisfied that the amended proposal is considered to be acceptable in heritage terms subject to the inclusion of safeguarding planning conditions that meet the 6 tests.

Whilst the National Heritage List for England entry refers only to the exterior of 32 & 33 Bradford Street however the Council’s Conservation Officer has made a site visit and viewed the interior.

Paragraph 190 of the NPPF 2021 states ‘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 proposal would put the heritage asset into a viable use consistent with its conservation through repurposing it for a use that will allow the full re-use of this heritage asset. The proposal would contribute to the regeneration of the area and enhance the vitality and viability of this part of the town centre and the conservation area, Bridge Street, which is currently listed on the Heritage at Risk Register. The proposal is considered as a whole would have a positive contribution to the local character and distinction.

Paragraph 199 of the NPPF 2021 state ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Great weight is given to the asset’s conservation through securing additional information through planning conditions to safeguard the significance of this listed building. To secure the retention of existing features, ensuring works are reversible and the new works have minimal harm to the significance of the listed building.

On weighing the planning balance it is considered that the aim of this application is to provide a future sustainable use for these buildings that is at present struggling to maintain itself as a commercial property through under use and low occupation levels. The principle of this

application is considered to be positive, as subdividing the building into residential units would appear to be not just a sustainable use given the building's central location close to the town's amenities, but also the best alternative use of ensuring that this important historic building remains to be utilised and maintained.

Principle of Development

The application site is located within Walsall Town Centre and the property is Grade II Listed and located within the Bradford Street Conservation Area.

As far as the planning merits of the proposal are concerned, the property was originally built as part of a terrace of grand town houses. Residential use is essentially reverting to the original intended purpose of the building and is considered acceptable in principle on planning policy grounds, providing the applicant could demonstrate that they have been unable to find interest in the building being used as offices, and to the proposal safeguarding the listed building, and preserving or enhancing the character of the conservation area.

Walsall Town Centre Area Action Plan policy AAPLV1 states, new homes in the town centre will be supported by encouraging the conversion of existing buildings, especially upper floors throughout the centre where it does not jeopardise the commercial function of the centre and where proposals accord with Policy AAPB1 which looks to protect office uses in the centre. The applicant has provided a statement to demonstrate the difficulty they have had re-letting this premises and also two failed sale by auction attempts. This was prior to the pandemic which has worsened the situation.

The current offices are small and have been vacant for some time. Due to the absence of use the Listed Building has begun to deteriorate with evidence of water ingress and damp. Due to the limited floor space and steep staircases, the building is considered unlikely to meet the needs of modern office requirements which is demonstrated by the lack of occupiers for the last 14 years.

If this use were not supported the buildings would continue as offices, and as demonstrated over the previous 14 years, there is little to no interest in such occupation and further vacancy is likely to continue if the single remaining occupier of 34 Bradford Street leaves. There appears no other active option to bring this premises back into beneficial use.

There are a number of residential properties in the immediate area and it is considered that this change of use would not have a significant impact on neighbouring commercial and residential amenity over and above that resulting from those existing uses in the area.

On balance, the proposed residential use at a reduced scale than initially proposed is considered to be in accordance with the development plan and emerging policies thereby contributing to the vitality, vibrancy and diversity of Walsall town centre and accord with the NPPF, saved UDP Policies H3, S8 and WA3.

Design, Character and Appearance of the Area

The proposals based on the planning submission are considered would have minimal impact on the exterior of the frontage of the listed buildings 32 and 33 Bradford Street and 34 Bradford Street. The proposals state that some restoration/making good works to the property would be required although full details of this have not been provided to date.

These exterior works are considered likely to have a minimal impact on the external appearance of the building however safeguarding conditions would be required for the provision of a method statement and materials information.

The visual impact of this proposal on the character of the Bradford Street Conservation Area is considered would be limited.

Bringing these buildings back into full use as 5 self-contained apartments when combined with sympathetic and pre-approved and appropriate restoration works are considered would have a positive impact on the Bradford Street Conservation Area and listed building, which can offer a wider benefit to the town.

The removal of the rear garage along with the removal of the rear existing roller shutter door are considered would be positive changes to the appearance of the existing listed building and area.

Subject to the provision of further detail in respect of internal and minor external works for the revised proposal, it is considered this proposal would serve to enhance and preserve the character of the Bradford Street Conservation Area. In addition, safeguarding conditions could be imposed to ensure that the listed buildings appearance and fabric are protected and retained.

Residential Amenity

The location of the application site is in an urban, busy town centre location, where there are bars and entertainment venues nearby on Bradford Place. There are residential properties above a number of units along Bradford Street and residential occupiers who seek to live in town centre areas will be aware that this environment is usually with a higher level of background noise and which is not the same as suburban locations. Nevertheless acoustic mitigation measures are required by Environmental Protection Officers to address road traffic noise to protect future occupiers' amenity.

The proposed combined open courtyard, patio and lawn private amenity space would measure 172m². Appendix D of Designing Walsall SPD recommends the provision of 20m² of useable space per dwelling where communal provision is provided. This proposal would exceed the 100m² required by Appendix D for 5 apartments and in addition to this facility Walsall Arboretum and Church Hill are within walking distance of the site and would provide additional valuable amenity space for residents.

The relationship between existing windows in the proposed development are considered would not harm future residents' privacy and amenity.

The Council's Clean and Green Team/Waste Management have advised that each of the 5 apartments would need to have a 140ltr bin for general waste and a 240ltr bin for recycling. The plans shows bins being accessible from Bradford Lane however this is considered to be unacceptable as the refuse collection vehicles cannot regularly gain access to Bradford Lane. Clean and Green state that bins would need to be presented by residents on the applicable collection day at the front of the property on Bradford Street.

This is not considered to be an acceptable solution as the bins would need to be dragged by residents though the listed building hallway on a regular basis, risking damage to the fabric of the building, and down a flight of steps from the raised frontage onto Bradford Road.

Clean and Green have advised that they currently make one collection in Bradford Lane using a transit van and with the required number of additional bins required to serve this proposed development additional bin collection for 32 to 34 Bradford Street from Bradford Lane would not be possible and is not something that can be negotiated.

Consequently, the applicants would need to arrange collection of refuse using a private contractor from Bradford Lane to serve this development and this would form part of a safeguarding condition.

On balance it is considered that the proposed conversion of this premises will provide a satisfactory level of amenity for future occupiers without being detrimental to existing

neighbouring users and occupiers.

Noise

Environmental Protection are of the opinion that road traffic noise impacts to the main buildings can be mitigated with acoustic glazing and acoustic ventilation.

The Applicant will need to ensure that sound from road traffic does not significantly enter the residential premises. In the absence of a noise survey, it is recommended that glazing achieve a sound reduction, R_w, of 38dB and either a Mechanical Ventilation system be installed or Passive Ventilation that achieves a sound reduction, R_w, of 38dB in the open position be installed.

The intention of the Applicant to install sound reducing to party walls with adjoining premises is noted.

Planning Conditions requiring the Applicant to agree acoustic mitigation measures and implement them before apartments are occupied are recommended. The applicant will need to be mindful of the potential impacts that these works could have on the historic fabric of the Listed Buildings and a method statement would be required to demonstrate how these works would be undertaken as part of the Listed Building Consent application.

Safety and Security

Whilst the fear of crime is a material consideration in planning decisions, the weight that can be given, is often limited unless there is significant evidence to show that the increased fear of crime would actually occur in relation to this specific proposal. This is reflected in recent appeal decisions, where Planning Inspectors have concluded there is no firm evidence that this form of development, with tenants living together as more than one household would result in crime and anti-social behaviour and that crime prevention measures could be imposed through a planning condition.

The Police objected to the initial HMO proposal however their comments on the current proposal for 5 flats will be updated at planning committee. Crime Statistics have been provided by the police however they do not relate to this particular address and are a geographic crime overview for the ward area. On this basis it is considered that the Local Planning Authority would be unable to maintain a refusal reason on a fear of crime or anti-social behaviour basis.

The amended proposal includes details of the use of access control measures, PIR sensor lights, access control systems, door entry phone system and electronic lock releases, and proposed wall mounted security lighting for the entrances and rear courtyard, cycle store and parking area. As this is a Grade II Listed Building there is a limit to the type of external measures that can be used before they erode the heritage value and all proposed methods would need to be agreed with the Council's Conservation Officer if the application is approved. The recommended security standards can be secured by condition subject to the Conservation Officer approval.

Parking and Access

The Local Highways Authority has advised that taking into account the extant office use has no parking, the site is considered to be in a highly sustainable location being in the town centre. A planning condition requiring the provision of a cycle shelter would be included if approved.

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 2018 paragraph 109.

Conclusions and Reasons for Decision

On weighing the planning balance it is considered that the aim of this application is to provide a

future sustainable use for these buildings that is at present struggling to maintain itself as a commercial property through under use and low occupation levels. The principle of this application is considered to be positive, as subdividing the building into residential units would appear to be not just a sustainable use given the building's central location close to the town's amenities, but also is considered to be the best alternative use of ensuring that this important historic building remains to be utilised and maintained subject to safeguarding conditions that meet the 6 tests.

The revisions to this proposal from a house of multiple occupancy with 23 bedrooms originally to 5 self-contained apartments is considered would limit the physical impacts on this listed building as fewer changes would be required. The re-use of this former office building as residential apartments is considered to be an appropriate change of use outside the primary shopping area and is considered would preserve and enhance Bradford Street Conservation Area, subject to safeguarding conditions, adding to the evening economy and provide vitality and vibrancy to the Town Centre.

Subject to mitigation measures in regard to noise it is considered that the proposal would provide sufficient residential amenity for future occupiers. This is a sustainable site, with access to alternative means of travel to ensure it would not give rise to conditions prejudicial to highway safety.

Safeguarding conditions in regard to acoustic mitigation, schedule of works, method statement and details of the works proposed, security measures, cycle and bin stores and enclosing the rear yard are necessary and meet the six tests. Taking into account the above factors it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, HOU2, HOU3, CEN1, CEN2, CEN3, CEN4, CEN8, TRAN2, ENV2, and ENV3 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV27, ENV28, ENV32, ENV33, S1, S3, S4, S8, T7, T8, T9 and T13 of Walsall Unitary Development Plan, policies HC2, EN5 and T4 of Walsall's Site Allocation Document and policies AAP1, AAPS1, AAPLV1, AAPLV5 and AAPLV6 of the Walsall Town Centre Area Action Plan 2019 and Appendix D of Supplementary Planning Document Designing Walsall.

Positive and Proactive Working with the Applicant

Officers have worked with the applicant's current agent securing clarification over the details of the proposal.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to;
 - No new material considerations being received within the consultation period;
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee raising material planning considerations not previously addressed;
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Listed Building Consent subject to conditions and subject to;
 - The amendment and finalising of conditions;

Conditions and Reasons

Planning Conditions and notes for the applicant have been separated below for the

Planning and Listed Building Consent applications respectively below;

Planning Application Conditions – Reference no. 18/1431

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: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Heritage Statement 2514, deposited 30/05/22
- Location and Block Plan – drawing 2514-01, deposited 27/07/20
- Existing Ground and First Floor Plans – drawing 2514-02 Rev B, deposited 27/7/20
- Existing Second Floor and Roof Plan – drawing 2514-03 Rev B, deposited 27/7/20
- Existing Elevations – drawing 2514-04 Rev B, deposited 27/7/20
- Proposed ground and first floor plans drawing no. 2514-05 Rev G, deposited 30/05/22
- Proposed Second Floor and Roof Plans – drawing no. 2514 – 06 Rev E, deposited 13/05/22
- Proposed Elevations – drawing 2514-07 Rev E, deposited 13/05/22
- Bike Shelter Details – dated 15/3/19
- Design and Access Statement May 2022, deposited 30/05/22.
- Supporting Statement deposited 19/03/19
- Local Amenities Plan, drawing no. 2514 08, deposited 27/07/20

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

3: a) Prior to the commencement of development hereby permitted the Applicant shall agree an Acoustic Mitigation scheme in writing with the Local Planning Authority.

3: b) The Applicant shall implement the agreed acoustic mitigation measures.

3: c) Prior to occupancy the Applicant shall provide written validation to the Local Planning Authority that confirms implementation of the agreed mitigation measures.

Reason: In order to protect the amenities of the future occupiers of the premises and in compliance with Policies GP2 and ENV32 of the UDP.

4: a) Prior to the commencement of development hereby permitted the Applicant a method statement detailing all physical alterations to the building and a schedule of materials to be used in the construction of this development shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

Reason: To preserve the historic character of the buildings and to ensure the satisfactory appearance of the development and to comply with saved policies GP2, ENV27 and ENV32 Walsall's Unitary Development Plan.

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

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

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

Reason: To ensure the development is provided with a satisfactory means of drainage in accordance with BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6: Prior to the occupation of the development hereby permitted, shall not be carried out otherwise than in accordance with the approved cycle shelter for residents submitted on the 15 March 2019 and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

7. The development hereby permitted shall not be carried out otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- All shared external doors shall have a door entry phone system and electronic lock release linked to each bedroom
- External doors to individual bedrooms shall meet PAS24:2016.
- -Mail boxes shall be constructed of a minimum 1.5 metre steel construction, being lockable individual letter boxes, secure anti-theft proof and wall mounted located at the primary entrance/exit lobby point of the building, covered by CCTV
- -lighting within internal communal areas shall be PIR activated

Reason: To ensure the safety and security of the development and its occupiers

8: Should the demolition of the walls result in the discovery of a 'historic find' (an item of historic significance is discovered which was unknown), the find shall be placed securely aside and protected, and the Local Planning Authority contacted to discuss how best to record/preserve the find.

Reason: To ensure the special character of the listed building is preserved and enhanced in compliance with Policies GP2 and ENV32 of the UDP.

9: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

-Class H (microwave antenna)

Shall be installed in any part of this development.

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.

10: Refuse bins shall be presented at the edge of the application property on the designated day of collection and then returned to the bin storage area shown on the Proposed Ground and First Floor Plans job no. 2514 drawing no. 05 Rev D and deposited on 18/03/22. –

Reason: To define the permission and to safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

Listed Building Application Conditions – Reference No. 19/0122

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

Reason: Pursuant to the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Heritage Statement 2514, deposited 30/05/22
- Location and Block Plan – drawing 2514-01, deposited 27/07/20
- Existing Ground and First Floor Plans – drawing 2514-02 Rev B, deposited 27/7/20
- Existing Second Floor and Roof Plan – drawing 2514-03 Rev B, deposited 27/7/20
- Existing Elevations – drawing 2514-04 Rev B, deposited 27/7/20
- Proposed ground and first floor plans drawing no. 2514-05 Rev G, deposited 30/05/22
- Proposed Second Floor and Roof Plans – drawing no. 2514 – 06 Rev E, deposited 13/05/22
- Proposed Elevations – drawing 2514-07 Rev E, deposited 13/05/22
- Bike Shelter Details – dated 15/3/19
- Design and Access Statement May 2022, deposited 30/05/22.
- Supporting Statement deposited 19/03/19
- Local Amenities Plan, drawing no. 2514 08, deposited 27/07/20

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

Additional heritage planning conditions for the Listed Building Consent application, if approved, would be finalised with the Council's Conservation Officer.

Notes for Applicant

Fire Officer

West Midlands Fire service have no objections to this application, however the approval of Building Control will be required with regard to Part B of the Building Regulations 2010.

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application

Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

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 fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

- a. The firefighting stairs.
- b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

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 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

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

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;

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey **more than 11m** above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

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)

Local Highways Authority

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.

Environmental Protection

Glazing serving habitable rooms with an aspect onto the road network shall achieve a minimum sound reduction of R'w of 38 dB. Habitable rooms shall be served by a mechanical ventilation system, or passive ventilation that achieves a sound reduction, R'w, of 38 dB in the open position.

Public Petition received earlier in the application process when proposal was for a House of Multiple Occupancy

Petition to Walsall Council
Petition against Application Number 18/1431
32-34 Bradford Street, Walsall, WS1 3QA
Proposed change of use and conversion of existing offices into a 23 bed house of multiple occupation.

We the undersigned below oppose this application. A 23 bed house in a conservation area is unsuitable. There is already alcohol, drug and begging issues on Bradford Street. There are used needles, anti-social behaviour and prostitution on the street. We are constantly being asked for money, cigarettes.

We the residents/tenants/business owners of Bradford Street take the view that our businesses will be adversely affected if this goes ahead. Our staff and clients will be affected and will mean a loss of trade.

We request that the planning application be rejected.

	Name	Address	Signature
1		36 Bradford Street, WS1 3QA	
2		22 Wednesbury Rd, WS1 3PY	
3		101 Prince Street, WS2 9DB	
4		46a West Bromwich Road, Walsall, WS5 4PR	
5		111 Walsall	
6		47 BRADFORD ST WS1 3QA	
7		52 BRADFORD STREET, WALSALL WS1 3QD	
8		30 Bradford street WS1 3PA	
9		19-20 BRADFORD street WS1 1PZ	
10		73 Bradford St.	
11		44 Bradford St. Walsall	
12		108 Colshaw Road - Great Barr. L WUK in Ldall.	
13			
14			
15			

END OF OFFICERS REPORT