



Planning Committee

Report of Head of Planning and Building Control on 25 July 2024

Plans List Item Number: 2

Reason for bringing to committee

Called in by a Councillor Nawaz on the grounds that there was significant community interest. The proposal is contrary to Planning Policy and the Local Planning Authority recommends a refusal.

Application Details

Location: FORMER WALSALL LOCAL HISTORY CENTRE, ESSEX STREET, WALSALL, WS2 7AU

Proposal: PROPOSED NEW WINDOWS AND REINSTATING EXISTING OPENINGS TO FACILITATE USE AS A MOSQUE AND CLASSROOMS (PLANNING USE CLASS F1(F) - PUBLIC WORSHIP/RELIGIOUS INSTRUCTION), INCLUDING SOME EXTERNAL AND INTERNAL ALTERATIONS AND DEMOLITIONS TO THE BUILDING AND CONVERSION OF FORMER CARETAKERS HOUSE TO A FIRST FLOOR FLAT TO PROVIDE ANCILLARY LIVING ACCOMMODATION WITH AN OFFICE AND MORTUARY TO THE GROUND FLOOR.

Application Number: 23/0715

Case Officer: Oliver Horne

Applicant: Syed Muneeb Ul Hassan

Ward: Blakenall

Agent: UMAA Architecture Ltd

Expired Date: 25-Jul-2023

Application Type: Full Application: Change of Use

Time Extension Expiry:



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Recommendation

1. Refuse

Proposal

Proposed new windows and reinstating existing openings to facilitate use as a mosque and classrooms (Planning Use Class F1(f) - public worship/religious instruction), including some external and internal alterations and demolitions to the building and conversion of former caretakers house to a first floor flat to provide ancillary living accommodation with an office and mortuary to the ground floor.

Site and Surroundings

The application site is located in Walsall, approximately 1.5km north from Walsall Train Station on the southern side of Essex Street. The site is rectangular in shape and measures 0.25Ha. A large proportion of the site is occupied by the attractive Edwardian era schoolhouse building constructed from red brick facades and steep multi pitched roofs. This building was last used as 'The Walsall History Centre', however it is now vacant with boarded up windows.

In the eastern corner of the site is a detached two storey residential building which dates from a similar period and was likely associated with the original school use. The remainder of the site is largely set out has hard surfacing and is bounded to the north, east and west by brick walls and wrought iron railings.

The site is separated from the remainder of the original school site to the south by modern galvanised steel security fencing which dissects the original area in to two. To the northeast and west of the site, the rear is characterised by two-storey Edwardian terraced housing.

The Councils Proposals Map designates the site as being within a High-Risk Coal Area and within 15km of the Cannock Chase SAC. The site is not located within a conservation area and neither of the two buildings are Listed, however, the Councils Conservation Officer confirms that the Local History Centre building is a Non-Designated Heritage Asset.

Relevant Planning History

22/1436 - Proposed change of use from a vacant/disused building (Planning Use Class F1 (formerly D1) - Learning and Non-Residential Institutions (not incl. residential)) to new community centre with classrooms and ancillary facilities (Planning Use Classes F1(a) – Education and F1(f) - Public worship/religious instruction (or in connection with such use)) and ancillary community funeral services

for 1 to 2 services max. per month. Opening hours 08:00 to 21:00, 7 days a week. - Withdrawn 31/05/2024.

04/2198/FL/W3 - Extension for records/archive storage – Conditional Approval 06-Jan-2005.

04/1319/PD/W3 - Demolition of semi derelict building adjacent to Walsall Local History Centre - Granted 12-Jul-2004.

BC43452P - Extension to entrance area and installation of roller shutter – Conditional Approval 22-Jun-1995.

BC29058P - CHANGE OF USE From Residential to Part of Local History Centre – Conditional Approval 06-Mar-1990.

Relevant Policies

National Planning Policy Framework (NPPF)

[Read more on the 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". The NPPF is a material consideration in the determination of a planning application.

Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been considered in reaching the recommendation contained in this report. The articles/protocols identified below were considered of relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons

who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

Walsall Council Development Plan

[Read more on the development plan published on the council website.](#) .

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocations Document
- Unitary Development Plan
- Walsall Town Centre Area Action Plan

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultation Replies

Coal Authority – Due to there being no ground works proposed as part of the development, I can confirm that we do not require the submission of a Coal Mining Risk Assessment (CMRA) and consultation with us is not required in this case.

Strategic Planning – No objection in principle.

Fire Officer - Comments covered by Building Regulations.

Ecology Officer – No comment at time of writing.

Highway Authority - The development would have an unacceptable impact on road safety and have severe cumulative impacts on the operation of the road network.

Environmental Protection – No objection subject to conditions.

Police Liaison – No objection, subject to recommendations.

Conservation Officer – Concerns raised regarding lack of information, including; a condition survey of the building, details of any proposed remedial works or the proposed replacement windows.

Representations

Councillor Aftab Nawaz supports the proposal; *'it will bring opportunity for new homes/employment/facility to benefit the wider Borough' and 'No significant harm to the amenities of the surrounding area from parking, traffic, noise, disturbance, odour or loss of TPO trees'.*

1 neutral comment received in support of proposal but concerned regarding parking.

7 comments received objecting to proposal (from 5 households) for the following reasons:

- Parking congestion
- Buildings out of context
- Mortuary facility not suitable for residential environment
- Traffic congestion
- Noise / disturbance
- Air pollution
- There are already several mosques in the area
- Waste

Determining Issues

- Principle of development
- Design, layout, and character.
- Amenity of neighbours and future occupiers

Assessment of the Proposal

Principle of Development

Paragraph 97 of the NPPF requires planning policies and decisions to provide facilities and services the community needs and plan positively for the provision and use of shared spaces, community facilities such cultural buildings and places of worship and other local services to enhance the sustainability of communities and residential environments.

Saved Paragraph 8.7 of the UDP encourages the enhancement of existing and the provision of new community needs including those of religious groups.

The existing buildings on the site were previously used by the 'local history centre', however, the site has been vacant for some time since the history centre relocated to another location. For security reasons most of the windows have been boarded up.

The application proposal to convert the use of the main 'history centre building' into a mosque would return the vacant premises back into a viable use as a community facility for religious purposes and conforms with both local and national policies. The existing 'caretakers' cottage' would retain its first-floor accommodation for use by the Imam, with the ground floor offering additional office space. The proposed use of the cottage would, therefore, be ancillary to that of the main the building.

Overall, the proposed change of use complies with Saved Paragraph 8.7 of the UDP and the NPPF and is considered acceptable in principle, subject to other policies within the development plan being complied with.

Design, Layout and Character

Paragraph 135 of the NPPF emphasises that policies should, inter alia, seek new development be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting'. Para 139 of the NPPF states 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

Planning Practice Guidance defines NDHA as "locally-identified 'buildings, monuments, sites, places, areas or landscapes identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets'. Paragraph 209 of the NPPF states "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage

assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

BCCS Policy CPS4 requires all development to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. Policy ENV2 expects all development to aim to protect and promote the special qualities, historic character, and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Policy ENV3 requires development to implementation of the principles of “By Design” to ensure the provision of a high-quality network of streets, buildings, and spaces.

Saved UDP Policy GP2 expects all developments to make a positive contribution to the quality of the environment and the principles of sustainable development and will not permit development which would have an unacceptable adverse impact on the environment. Policy ENV32 states that poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. The Urban Design Policies in Walsall SPD gives more detailed guidance with regard to the qualities should be sought from development to create a successful place.

The councils Conservation Officer advised that the building/group of existing buildings are a prominent focal feature and make a positive contribution to the character of the area, the street scene and local historic environment. The former local history centre is a non-designated heritage asset having historical and architectural interest. The existing Venetian windows on the front elevation of the main building form part of the historic fabric and architectural detailing of the non-designated heritage asset.

Whilst the replacement windows show windows to be reinstated to the same style as the existing, no detailed specifications of the proposed windows to be installed was provided or any confirmation of whether the existing grills to the front elevation would be retained. The Conservation Officer raised concerns as to whether the hopper opening style could be replicated with upvc windows and a suggested alternative would be for the windows in the front elevation to be retained with secondary internal glazing installed. No concerns were raised with regard to the new windows in terms of their design and proportions in the new extension to the southwest of the building.

Upon site inspection it was evident that rainwater goods were missing, mortar was missing from brick work joints, missing roofing materials and damage to historic fabric of window cills. No conditions survey has been submitted to outline the current condition of the building and no methodology has been submitted which outlines the method of repairs. It is advised that any original rainwater goods that remain should be repaired, missing roofing tiles should be replaced with the same roofing material and in terms of colour finish, re-pointing should be undertaken in a lime mortar.

The description of development refers to internal and external alteration and demolition and the proposed ground floor plan shows partitions across window openings. It is recommended that awkward layout should be re-arranged, and partitions re-positioned so they do not sit across a window.

Overall, the Conservation Officer raised no in principle objection to the proposals at both the former local history centre and the care takers home, which allows two vacant NDHA's to be brought back into use. Notwithstanding this, it was requested that amended plans be sought repositioning partitions away from windows, consideration of retaining the windows on the front elevation of the former local history centre and a method statement submitted and approved by Officers which outlines the method of repairs.

It is accepted that the design concerns outlined above could potentially be resolved through the submission of additional information and/or the imposition of planning conditions, however, as the proposal is being recommended for refusal on highways grounds these design issues are included as a reason for refusal.

Given the above, the proposal is contrary to Policies GP2, ENV32 and ENV2 of the UDP and para 209 of the NPPF.

Amenity of Neighbours and Amenity of Future Occupiers

Under the provisions of Saved Policy GP2 of the Walsall UDP the Council expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact.

The application has been subject to public consultation, and at the time of writing there have been 7 letters of objection to the proposed development from 5 households, with objections including the potential for noise and disturbance caused by the proposed use of the premises as a mosque.

Environmental Protection Officers were consulted in respect of the application proposal and advised that as the application site is located within proximity to residential premises, any demolition and construction activities could have an impact upon neighbours. It was advised that if planning permission were to be approved a condition should be imposed to ensure that the applicant agrees and implements a 'demolition and construction environmental management plan'. This would aid in mitigating against the impact on amenity from construction works on site.

It is accepted that the gathering of patrons waiting to enter and leave the mosque would be likely to give rise to some noise and disturbance. However, it is considered that the extent of this disturbance would be unlikely to be any more imposing than from the adjacent school, or indeed any community use that could lawfully operate

from the premises within the remit of its existing lawful Use Class and so any objections on this basis would not justify a refusal of planning permission. Historically mosques have been associated with 'Call for Prayers', which involves the use of external speaker systems to call local people to advise them that it is time for their prayers. Environmental Protection Officers have advised that, should permission be granted, a condition should be imposed ensuring that no such external or internal speaker system will be used.

Providing the above conditions are imposed, in terms of impact on neighbouring residential amenity, the proposed development is considered to have an acceptable impact and would be in accordance with Saved Policy GP2 of the Unitary Development Plan.

Highways

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy TRAN1 of the Core Strategy requires all new developments to address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Policy TRAN2 requires development to manage its transport impacts. Policy GP2 of the UDP requires development to be accessible by a choice of means of transport and to provide adequate parking provision. Policy T7 requires an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified within Policy T13.

Policy T4 of the SAD states that development proposals which generate significant transport must be accompanied by a Transport Assessment which considers the accessibility of the development by all modes of transport, including the impact on the highway network in the surrounding area. The Policy also advises that Residential Streets are minor roads where traffic volumes and speeds should be quite low.

The proposed pedestrian and vehicular access to the site would remain unchanged with access to the site achieved via Essex Street on the northern boundary of the site. Essex Street has terraced housing on either side, with the majority of properties utilising on-street parking on both sides of the carriageway. The on-street parking significantly narrows the road, meaning vehicles are unable to pass simultaneously, effectively creating a single lane carriageway.

Several concerns have been raised by nearby residents in relation to the impact of the number of patrons visiting the proposed mosque and the detrimental impact this

would have on the local highway network in terms of parking, traffic congestion and highway safety. Table 5.1 provided within the applicants supporting evidence states that a maximum of 200no. people could attend Friday-Prayer, however, after concerns were raised with the agent, we were advised that this information was incorrect, and that Friday-Prayer would take place over 2no. separate sessions with capacity for a maximum of 60no. visitors each, with the possibility for an additional 15no. visitors attending the community facilities and classrooms simultaneously.

The Highway Authority were consulted in respect of the application proposal and undertook a site visit which confirmed existing significant levels of on-street parking on Essex Street and surrounding streets. It was also noted that on-street parking was currently encroaching on nearby junctions. In addition, the footway adjacent to the site was deemed unsuitable for visually and mobility impaired users due to 2no. mature highway trees. The Highway Authority concluded that Essex Street does not have the capacity to cope with any additional trip generation.

In terms of proposed onsite parking requirements, the Highway Authority assessment calculated that 62% of households in the local area have access to a private vehicle. When comparing this with the likely trip generation to the proposed mosque there was potential for c.47no. people to arrive to the site by private vehicle. (62% of 75 - 60no. prayer visitors + 15no. community facilities). It was concluded that the proposed car parking provision of 20 spaces would not meet the operational needs of the proposed development and would result in an overspill of parking on Essex Street and surrounding streets. Given the limited on-street parking available, the proposal would be likely to result in unsafe parking and the blocking of other vehicles to the detriment of highway safety.

Given the above, it is considered the proposed development would fail to provide adequate levels of car parking to meet operational needs, be likely to have an unacceptable adverse impact on highway safety. The residual cumulative impacts on the road network would be severe and, consequently, the proposed development fails to comply with Policy TRAN2 of the Core Strategy, Saved Policies GP2, T7 and T13 of the UDP, and the NPPF.

Conclusions and Reasons for Decision

The proposal fails to provide adequate levels of car parking to meet operational needs and would have an unacceptable adverse impact on highway safety. Insufficient information has been provided in relation to the condition of the building, its proposed design, and how the historic fabric of the building would be retained or enhanced. As

the application is being refused on highways grounds, the design concerns cannot be overcome by way of planning condition/s.

Whilst the principle of the proposed development is generally supported, the constraints of the site meant that the cumulative impact of the proposed mosque on the highway network would be severe and, on balance, override any planning benefit that the proposal may provide.

Positive and Proactive Working with the Applicant

Officers have corresponded with the applicant's agent, however, in this instance the material planning considerations weigh against the proposal such that it is recommended for refusal.

Recommendation

Refuse.

Reasons

1. The proposed development would have an unacceptable impact on road safety of the roads surrounding the application site and have severe cumulative impacts on the operation of the road network to the detrimental safety of users of road network thereby failing to comply with Policy TRAN2 (Managing Transport Impacts of New Development) of the Core Strategy, Saved Policies GP2 (Environmental Protection), T7 (Car Parking) and T13 (Parking Provision for Cars, Cycles and Taxis) of the UDP, and Paragraphs 114, 115 and 116 the NPPF.
2. The application has provided insufficient information surveying the condition of the existing building and detailing the proposed external renovation works including the reinstatement of original features and the replacement of original windows, thereby causing harm to the significance of the non-designated heritage asset in conflict with Saved UDP Policies GP2 (Environmental Protection) ENV32 (Design and Development Proposals), Policy ENV2 (Historic Character and Local Distinctiveness) of the Core Strategy and the NPPF.

Notes for Applicant

1. It is accepted that the design issues identified within this report could potentially be resolved through the submission of additional information and/or the imposition of planning conditions, however, as the proposal is being recommended for refusal on highways grounds the proposed design is included as a reason for refusal.

END OF OFFICERS REPORT