

Planning Committee

Report of Head of Planning and Building Control on 01 April 2021

Plans List Item Number: 6

Reason for bringing to committee

Council owned land/building

Application Details

Location: WALSALL COUNCIL, THE COUNCIL HOUSE, LICHFIELD STREET, WALSALL, WS1 1UZ

Proposal: LISTED BUILDING CONSENT: REPLACEMENT OF EXISTING BOILERS AND HEATING SYSTEM, INCLUDING INTRODUCTION OF AIR CONDITIONING TO SECOND FLOOR CHAMBERS AND MAYOR'S PARLOUR.

Application Number: 20/1644

Case Officer: Helen Smith

Applicant: Walsall MBC

Ward: St Matthews

Agent: Baart Harries Newall Architects

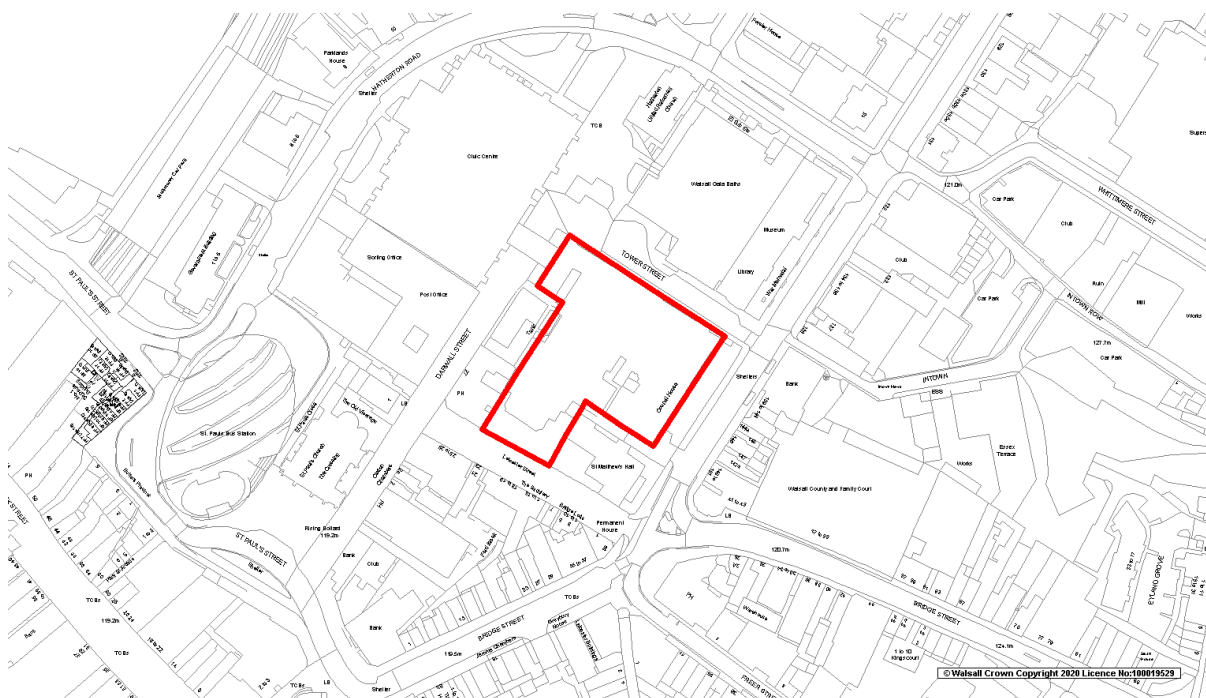
Expired Date: 22-Feb-2021

Application Type: Listed Building Consent:
Alter / Extend

Time Extension Expiry: 07-Apr-2021

Recommendation

Delegate to the Head of Planning and Building Control to Grant Listed Building Consent Subject to Conditions, and finalising of planning conditions



Proposal

This application for Listed Building Consent is for the following alterations and additions to Walsall Council House;

1. Replacement of heating plant in the basement boiler room.
2. Replacement of heating pipes throughout the building, using existing pipe run locations wherever possible.
3. Replacement of modern panel radiators in offices with new radiators of higher performance.
4. Renovation, cleaning and reuse of existing cast iron radiators
5. Any radiators that prove impossible to renovate will be replaced with replica radiators to match existing
6. Introduction of air conditioning to the front upper floor chambers

The planning agent clarified on 18/3/21 that the external condenser would be located within an internal sunken yard below the roof and cannot be seen from any public area. Furthermore where the new air conditioning unit is mounted on a chimney breast, the pipes will be drilled through into the chimney behind the unit, and taken up the redundant flue to the roof space above. Where the new air conditioning unit is not mounted on a chimney breast, the pipes will be surface mounted and tucked behind the cornice, running into the roof void at the western (internal) end of the wall.

The application is supported by a Heritage Statement of 9/3/21 Rev. A which states that the proposed air conditioning units have been chosen to avoid unsightly pipe runs, with pipes being run into accessible roof voids behind cornices or via redundant chimney flues.

Site and Surroundings

Walsall Council House dates from the first decade of the 20th Century and is a stone facade Grade II Listed Civic Building located within the Lichfield Street Conservation Area.

At the corner of Darwall Street and Leicester Street there is Varsity public house. To the southern side of the site is Leicester Street and at the corner of Leicester Street and Lichfield Street is St Matthews Hall public house, which is also a grade II listed building. Numbers 1 to 15 are grade II listed buildings. To the northern side of the Council House is Tower Street housing the Gala baths. Opposite Lichfield Street are numbers 144a to 147a which are also grade II listed buildings.

The site is within Lichfield Street Conservation Area and Walsall Town Centre.

Relevant Planning History

20/0014 - Listed Building Consent: Provision of new timber and glazed doors with surrounds to foyer of Council House and alterations to existing reception desk to enable it to be moved to a position of 90 degrees of existing (when required) – currently under assessment and not yet determined

19/1344 - Listed Building Consent for re-upholstery of leather covered seating in the Council Chamber – Granted Listed Building Consent 10/12/19

19/0406 - Provision of new glazed (electrically operated) security gate to the internal ground floor of the Council House - Granted Listed Building Consent 1/5/19

18/0831 - Provision of new glazed (electrically operated) security gate to the internal ground floor reception area of the Council House – Listed Building Consent granted 13/08/18

17/1187 - Replace 2 no. windows in Council House and Town Hall and carry out repairs to 2 no. other windows. Work to be done in the same corridor area of the 2nd floor of the Council House – Granted Listed Building Consent 1/12/17

14/0347/FL - Erection of 8m high flagpole on the forecourt of The Council House, Lichfield Street. Granted Subject to Conditions 08/05/2014.

12/0988/LB - 12/0987/AD, Non Illuminated advert 1m by 0.7m. Consent granted

12/1284/LB - Replacements, repairs and cleaning of forecourt balustrading and walls of Council House. Consent granted.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **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.

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
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Town Centre Area Action Plan 2019

AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness

AAPLV6: Securing Good Design

Supplementary Planning Documents

Designing Walsall

- DW3 Character

Other Legislation and Policy:

- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16(2) Decision on application: In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.
- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good Practice Advice Notes 2, and 3
- Heritage at Risk Study 2015, Historic England 2015

Consultation Replies

Conservation Officer – No objections subject to a planning condition concerning the proposed colour of the air conditioning units and any exposed pipework

Fire Officer – No adverse comments

Historic England – No objections

Representations

None received

Determining Issues

- Listed building and its Setting
- Planning Balance regarding works to the Listed Building
- Conservation Area

Assessment of the Proposal

Listed Building and its Setting

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.

Regard should also be given to the relevant parts of the National Planning Policy Framework, in particular paragraphs 189 to 198.

The proposed works would be carried out to the interior of the building and within an internal sunken yard area not visible from the public realm. Subsequently it is considered that this proposal would have a minor impact on a mostly concealed part of the exterior of the Listed Council House, and would not change the character and appearance of the Lichfield Street Conservation Area, or affect any other near-by heritage assets.

The Council's Conservation Consultant has advised that the clarification that the air conditioning units will be located within the sunken yard is considered to be an improvement and satisfies their initial heritage concerns. Furthermore the Consultant has confirmed that the clarification of the various internal pipe routes is also now acceptable.

The remaining concern is that the proposed Mitsubishi air conditioning units appear to be available only in white and it would be preferred if the casings + any exposed pipework were coloured to match the wall colours behind because white would be particularly stark against the cream or the pink as shown on submitted details. This aspect could be addressed by a planning condition in line with the conservation recommendation.

Subject to a safeguarding condition, as mentioned above, to meet the 6 tests it is considered that the proposal will serve to preserve and enhance the significance of the asset in accordance with conservation principles, policies and guidance developed by Historic England. The principle of the proposed development is therefore supported and the works are considered appropriate.

Planning Balance regarding works to the Listed Building

As a listed building is defined as a 'heritage asset' it is necessary to determine if the harm is 'substantial harm' (paragraph 193) or 'less than substantial harm' (paragraph 196). The assessment must balance the scale of the harm against the significance of the heritage assets.

In this case it is considered that the harm would be less than substantial. The application, therefore should be determined against paragraph 196 which states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

The proposed upgrade of the heating system, and introduction of air conditioning, is seen as a positive improvement helping to secure the future use of this heritage asset and subsequently the ongoing protection of this listed building to the benefit of the public. The addition of air conditioning to the Mayor's Parlour is considered can be undertaken in a way that would be sympathetic to the historic fabric of this heritage asset and on balance is therefore considered acceptable in this instance.

Conservation Area

The proposals are considered would have a minimal impact on the external appearance of the application site, the character and appearance of the Lichfield Street Conservation Area would be negligible. It is assessed that the proposed development could comply with the requirement to preserve or enhance the character and appearance of conservation areas as outlined in national legislation.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, it is considered the proposed upgrade of the existing heating system and introduction of air conditioning provision is seen as a positive improvement to the maintenance, and future use, of the building. The proposed works would be carried out to the interior of the building only and would have no impact on the exterior of the Listed Council House, and would not change the character and appearance of the Lichfield Street Conservation Area, or affect any other near-by heritage assets. The proposed air conditioning units and associated works have been carefully considered and on balance it is considered that as these units will be located within a sunken yard area, not visible from the public realm satisfies the concerns of the Council's heritage consultant subject to the inclusion of safeguarding conditions regarding colour of the units and exterior pipework.

The use of safeguarding conditions to define the consent if approved can be included 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

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Delegate to the Head of Planning and Building Control to Grant Listed Building Consent Subject to Conditions, and finalising of planning conditions

Conditions and Reasons

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

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Location Plan, drawing no. 2743-D-01, deposited 29/12/2020
- Radiator Schedule, deposited 29/12/2020
- Schedule of Boilers, reference BD1226/SCH/002 deposited 29/12/2020
- Schedule of Pumps, reference BD1226/SCH/001 deposited 29/12/2020
- Specification, reference BD1226 February 2020 deposited 29/12/2020
- Basement Floor Existing Heating Layout, drawing no. M1, deposited 25/01/21
- Basement Floor Existing Heating Layout, drawing no. M6, deposited 25/01/21
- Existing Plant Room Layout, drawing no. M11, deposited 25/01/21
- First Floor Existing Heating Layout, drawing no. M3, deposited 25/01/21
- First Floor Proposed Heating Layout, drawing no. M8, deposited 25/01/21
- Ground Floor Existing Heating Layout, drawing no. M2, deposited 25/01/21
- Ground Floor Proposed Heating Layout, drawing no. M7, deposited 25/01/21
- Proposed Boiler House Schematic, drawing no. M12, deposited 25/01/21
- Proposed Plant Room Layout, drawing no. M13, deposited 25/01/21
- Second Floor Existing Heating Layout, drawing no. M4, deposited 25/01/21
- Second Floor Proposed Heating Layout, drawing no. M9, deposited 25/01/21
- Second Floor VRF-AC Layout, drawing no. M14, deposited 25/01/21
- Third Floor Existing Heating Layout, drawing no. M5, deposited 25/01/21
- Third Floor Proposed Heating Layout, drawing no. M10 deposited 25/01/21
- Heritage Statement of 9/3/21 Rev. A deposited on 10/3/21

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. The air conditioning units and exposed pipework of the development hereby permitted shall be finished in a colour to match the existing wall located directly behind these additions and shall thereafter be retained and maintained as such for the lifetime of the development.

Reason: To preserve the appearance and character of heritage assets, to ensure the satisfactory appearance of the development and to comply with saved policies GP2, ENV27 and ENV32 of the Walsall Unitary Development Plan, Policies env2 and ENV3 of the BCCS and SAD policy AAPLV5

END OF OFFICERS REPORT