

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 06 January 2022

Plans List Item Number: 3

Reason for bringing to committee

Requires a Section106 agreement

Application Details

Location: Queen Marys High School, Upper Forster Street, WALSALL, WS4 2AE

Proposal: DETAILED PLANNING PERMISSION FOR THE DEMOLITION OF THE EXISTING RESIDENTIAL COTTAGES AT NO. 55 AND 56 LICHFIELD STREET (LOCALLY LISTED BUILDINGS) (INCORPORATED INTO D1 USE) TO FACILITATE THE CONSTRUCTION OF A NEW TEACHING ACCOMMODATION BLOCK AND THE INTERNAL REMODEL OF NO 57 LICHFIELD STREET (FODEN HOUSE) (LISTED BUILDING) AS WELL AS ASSOCIATED SITE AND LANDSCAPE IMPROVEMENTS.

Application Number: 20/0634

Case Officer: Sally Wagstaff

Applicant: Alison Bruton

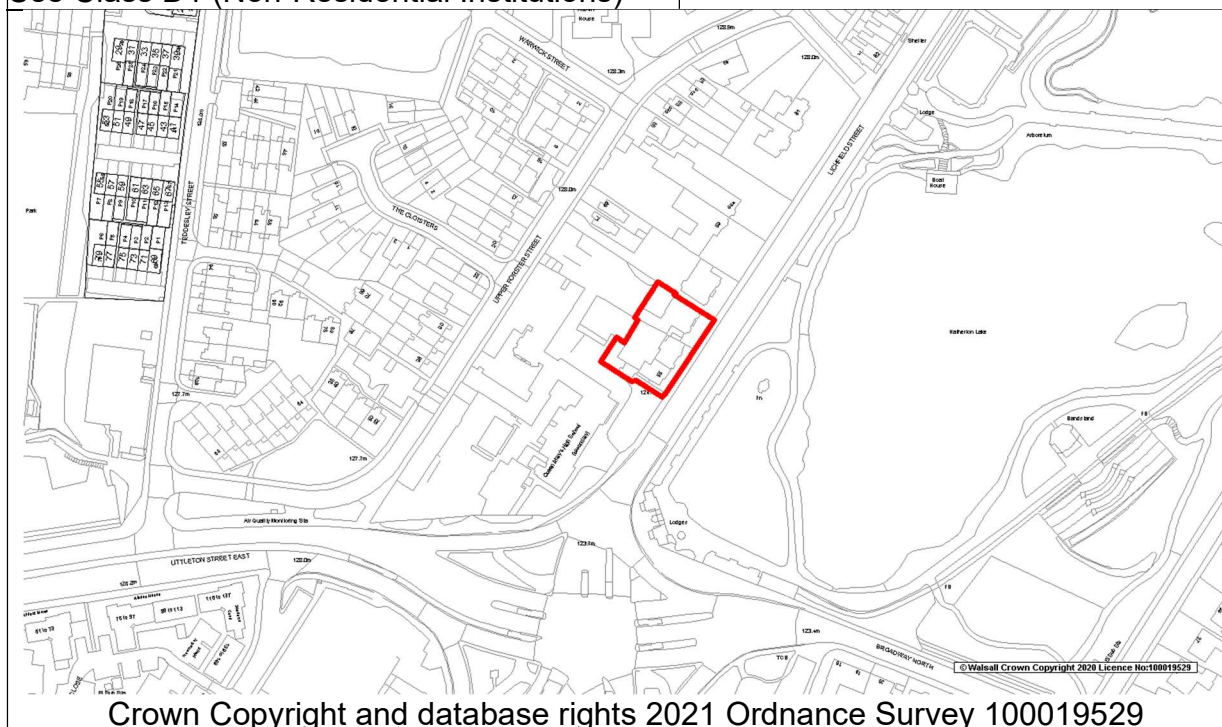
Ward: St Matthews

Agent:

Expired Date: 05-Aug-2020

Application Type: Full Application: Minor Use Class D1 (Non-Residential Institutions)

Time Extension Expiry: 30-Jun-2021



Recommendation:

1. Grant Planning Permission Subject to Conditions and a S106 to secure costs for four replacement trees in the immediate location
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure costs for x4 replacement trees
And subject to;
3. The amendment and finalising of conditions

Proposal

The proposal relates to the demolition of the existing residential cottages at No. 55 and 56 Lichfield Street locally listed buildings, demolition of the annexe to the rear of Foden House and external staircase from Foden House and erection of a new teaching block in the place of 55-56 Lichfield Street. The proposal includes associated site and landscape improvements.

The proposed scheme is to provide addition teaching space following an increase in pupil numbers. The block will provide four new general teaching classrooms, once ICT room and associated stores and facilities. A new plant room is proposed within the ground floor of Foden House. Each classroom will support 30 pupils, a teacher and an assistance.

The Design and Access Statement advised that options have been explored including to expand the school site and conversion of 55 -56 Lichfield Street from flats into classrooms. It was determined the preferred option is to demolish 55 -56 Lichfield Street due to the findings of the Feasibility Study determining the building was not suitable for conversion due to the size and shape of the rooms, poor natural lighting and degradation of internal fabric. It is advised the construction is being funded by the Education funding Agency through the selective School expansion fund with additional funding being provided by the Mercian Academy Trust. The applicant considers the new development will provide additional and improved education facility which will benefit the local community.

Foden House

The building is three storey brick built dating pre 1900. The building is classed as a non-designated heritage asset. Temporary works would be undertaken to this building during construction to allow for the school to continue functioning, this include removal of the existing external staircase on the front elevation and construction of a temporary external staircase on the rear elevation accessed from temporary scaffolding platforms. A two storey temporary class which has already gained planning consent (20/0573) will allow for teaching space during construction. Foden House will be internally remodelled to suit teaching and ancillary needs.

55-56 Lichfield Street

This building is locally listed and comprises of two semi-detached flats which have been modified with a flat roof extensions, removal of porches and internal alterations. The proposal will replace the building and will connect into Foden House via a linking corridor. The proposed new block will face Lichfield Road and is accessed via the schools main entrance on upper Forster Street. The proposed new teaching block is set back from the highway with an area of landscaping, the existing ironing fence and gates are to be repainted.

Amendments to the design of the scheme were submitted 02/07/21 following receipt of the Conservation Officer's comments and significant discussion with the officer. The changes are summarised as follows:

- The polycarbonate material has been omitted and replaced with predominantly glass cladding, brick work and render where appropriate to location and construction.
- The 'link' between Foden House and the new building proposed to be entirely finished in glass. This replaces the polycarbonate and brickwork previously proposed.
- The perforated metal panels above the windows have been omitted and replaced with perforated Ultra High Performance Concrete panels which will match the precast concrete detailing previously shown.
- The leaning wall to the staircase has also been straightened to vertical

The application is accompanied by a Heritage Impact Assessment and Statement of Significance.

Site and Surroundings

Queen Mary's High School is a grade II Listed Building and is also part of the Arboretum Conservation Area. The original school building (Grade II Listed) was designed by local architect Edward Adams and it was built in 1849. The site is compact, the group of buildings which currently makes up Queen Mary's High School have evolved over the time and contains a variety of structures of different ages and architectural merit. The buildings on site which are directly affected by this application are no. 55 and 56 Lichfield Street which are locally listed and no. 57 Lichfield Street (Foden House).

The site is located between Upper Forster Street and Lichfield Street to the North of Walsall Town Centre. The site is approximately 0.9 ha in size. It has two frontages one onto Lichfield Street and the other onto Forster Street which is the main access for staff, pupils and vehicles.

Around the school there is residential to the north and northwest, opposite is the Walsall arboretum and to the south west is the Walsall town centre.

The secondary school has 740 places of which 150 places are for the sixth form.

55-56 Lichfield Street

The local list describes them as being constructed of brick with rubbed brick flat arches, doorways with semi-circular arches and cast-iron fanlights. They are of 2 storeys, with heavy corniced parapet in stucco, and plate sash windows.

The cottages were originally owned by the school and were converted two flats in the 1980's. The cottages were leased to what is known as Accord Housing Association but in 2018 the Mercian Trust re-acquired these buildings as part of plans to expand the school. This building is locally listed and comprises of two semi-detached flats which have been modified with a flat roof extensions, removal of porches and internal alterations. Majority of the internal fabric has been lost.

57 Lichfield Street (Foden House)

The building is considered a non-designated heritage asset. It has architectural value in the surviving external fabric. The building currently has a rear extension which was added to the house approximately 50-60 years after the building was first erected.

The building is used as a teaching block for the sixth form offices and sanitary facilities. The rear extension accommodates music facilities.

Relevant Planning History

16/0979 - Repairs to displaced stone quoin to gate pier, modification works to existing gates and installation of pedestrian gates. Grant subject to conditions 19/1/17

14/0586/FL - Proposed take down and rebuild sections of perimeter brickwork boundary wall. Grant subject to conditions 30/5/14

14/0587/LB - Proposed take down and rebuild sections of perimeter brickwork boundary wall. Grant subject to conditions 30/5/14

11/0488/LB - Proposed conversion of garage to create new locker room plus re-decoration of external staircase. Granted

11/0039/LB - Internal alterations within existing sixth form areas and conversion of existing garage to create a new locker room. Refused Listed Building Consent, 23rd March 2011.

11/0038/FL - Alteration of existing garage to create a new locker room. Granted subject to conditions, 21st March 2011.

07/2158/FL/W6 & 07/2160/LB/W6 - New build of multi-purpose hall. Granted planning permission and Listed Building Consent subject to conditions, 5th November 2011.

07/1962/LB/W3 - Replace skylight above drama studio with slate to match existing slates. Granted Listed Building Consent subject to conditions, 17th April 2008

06/1526/LB/W6 - Refurbishment of Science Laboratory and prep-room

04/1526/FL/E4 - New Perimeter Fence to Existing Wall for Security Improvement. Grant subject to conditions 3/9/04

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals

- T6 - Traffic Calming
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

EN1: Natural Environment Protection, Management and Enhancement

EN5: Development in Conservation Areas

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement

- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Conservation Officer

Objection- proposal represents poor design. The proposed development would harm the setting and significance of the listed building and also results in the total loss of two locally listed buildings.

Ecology Officer

No objection subject to a bat licence being give prior to commencement of works and recommended on site mitigation measures to conserve the bat population.

Fire Officer

No objection. The building should comply with Building regulations Approved Document B in relation to access and facilities for the fire service.

Historic England

No comment

Local Highways Authority

No objection subject to conditions

Police Architectural Liaison Officer

No objections – Secured by design principles recommended

Pollution Control

No objection subject to conditions relating to ground gas protection measures, construction Environmental Management Plan and Low emissions Air Quality scheme.

The Gardens Trust

No objection – suggestion of a replacement tree within the Arboretum once the existing lime tree reaches the end of its life.

Tree Preservation Officer

No objection to loss of two B1' trees on site subject to a Section 106 agreement for x4 replacement trees.

Representations

One representation has been received with concerns relating to:

- Loss of buildings of historical and visual interest
- Building is out of keeping with the surrounding buildings

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Highways
- Ecology
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations

Assessment of the Proposal

Principle of development

The proposal includes the demolition of 55-56 Lichfield Street which use is currently in C3 residential use. The proposal would result in a new building being a F1 (a) use - provision of education, formally known as D1 non-residential institution. The new building would form part of the existing school site and teaching provision. On balance, it is considered that the loss of the locally listed residential building in the conservation area could be accepted in this location to take account of the educational benefit to future students of the school.

Heritage Assessment

The scheme has undergone extensive negotiation with the applicant. The proposal has been amended to take on board some of the heritage impact concerns.

The main heritage impacts of these proposals would arise from the demolition of Locally Listed 55-56 Lichfield Street and refurbishment and extension of Locally Listed Foden House (at 57 Lichfield Street). The proposals are also sited within the 'setting' of the nationally designated (Grade II Listed) Queen Mary's Grammar School and are within the Arboretum Conservation Area.

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are key policy considerations for this application as well as Chapter 16 of the NPPF and Walsall Council local policies in relation to design and heritage Conservation.

The proposal would result in the total loss of a locally listed building no. 55-56 Lichfield Street. This building has had a number of modern alterations and internal changes which is considered has diminished its heritage value over time.

The demolition of the building is considered would have a minor impact upon the significance of Queen Mary's Grammar School Grade II listed building and its setting. No. 55-56 Lichfield Street make up the wider historical value of the site the building itself is considered the alterations externally and internally has resulted in loss to some the original historic fabric which means that the contribution to the Grade II listed building is considered minimal.. On balance, in this instance, it is considered the demolition of no.55-56 would result in less than substantial harm to the significant and setting of the Grade II Listed Building, when taking into account the educational benefit.

Given the loss of the locally listed building as per the recommendation within the submitted Heritage Assessment a condition is considered necessary prior to demolition the building is recorded. Historic building recording to Historic England Level 2 is considered proportionate to the significance of the asset.

The foot print of the new building including the new link to Foden House is similar to the existing building with modern design elements. The design of the scheme including the palette of materials have been amended due to concerns relating to the impact they would have upon the character and setting of the street scene. The main changes relate to the leaning feature of the building having been removed and the omission of pre cast concrete to parts of the building. Whilst it is acknowledged that the applicant has not satisfied all of the heritage concerns, amendments have been made in line with conservation comments. On balance and in this instance, it is considered the proposal would result in new educational facility which will allow the school to continue to expand and function as an exemplar school within the borough. A condition is considered necessary for details regarding materials to be submitted to ensure the satisfactory appearance of the development given the location adjacent to a grade II listed building within a conservation area.

Siting and layout

The site is heavily constrained due to its size and the relationship with existing buildings. The new teaching block would be in place of no. 55- 56 Lichfield Street. The proposal is two storeys with the entrance to the west, main elevation facing Lichfield Street. The new building would be accessed from the existing Queen Mary's main entrance on upper Forster Street. Included in the new build is a link to Foden House which replaces the existing external fire escape. Internal alterations to Foden House include removal of internal walls to provide a larger classroom and access to the link and stairs at second floor and re-alignment of the corridor wall at first floor. Rear alterations to Foden House include new windows due to the demolition of the rear extension.

The proposed new teaching block is set back from the highway with an area of landscaping, plus the existing ironing fence and gates are to be retrained. Ingress and egress into the site remains un-altered by the proposed new layout of the site. It is

considered the siting of the proposed building would limit the detrimental impact upon the layout of the existing site. It is considered the proposed link replacing the existing external staircase would allow for improved functionality of the two buildings which would be a betterment to the educational use of the site.

Ecology

The site is adjacent to Walsall Arboretum with a rich habitat for flora and fauna including bats.

The works proposed include demolition of 55-56 Lichfield Street and the annexe section of Foden house. The southern roof edge of the main section of Foden house will also be affected by removal of tiles to fit a waterproof membrane. The roof tiles will be re fixed on completion of the works. An external staircase on the southern elevation of Foden House will also be removed.

A Preliminary Roost Assessment was undertaken on the 16th September 2020 by Apex Ecology Ltd (Report Reference NW/200919). This concluded Foden House and the annexe was identified as having features which could be used by roosting bats. An internal inspection of the buildings was not undertaken at the time due to access restrictions. The report concluded that Foden House and annex had moderate potential to support roosting bats, and as such further survey effort was required. The report also concluded that 55-56 Lichfield Street and flat roof school building had negligible potential for use by roosting bats.

A single dusk emergence survey was carried out on Foden House in September 2020. One species of bat, common pipistrelle was recorded during the survey. Common pipistrelles were recorded foraging and commuting within the residential garden area at the rear of 55-56 Lichfield Street and commuting/foraging through the site around Foden House, commuting to the south-east towards Walsall Arboretum. No bats were observed emerging from the building during this single survey. As the building was deemed to have moderate potential for use by roosting bats a further dawn re-entry survey assessment was commissioned in April 2021 along with an internal Preliminary Roost Assessment of Foden House.

A dawn re-entry survey was undertaken in June 2021. One species of bat, common pipistrelle, was recorded during the survey. Common pipistrelles were recorded

foraging and commuting with the residential garden area at the rear of 55-56 Lichfield Street as noted during the September 2020 survey. A common pipistrelle was noted to emerge from Foden House annex. Therefore, a further nocturnal emergence survey was commissioned to inform a Natural England bat licence.

During the second nocturnal emergence survey one common pipistrelle was recorded emerging from the northern elevation of Foden House annex.

It is confirmed that Foden House annex contains a day roost used by a low number of common pipistrelles. The demolition works would result in the bat roost being

destroyed. A bat licence from Natural England would be required prior to any works commencing.

The site has been considered to be of low value for foraging bats nevertheless the survey found that the site is used by commuting bats. The assessment of potential impacts advised, it is not anticipated that the loss of the garden area would have a detrimental impact upon foraging bats due to the proximity of the Arboretum. As recommended within the survey a condition will be attached for details of external lighting whether permanent or temporary to be submitted to ensure that it would not impact upon foraging or commuting bats.

On balance, in this instance, it is considered the proposed works would not result in an undue harm to the bat population subject to obtaining a bat licence from Natural England and carrying out the measures recommended within the internal preliminary roost assessment, dusk emergence and dawn re-entry surveys Report No: RT-MME-154241 dated June 2021.

Trees/Protected Trees

The submitted *BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations* tree survey by 'Arbtech' surveyed 18 individual trees on site 5 of which have been proposed for removal to accommodate the development. Using the *BS 5837: 2012* tree categorisation chart two of the trees proposed for removal are category 'B1' trees which are trees of moderate quality with an estimated life expectancy of at least 20 years (Lime tree 12 and Prunus 13 as labelled in the tree report). The other three trees proposed for removal are category 'C1' trees (two Elders labelled 8 and 14 in the tree report and one Willow labelled 11). Category 'C1' trees are trees of low quality with an estimated life expectancy of at least 10 years or that have a stem diameter less than 150mm and category 'C' trees would not normally prove to be a constraint to development.

The tree survey is accompanied by a tree constraints plan, arboricultural impact assessment (AIA), arboricultural method statement (AMS) and tree protection plan (TPP). In addition to the loss of the two category 'B1' trees the AIA identifies 3 trees proposed for pruning to provide adequate clearance to the proposed building (Lime 7, Prunus 9 and Holly 10). There would also be some incursion onto the root protection areas (RPAs) of retained trees Lime 7 and Prunus 9 (both 'B1' category trees) by the proposed building and hardstanding. The supplied AMS is a comprehensive document and seeks to demonstrate how any aspect of the development that has potential to result in loss or damage to a tree may be implemented and provide an adequate level of protection for those trees that are to be retained during the proposed works. This includes site management, sequence of works, protective measures (fencing as detailed on TPP), ground boarding, site monitoring etc.

To summarise the application would result in the loss of two moderate quality trees and three low quality trees. Pruning works would need to be undertaken to three trees and there will be some incursion onto the RPAs of two of the retained trees on site for

which a detailed AMS has been submitted to demonstrate an adequate level of protection.

It is considered that the loss of the two 'B1' category trees would be undesirable, the trees are healthy and have visible public amenity value in the Arboretum Conservation Area (particularly Lime tree 12). In order to mitigate the loss of the two trees, the applicant has agreed to enter into a Section 106 agreement for x4 replacement trees of be planted at a cost of £500 per tree. Two Hawthorn, *Crataegus monogyna* "Stricta" are proposed to be planted in within the Arboretum and two Hornbeam, *Carpinus betulus Fastigiata* within open space within Lichfield Street.

The loss of the 3 category 'C1' trees would have less of an impact on the landscape character of the conservation area and be acceptable. The retained trees in close proximity to the south west elevation of the proposed building (three of which are proposed for pruning to provide adequate clearance) are likely to have to be pruned on a regular basis just to maintain this clearance. Consequently, it is foreseeable that there will be pressure on the council to give consent for the removal of these three trees (two of which are category 'B') in the future to avoid the ongoing financial commitment of having to have them pruned on a regular basis.

On balance and in this instance, it is considered the development would result in limiting the visual amenity harm of the site taking into account the educational benefit to future students of the school, subject to the proposed off site replacement trees secured via the Section 106.

Highways

The school is within a sustainable town centre location, whilst it has a large catchment area, there are opportunities for staff and pupils to utilise public transport, public parking and cycle routes

The site is accessed from three points along Upper Forster Street. Three car parks are provided within the site. The development is unable to provide any further parking provision on site to accommodate the expansion of the school nevertheless the applicant has confirmed that no additional pupils are proposed and the existing parking provision will be retained.

Due to the limited space on the site for contractor's vehicles, machinery etc, it is proposed they will park on the 18 car parking spaces located in proximity to Foden House and Richardson Hall which sits behind. This means during construction 18 car parking spaces will be temporarily lost. The applicant has advised they have an agreement in place to purchase permits from Walsall Council Parking Department to allow for 10 off site car parking spaces for displaced staff. The 18 spaces will be re-instated once construction has finished. A condition is recommended to this effect to ensure sufficient car parking is available on site for staff members.

On balance 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 2019 paragraph 111.

Ground Gas and Environment

The Ground Investigation did not identify any elevated levels of ground contamination, however Pollution Control advice ground gas protection measures are incorporated in built structures to ensure the safety of the users of the site. A condition is recommended to this effect.

Due to the proposal including demolition of the existing structures on site a condition is recommended for an asbestos Survey to be carried out prior to demolition. This is to ensure that potential hazardous substances are identified and removed where necessary safely.

A construction Environmental Management Plan is recommended due to the proximity to a busy road network and the size of the site. A condition is considered necessary to the effect.

In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles a condition is recommended for an Air Quality Low Emission scheme to be implemented.

Planning Obligations

As mentioned above, the proposal includes loss of 2 moderate quality trees that make a positive contribution to the setting of the conservation area and three low quality trees. In order to mitigate for this loss, it is considered necessary for 4 replacement trees to be planted within the vicinity of the site, to contribute to mitigating the harm to the vicinity and the conservation area. The Tree Officers confirm that two replacement Hawthorn, *Crataegus monogyna* "Stricta" trees are to be planted in within the Arboretum and two Hornbeam, *Carpinus betulus* Fastigiata within Lichfield Street open space at a cost of £500 per tree. The applicant has agreed to these terms.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, on balance and in this instance, it is considered the proposed demolition of the existing, construction of a new classroom block and internal alterations to the non –designated heritage asset within Arboretum Conservation Area would not result in harm to substantial of this heritage asset when balancing with the educational benefit to future students, subject to the applicant complying with the planning conditions and complying and completing the Section 106. The proposal complies with saved policies GP2, ENV27- ENV29, ENV32 and WA5 of Walsall's UDP, BCCS Policies CSP4, ENV2 & ENV3 and Designing Walsall SPD DW3, Character and NPPF 16.

Taking into account the above factors, on balance, it is considered the application can be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

1. Grant Planning Permission Subject to Conditions and a S106 to secure costs for x4 replacement trees
2. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and s106 to secure costs for x4 replacement trees
And subject to;
3. The amendment and finalising of conditions

Conditions

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

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

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:
 - Arboricultural Method Statement, prepared by Arbtech dated 19/03/20 submitted 10/06/20
 - Contractor Compound Plan, drawing no. AP:24-01 submitted 10/06/20
 - DEMO Ground Floor Plan, drawing AP: 00-24 Rev:01 submitted 10/06/20
 - Energy Statement, submitted 10/06/20
 - Escape Staircase Plans and Sections, drawing no. AP:98-01 Rev.02 submitted 10/06/21
 - Heritage Impact Assessment prepared by Mott MacDonald dated 17/04/20 submitted 10/06/20
 - Internal preliminary roost assessment, dusk emergence and dawn re-entry surveys Report No: RT-MME-154241 dated June 2021, submitted 02/07/21
 - Ground Investigation Report prepared by GIP limited ref KCD/21917 submitted 02/07/21
 - Detailed Section 1-1 through Classroom, drawing no. AL:39-01 rev P2 submitted 20/10/20
 - Detailed Section 8-8 Staircase 2 Junction Foden House, drawing no. AL 39-08 rev P2 submitted 20/10/21

- Detailed Section 9-9 Staircase 2 Junction Foden House, drawing no. AL:39-09 rev P2 submitted 20/10/20
- CGI images submitted 02/07/21
- Design and Access Statement Rev 1 dated 11/06/21 submitted 02/07/21
- GA First Floor Plan, drawing no. AP:30-01 rev 03 submitted 02/07/21
- GA Ground Floor Plan, drawing no. AP:30-00 rev 03 submitted 02/07/21
- GA Proposed Elevations, drawing no. AP: 216-01 rev 03 submitted 02/07/21
- GA Proposed Sections, drawing no. AP:38-01 rev 03 submitted 02/07/21
- Proposed Block Plan, drawing no. 30-01 rev 02 submitted 02/07/21
- GA Roof Plan, drawing no. AP: 30-02 rev 03 submitted 02/07/21
- Proposed Landscape and external works plan, drawing no. AP: 28-01 rev 03 submitted 02/07/21
- Site Drainage Strategy, drawing no. AP:28-02 rev 03 submitted 02/07/21

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).

3a. Prior to the commencement of development hereby permitted including any site clearance or site preparation an Historic building recording of 55-56 Lichfield Street carried out by a competent person to at least Historic England Level 2 shall be submitted to and approved in writing by the Local Planning Authority

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To preserve by record the locally listed building in accordance with saved policies ENV27 and ENV28 of Walsall's Unitary Development Plan

4. Prior to the commencement of development hereby permitted including any site clearance or site preparation a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

5. Prior to commencement of the development hereby permitted an intrusive pre-demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall:

- i. be written by a suitably qualified person
- ii. demonstrably identify potential sources of asbestos contamination and
- iii. detail removal.

3b. Prior to occupation of the development hereby permitted a written Validation Report shall be submitted in writing to and agreed in writing by the Local Planning Authority.

3c. All contaminated material to be removed from the site shall not be otherwise than be removed by a licensed waste carrier to a facility that is licensed to accept it.

Reason: To ensure any potentially hazardous asbestos associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

6 a. Prior to commencement of development hereby permitted details of ground gas ingress protection measures to be installed in the development shall be submitted in writing to and agreed in writing by the local planning authority.

6b. Prior to the occupation of the development hereby permitted a validation report demonstrating the agreed ground gas ingress protection measures have been implemented together with substantiating information including photographs during construction, whilst also demonstrating that any ground gas ingress protection measures incorporated into the existing adjacent buildings have not been

compromised shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interest of the safety of current and future users in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan and policy ENV2 of Black Country Core Strategy.

7a. Prior to the commencement of development:

1. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
2. The approved protective fencing and ground protection shall be installed
3. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection

7b. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

7c. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition .Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

7d. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

8a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, glass cladding, Concrete panels, precast concrete detailing roof tiles, windows, doors, rainwater products and soffits) shall be submitted in writing to and approved in writing by the Local Planning Authority.

8b. 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 ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

9a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of an Air Quality Low Emission Scheme to install electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted in writing to and agreed in writing by the Local Planning Authority.

9b. Prior to first occupation of the development the approved electric vehicle charging points shall not be installed otherwise than in accordance with the approved details and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

10. Prior to the occupation of the development hereby permitted a minimum of 4 brick bat box shall be incorporated into the development. The bat box shall be located away from windows or lights. The entrance to the brick bat boxes shall be kept clear from obstructions at all times. The four bat boxes shall thereafter be retained for the life time of the development

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

11. Prior to the occupation of the development hereby permitted 18 car parking spaces to be used as contractor compound space during construction shall be re-instated and shall thereafter be retained for the lifetime of the development.

Reason: To ensure provision of adequate car parking and to comply with Walsall's Unitary Development Plan saved policies T13 and T7.

12a. Prior to the installation of any external lighting whether permanent or temporary until details have been submitted in writing to and approved in writing by the Local Planning Authority. Details of the lighting shall include the intensity of illumination, predicted lighting contours and demonstrate how the lighting will protect any on site foraging or commuting bats.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development..

To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

14. None of the trees on the site shown on the approved plans as retained trees shall be lopped, topped, felled, root pruned, cut down or uprooted.

Reason: To safeguard the existing trees on the site in accordance with saved policy ENV18 of Walsall's Unitary Development Plan.

Notes for Applicant

Protected species

A bat roost/resting place has been identified in Foden House annex, therefore prior to any works being undertaken which are likely to result in a breach of the legislation, a development licence must be obtained from Natural England. The licence application process will include the submission of a method statement detailing the current status of bats on site and how the favourable conservation status of the bat population will be maintained. Prior to a licence being issued, planning permission must be granted and relevant conditions relating to protected species and habitat issues must be discharged. No unlicensed work can be undertaken which will contravene the legislation outlined in

Appendix 1 of Internal PRA, Dusk Emergence and Dawn Re- entry Surveys. Report no. RT-MME-154241 dated June 2021.

Lighting

In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include:

- Avoiding the installation of new lighting in proximity at the site perimeter.
- Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
- The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
- Where the use of bollard lighting is proposed, columns should be designed to reduce horizontal light spill.
- Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
- Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.

Ground gas protection measures

Advice on basic ground gas ingress protection requirements can be found by reference to the following publication; "Protective measures for housing on gas-contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information).

To ensure the satisfactory functioning of the development and in the interests of highway safety

Pollution Control advise that the acoustic requirement of Building Bulletin 93 – Acoustic

Design of Schools is relevant in fulfilment of the requirements of Approved Document E

Resistance to the Passage of Sound under the Building Regulations. This information should be brought to the attention of the builder or contractor undertaking the development.

Secured by Design

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

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

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

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

At very least fitted with a door to PAS 24: 2016 standard, TS 007 3 star rated cylinder locks.

The applicant may find aspects of the Secured by Design New Schools 2014 guide of use.

Please see

https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf

Below is a link to secured by design commercial, police approved crime reduction information guidance.

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Fire Service

Requirement B5: Access and facilities for the fire service

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.

Section 15: Vehicle access Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors).

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 2, Table 15.2)

Design of access routes and hardstandings

15.7 Access routes and hardstandings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height.

- a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter.
- b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

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

The approval of Building Control will be required to Part B of the Building Regulations 2010

and/or

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, B5.i)

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)

There is indication of a barrier across the access road – what provision will be made for access by the fire service?

Sprinklers – Schools

There is no reference to sprinkler provision (Approved Document B Vol 2, Building other than dwellings, 2019).

END OF OFFICERS REPORT