

Planning application no's.	22/01088/FUL and 22/01089/LBC	
Site	Heath Town Baths and Library, Tudor Road, Wolverhampton, WV10 0LT	
Proposal	<p>22/01088/FUL - Change of use from former Swimming Baths and Library to multi-use building including children's nursery, banqueting hall and community / function rooms. To be facilitated by new first floor extension, replacement roof, window refurbishment/replacement, installation of mechanical extraction equipment, external ramp, new boundary treatment, general refurbishment and accompanying external works.</p> <p>22/01089/LBC - Listed Building Consent for new first floor extension, replacement roof, window refurbishment / replacement, installation of mechanical extraction equipment, external ramp, new boundary treatment, interior reconfiguration and installation of lifts and accompanying external works.</p>	
Ward	Heath Town	
Applicant	Mr Raj Gaddu (Gaddu Associates Ltd)	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Vijay Kaul Tel Email	Senior Planning Officer 01902 553791 vijay.kaul@wolverhampton.gov.uk

1.0 Summary recommendation

1.1 Grant subject to conditions.

2.0 Application site

2.1 The application site is the existing Heath Town Baths & Library, which is a Grade II Listed Building, which closed permanently as a baths and library in 2006. It has suffered significant deterioration, vandalism and theft since its closure. It remains in Council ownership.

- 2.2 The building is sited on the one-way Tudor Road off Wolverhampton Road, which is fronted by residential dwellings.
- 2.3 The Holy Trinity Church and Cemetery, Lych Gate, and Alms Houses accessed via Church Gardens, are located north of the application site, and are all Grade II Listed, as is the War Memorial in Heath Town Park to the east of Church Street.
- 2.4 To the west are residential dwellings and Provence Close. A post and mesh fence runs along the west boundary of the site with a substantial piece of grassed area located between Heath Town Baths and Library and the west boundary fence.
- 2.5 Station Road is to the south of the site which leads from Powell Street to Tudor Road, with housing located to the south of Heath Town Baths and Library fronting both Station Road and Tudor Road. Across Station Road is a cutting and operational railway line.

3.0 Application details

- 3.1 Change of use to multi-use building including children's nursery, banqueting hall and community / function rooms.
- 3.2 This would be facilitated by new first floor extension, repair and replacement of the main roof, window refurbishment/replacement, installation of mechanical extraction equipment, a new external ramp, new boundary treatment, general refurbishment and accompanying external works. The Listed Building application also proposes the interior reconfiguration and installation of lifts.
- 3.3 The number of visitors estimated to attend the premises at various times are as follows:

Room/Space	Possible Max Number of People that can be accommodated
Main Function Room 1	500
Smaller Function Room 2	250
Meeting Room	100
Cinema & Lecture Theatre	100
Nursery room 1	45
Nursery room 2	45
Nursery room 3	30

- 3.4 Information submitted with the application confirms the following employment figures:
- Nursery – 34 members of staff
 - Banqueting hall – 35 members of staff
- 3.5 Parking provision is shown as follows:
- 90 car parking spaces, including 6 disabled parking bays and 6 Electric vehicle charging points.
 - 8 motor cycle parking bays

- 3 Coach parking bays

3.6 The application is accompanied by a Heritage Statement, Design and Access Statement, Noise Impact Assessment, Transport Statement, Arboricultural Impact Assessment, Community Consultation Report, Preliminary Bat Roost Assessment, Lighting Statement.

4.0 Relevant policy documents

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:

Wolverhampton Unitary Development Plan (UDP)

Black Country Core Strategy (BCCS)

Heathfield Park Neighbourhood Plan

5.0 Publicity

5.1 The application was advertised by direct neighbour notification, site notice and local newspaper advert. No representations have been received.

6.0 Consultees

Internal

6.1 Highways – No objection subject to conditions.

6.2 Environmental Protection – No objection, subject to conditions

6.3 Tree Officer – No objection subject to conditions

6.4 Conservation Officer – No objection subject to conditions

External

6.5 Severn Trent Water – No objections subject to conditions

6.6 Historic England – No formal comments to make

6.7 Twentieth Century Society - No formal comments to make

7.0 Legal implications

7.1 The legal implications arising from this report are set out below. (MAK/SE/06/01/2023/1)

8.0 Appraisal

8.1 The main issues for consideration are:

- Principle of development
- Design and Impact on Heritage Assets
- Highways and Parking

- Residential amenity
- Impact on protected trees
- Impact on protected species

Principle of development

- 8.2 This application site is a Grade II Listed Building which has been vacant for over 16 years.
- 8.3 The application site is specifically covered by the Heathfield Park - Neighbourhood Plan (2014-2026), Adopted Sept 2014, and is considered by the community to be important for their heritage and for their social well-being, cultural, recreational or sporting importance. Development proposals affecting the properties listed (including Heath Town Baths) will be supported through the Neighbourhood Plan where they:
- Enhance the community use of these assets,
 - Help secure their viability,
 - Encourage new community facilities to be based in local neighbourhoods,
 - Are accessible to all local residents
- 8.4 The proposal also draws support from the Neighbourhood Plan policies, as it seeks to address the issue of derelict properties and underused facilities which add to the negative image of Heathfield Park, improving the quality of the public realm, and the physical appearance of the Heath Town Baths as a focal point.
- 8.5 The Planning, Design and Access Statement confirms the scheme will provide much needed community space in the form of training rooms, conference areas, multi-use community space, nursery/creche and much needed business start up space. The variety of spaces provided will contribute to the community allowing local residents to flourish and collaborate. Evident through the submission of a Pre-Application Community Consultation Report, the applicant has demonstrated engagement with the local community (including Heathfield Park Action Network, local schools) to bring proposals forward which incorporate identified community needs.
- 8.6 The applicant remains committed to the proposal, and will look to take some early occupation of the building (likely to be the former library) once Agreement for Lease is signed to establish a presence on site which will help to deter problems of anti-social behaviour.
- 8.7 The proposal would result in the positive redevelopment of a prominent historic building in Heath Town which has been vacant for a number of years, utilising this previously developed site into a multi-purpose community venue, which will contribute significantly to the economic, social and environmental conditions of the area. It would therefore be acceptable in principle.

Design and Impact on Heritage Assets

(For both applications 22/01088/FUL and 22/01089/LBC)

Impact on the host Listed Building

- 8.8 The matters for consideration under the LBC relate only to the impact the proposed physical works on the character and integrity of the Listed Building. A full schedule of repair and reinstatement works are included in section 5.2 of the Planning, Design and Access Statement.
- 8.9 The statutory tests for the proposal, as set out in sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve the building, its setting or, any features of special architectural or historic interest. NPPF paragraph 197 requires that in determining planning applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.10 In accordance with paragraph 194 of the NPPF, an assessment of the significance of the building is set out in the submitted Heritage Statement, describing the heritage context of the site and by assessing its significance. The significance of the building is vested in its architectural and historic values as expressed through the preservation of its built fabric, architectural detailing and internal layout. The building also holds communal value from the role it played within the local community. The present condition of the building is regrettable, and its deterioration caused by continuing vacancy, limited maintenance, vandalism and theft of materials is detrimentally affecting its significance. It has also attracted a recent arson attack which has severely damaged the entrance foyer.
- 8.11 Though the nature of the proposed use is sensitive, as it will retain large, open spaces, that will enable the interpretation of the former use of the building, the proposed alterations will affect the character and the significance of the building, and the removal of some historic aspects (changing cubicles, removal of entrance foyer) will cause less than substantial harm to the significance of the building. However, in compliance with NPPF paragraphs 200 and 202, it is considered that the public benefits of the proposal; educational space, community spaces / opportunities and importantly the conservation of the Grade II listed building, bringing the building back into use, halting the decline and safeguarding the remaining architectural and historic significance will outweigh this less than substantial harm.

- 8.12 Further, supplementary detail of specific areas of the proposal should be provided, as suggested in para. 3.2.3 of the Heritage Statement, 'Wherever possible, within the constraints of bringing the AB [application building], up to modern building regulations and sustainable requirements, the applicants will retain both historic built fabric and internal decorative schemes. They will also replace damaged or destroyed features, such as windows, on a like for like basis in order to preserve the historic architectural and decorative themes which contribute to the building's significance.' This will include aspects such as fenestration, and the retention / conservation of glazed bricks and tiles and other areas of significance e.g. the library. With regard to the proposed boundary treatment, it would be prudent to ensure that the proposed boundary treatment is continuing the historic pattern and quality. This information regarding detail could be conditioned as a schedule of works.
- 8.13 Other positive interventions include high level window glazing to all rear hall roof clerestory and ridge lantern windows to be metal framed fixed double glazed lights, insulated metal clad sheeting applied to existing roof slopes of the rear function halls. Leaded lights to metal casements are to be fully overhauled in front main building only. All timber frame windows are to be replaced with double glazed timber windows to match existing pattern.
- 8.14 Level access is achieved by introducing a new access ramp and steps to provide a new secondary full access to the proposed Nursery, complementing the main entrance and reception access point.
- 8.15 The first floor extensions adjacent to the rear of the former Library are to be set in by 1m from the side elevations to make them subservient and constructed to match existing. These include new roof lanterns to mimic the original design at ground floor level. These extensions will help to secure the rear elevations to the former Library by infilling the area and replacing the low-level flat roofs which have facilitated unauthorised access.
- 8.16 It is considered that the proposal results in a sensitive use and alterations for this heritage asset and would not harmfully detract from the character of the building. On this basis, in accordance with sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990, it is considered that the proposals would preserve the special architectural and historical interest of the Listed Building.

Impact on the character and appearance of the area and surrounding heritage assets

- 8.17 The surrounding area contains a mix of residential and other community uses. As such, the proposed mixed-use development will not be out of character with the surrounding area. The physical improvements to the building and boundary treatment, as well as bringing back the long-standing vacant building into an appropriate use will be an enhancement to the character and appearance of the area.

- 8.18 The proposed use of the building and the minimal external alterations would not overwhelm the historic integrity of the form of the existing building, and would not therefore adversely impact on the setting of the neighbouring Grade II Listed Buildings – which include Holy Trinity Church, Lych Gate, and Alms Houses.
- 8.19 As such the proposals would not be contrary to Section 66 of the Planning (Listed Building and Conservation Area) Act 1990, complying with saved UDP policies HE12, HE13, HE14, HE15 and HE17 and BCCS Policies CSP4 and ENV2.

Highways and Parking

- 8.20 For the predominantly weekday nursery activity, the site will make more than ample provision for off-street parking for vehicles. The ability to enter the site for drop off/pick up, will prevent harm to Tudor Road. Even if various community uses were to take place concurrently during the week, it is not anticipated that cars would exceed the available off-street parking provision.
- 8.21 As can be expected, it is use of the larger function rooms / banqueting facilities for occasions such weddings/parties that would generate the most parking demand. In consideration with the Highway Authority, the LPA conclude that a condition is required to limit the total number of guest/visitors on the site at any one time, to no more than 500. Doing so would ensure the proposed car parking layout would be sufficient to serve the future use.
- 8.22 Larger wedding events would have the capability to reduce parking demand within the site, as guests could arrive to the venue by pre-arranged taxis, mini-buses and coaches. Tudor Road will be protected from inappropriate parking and dropping off \ picking up by a Traffic Regulation Order. Furthermore, a Travel Plan condition is requested which would be orientated towards influencing travel behaviour of visitors to the venue and staff.
- 8.23 The Highway Authority had asked the applicant to consider a separate egress from the car park further along Tudor Road. For large scale events this would help to prevent conflicting vehicle movements between incoming and outgoing vehicles that could result in vehicles queuing back onto Tudor Road to such an extent that the free flow of traffic using Tudor Road could be significantly impacted on.
- 8.24 The applicant has investigated 2 options for the location of a new egress. However, both locations would have an impact on the existing dwellings opposite the development site on Tudor Road or potentially cause harm to highway safety, and have been discounted. Therefore, for large events held at the development site, the approved Car Park Management Plan (to be secured by condition) will need to be robustly managed to help minimise the impact on Tudor Road.
- 8.25 With relevant conditions attached, the traffic generated by the proposed uses is unlikely to give rise to increased on street parking or cause other risks to road users to the extent that it would be harmful to highway safety. The proposal would therefore accord with

saved UDP Policies AM12 and AM15, which seek to ensure that development meets the Council's parking standards and should be designed and implemented to contribute towards improving road safety and personal security. Further, it would be consistent with the NPPF, which at paragraph 111 states 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.

Residential amenity

- 8.26 NPPF paragraph 185 states that decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development. This advice is reflected in the Noise chapter of the “*Planning Practice Guidance*” (the PPG), which stresses the need for decision taking to take account of the existing acoustic environment and assess whether a significant adverse effect is likely to occur and whether a good standard of amenity can be achieved.
- 8.27 As stated above, there a number of uses that could take place on the site concurrently, nursery, banqueting facilities and multi-purpose community uses (a comprehensive list of possible uses are included in section 6.1 of the Planning, Design and Access Statement, such as training rooms, indoor children's play area, cinema/theatre). The nursery would be limited to weekdays only (08.00am - 6.00pm), with community activities operating all week up until 10:00pm. In noise terms, the banqueting facilities have the potential to create the most noise impacts, given the hours sought are from 8.00am to 12.00am, with cleaning up after functions up till 1.00am Monday to Thursday and Sunday, and 2.00am on Friday and Saturday.
- 8.28 The operation of the premises from an activity and noise aspect is critical in minimising noise pollution in the immediate area affecting existing residents within the vicinity of the site. A detailed Noise Impact Assessment accompanies this application which assesses the impact of the proposed uses against the opening times, noise from vehicle movements and patrons exiting the site (i.e. towards the end of the operational hours when existing background levels are lower), and proposed mechanical plant to serve the building. This identifies possible noise issues and how they can be mitigated. The noise assessment in accordance with BS4142:2014 overall shows a likely low impact at the nearest noise sensitive receptors when considering all aspects of the proposed development, however, this will need specific conditions.
- 8.29 Noise generated from both function rooms/halls can be a potential issue around the area and thus a rigorous noise assessment has been carried out to identify potential issues and mitigation measures. In respect of amplified and live music the report recommends a noise limiter to be fitted set to the assessment level within the function rooms, so that it does not exceed 90dBA, this will ensure the background level at the nearest residential receptors is not breached. Improved replacement glazing, re-cladded facades, improved fabric approaches all assist in reducing the noise impact of the development. Within the 2

no. function rooms all new windows will be non-openable which will limit the noise impact. The addition of acoustic lobbies will increase the sound insulation performance of the external walls and decrease the risk of noise escaping through open doors, as would maintaining closed doors.

- 8.30 To minimise patron noise which is difficult to model in noise assessment, i.e. when guests are exiting the building, potential rowdy behaviour and use of out-door areas, a Noise Management Plan (NMP) will be required by condition, in advance of opening the venue. This will need to include as a minimum, written details of the following information
- Organisational responsibility for noise control
 - Hours of operation and music production
 - Imposed planning/licensing conditions controlling noise/disturbance
 - Physical and managerial noise controls processes and procedures
 - Music noise level controls including music noise limiter settings and any external noise limits
 - Details of how compliance with control limits is achieved and procedure to address non-compliance
 - Details of review of NMP
 - Details of community liaison and complaints logging and investigation
- 8.31 As long as mitigation measures are secured by condition, having regard to the existing acoustic environment, the development would not have an unacceptable effect on the living conditions of local residents. Accordingly, there would be no conflict with development plan policies in relation to noise pollution.

Impact on protected trees

- 8.32 The proposed development will have limited arboricultural impact, and the works that are proposed are either in accordance with good arboricultural management (the removal of the decay line tree at the front of the building) or will have limited impact (the proposed facilitation pruning). Conditions are attached to secure the tree protection measures, Arboricultural Method Statement and details of proposed tree planting within the car park.

Impact on protected species

- 8.33 The Preliminary Bat Roost Assessment confirm a very low residual risk of bats being present. A condition will secure the recommendations made to adopt a more proportionate for Reasonable Avoidance Measures (RAMS) to be adopted.
- 8.34 The applicant has been made aware that if any work on trees outside of the application site (in Church ownership), will need to consider that Bats and their roosts are protected under the Wildlife and Countryside Act and Conservation Regulations.

8.35 There are no other protected species that would be harmed by this proposal.

9.0 Conclusion

9.1 The proposal is acceptable and overall is in accordance with the development plan.

10.0 Detail recommendation

10.1 Approve subject to the following conditions:

Conditions for 22/01088/FUL

1. Define use class of building
2. Materials
3. Detailed roof / window design specification
4. Site levels
5. Parking layout implementation
6. Travel Plan
7. Charging Points
8. Refuse management plan
9. Car Park Management Plan
10. Barrier/gate to restrict car park access only outside operational hours
11. Construction Management Plan
12. Traffic Regulation Order review
13. Tree protection measures
14. Arboricultural Method Statement (AMS)
15. Define opening times (nursery, community uses and banqueting facilities)
16. Noise Management Plan
17. Specific noise protection measures (inc glazing spec, noise limiter, acoustic treatment).
18. External extract ventilation system
19. Drainage
20. Soft and hard landscaping
21. Boundary details
22. Accord with recommendations of ecology report

23. External lighting

24. Employment and Skills Plan

Conditions for 22/01089/LBC

1. Repair / schedule of works.
2. Detailed specification of new lantern roof and windows

