

Planning Committee

Report of Head of Planning and Building Control on 05 August 2021

Plans List Item Number: 4

Reason for bringing to committee

Walsall Council Application

Application Details

Location: CASTLE BUSINESS AND ENTERPRISE COLLEGE, ODELL ROAD, WALSALL, WS3 2ED

Proposal: PROPOSED EXTERIOR SHELTER, LOCATED TOWARDS THE SOUTH SIDE OF THE SITE.

Application Number: 20/1426

Case Officer: Leah Wright

Applicant: Mr Edward Kennedy

Ward: Birchills Leamore

Agent: Baily Garner LLP

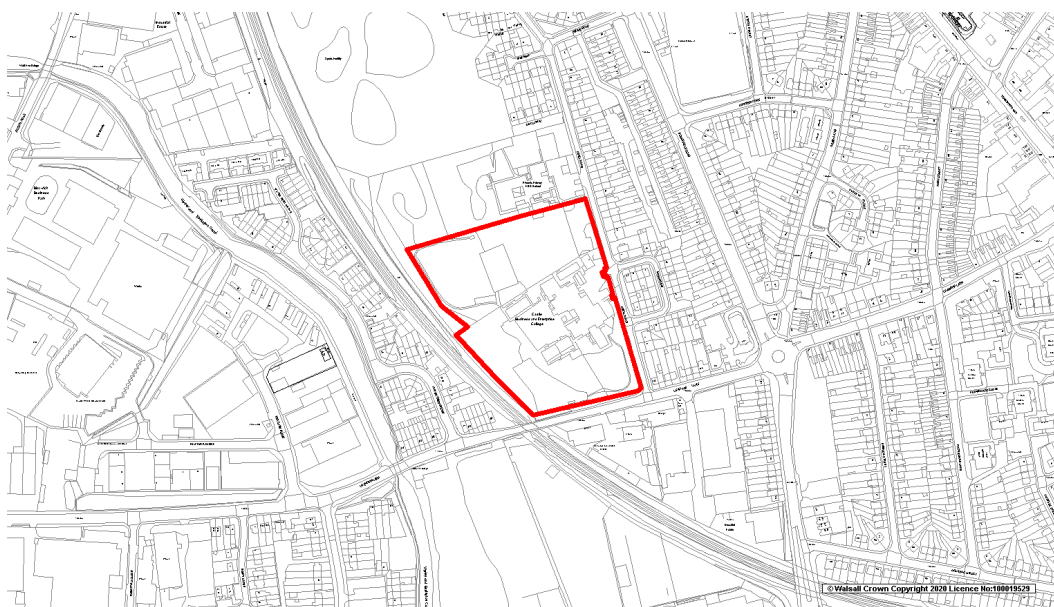
Expired Date: 08-Feb-2021

Application Type: Regulation 4: Minor Application (SI 1992/1492)

Time Extension Expiry: 09-Aug-2021

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.



Proposal

This application proposes the erection of an exterior shelter for pupils to use during playtime, located towards the south side of the site.

The shelter will measure 2.7m with a curved roof with eaves of 2.2m. The shelter measures 4.2m in width and 6.2m in depth. The shelter is approximately 22.9sqm.

The shelter will be a timber structure with a translucent PETG- Polyethylene Terephthalate curved roof with infills to sides. It would have a pressure treated timber framed canopy and built in seating.

Site and Surroundings

The application site is a single storey special educational needs school, situated on the corner of Odell Road and Leamore Lane. The building is located in the centre of the site with green playing fields and ancillary green spaces to the North West and south of the building. To the east of the building is the staff and visitor car parking facilities.

The college provides for Primary, Secondary and Post 16 education for children with moderate learning difficulties.

To the north of the site is Phoenix Primary School. To the east is residential development with limited off-street parking facilities and commercial uses beyond. To the south are commercial and employment uses. To the west is the railway line and then residential development beyond that.

The site can be accessed by pedestrians and vehicles from Odell Road.

The overall site is approximately 2.76ha which mostly consists from playing fields. The proposed site for the works is approximately 25sqm.

The site is not within a Conservation Area, nor is it a listed building.

The submitted Design and Access Statement explains that there is a need for a shelter to be located to the Southside of the school, with access to the playground area to be used by pupils during playtime.

Relevant Planning History

17/0417 – Erection of a timber structure to be used as a seating plan – **Granted subject to conditions.**

18/0086 - Two single storey extensions to existing school building, one comprising 3 classrooms and one comprising 2 classrooms with a ramped access and covered link to the main school building. A further extension would provide a covered link between existing buildings and creation of 26 additional car parking spaces with new accesses onto Odell Road and associated gates and amendments to boundary treatment. – **Granted subject to conditions 13-07-18.**

19/0700 -Proposed new classroom block consisting of 3 no. classrooms, a store and wc's and minor external works including the erection of a ramp to the rear- **GSC 18 May 2020.**

19/1180- Installation of rubber surface & timber climbing frame- **GSC.**

20/1212- Erection of a sports hall including ramp accesses.- **GSC.**

21/0107- Non-Material Amendment to application 20/1212, for Erection of a sports hall including ramp accesses, to amend proposed facing materials from facing brick to part-brick part-cladding- **Permission 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 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- T7 - Car Parking
- T8 – Walking
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC3: Children's Play Areas
- LC4: Allotment Gardens
- LC6: Sports Pitches

Black Country Core Strategy

- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- CSP4: Place Making
- ENV6: Open Space, Sport and Recreation
- DEL1: Infrastructure Provision

Walsall Site Allocation Document 2019

- T4: The Highway Network
- OS1: Open Space, Sport and Recreation
- LC5: Greenways

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW3 Character

Consultation Replies

Canal and River Trust - No comments to make on the proposal.

Coal Authority – No objection and no requirement for a Coal Mining Risk Assessment.

Local Highways Authority - Support

Natural England - No comment to make.

Pollution Control - No comment to make.

Public Health - No objection to this planning application and recognise the need to improve the outdoor facilities in the school to support the improvement in outdoor activities for the pupils.

Sport England - No objection

Network Rail - No comment to make

West Midlands Police - Note to applicant regarding Secure by Design Principles. No objection to development.

West Midlands Fire Service - No objection, note to applicant regarding Requirement B5: Access and facilities for the fire service.

Representations

None received

Determining Issues

- Principle of Development
- Design, Layout and Character
- Impact upon neighbouring occupiers and Phoenix School
- Highways

Assessment of the Proposal

Principle of development

National planning policy identifies the importance of planning for healthy communities.

Policy HOU5 of the BCCS states that education is fundamental to achieving the vision for sustainable communities and economic prosperity. It goes on to state that the physical enhancement and expansion of higher and further educational facilities and related business and research will be supported where it helps to realise the educational training and research potential of the Black Country.

The Walsall Site Allocation Document (SAD) states that new facilities should be planned and improvements prioritised where they are most accessible to the communities they are intended to serve. Often this will be in town, district or local centres.

Improvements to existing facilities will be supported in principle, provided they accord with the other policies of the plans and would not have adverse impacts on local amenity and traffic, nor on the viability of facilities that are important for the vitality of centres or that are required to maintain important assets.

The proposal involves the construction of a single storey shelter. The works would not lead to an increase in the number of pupils, but rather an improvement to the environment for existing pupils.

Further it should be noted Sport England have no objection to the proposal.

As such, the principle of development is acceptable subject to all other material considerations set out in this report.

Design

Policy HOU5 of the BCCS states that school, further and higher education facilities should be well designed and well related to neighbourhood services and amenities.

The proposed shelter is modest in height, measuring 2.7m in maximum height with a curved roof with eaves of 2.2m. The extension is also modest in area measuring 22.9sqm.

It is considered that the design and scale is acceptable as it will blend into the design of the existing buildings at site and does not appear at odds. The shelter will have a curved roof which is considered acceptable as there are examples of varying roof styles in the vicinity.

Given the extensions modest height, the fact that it will be constructed from timber which is a material used throughout buildings at the school and blends well with the existing structures. When combined with the location of the shelter which is positioned within the site, and away from nearest public vantage points it is not considered to be visually detrimental in the street scene. As such, it is considered that the shelter will be of a high quality design and is acceptable.

Impact upon neighbouring occupiers and Phoenix School

The nearest residential properties are on Odell Road some 50m away from the proposed shelter. Views of the shelter will be obscured by the existing school buildings. It is considered the proposed shelter would not unduly harm the amenities of these neighbouring occupiers in respect of loss of privacy, overlooking or loss of light.

The proposed sports hall is located some 138m away from the boundary with Phoenix School; as such, the proposal would not unduly harm the amenities of the neighbouring school, Phoenix.

Pollution Control had no comment to make on the proposal and do not require any specific planning conditions.

The proposal is therefore considered to be acceptable on amenity grounds.

Access and parking

The highway officer has no objection and supports the proposal. The shelter will not result in any change to the existing access to the site or the number of parking spaces on site. The proposal is therefore acceptable on highways grounds. Furthermore, no conditions are proposed.

Conclusions and Reasons for Decision

The principle of development is considered acceptable, as is the design. The proposal would not unduly harm the amenities of neighbouring residential or the adjacent school.

The proposal complies with the policies as set out in the policy section of this report.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of 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: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- 1100 REV P 02- Site Location Plan and Block Plan- Received 18th December 2020
- 1400 REC P 02- Proposed Shelter- Received 18th December 2020
- Design and Access Statement (by Bailey Garner dated October 2020) – Received 13th November 2020

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 walls and roof of the shelter hereby approved shall not comprise materials other than those detailed on drawing 1400 REC P 02- Proposed Shelter- Received 18th December 2020, and shall be retained as such for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with policy ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

1. **West Midlands Fire** - the applicant is advised to note that access and facilities for the fire services should comply with requirement set out in the approved Document B, Volume 2, Buildings other than Dwellings 2019.

2. **Police**- 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>

END OF OFFICERS REPORT