



### Planning Committee

Report of Head of Planning and Building Control on 07 October 2021

**Plans List Item Number: 6**

#### Reason for bringing to committee

Council Owned Land

#### Application Details

**Location:** Abbey Primary School, Glastonbury Crescent, Walsall, WS3 2RP

**Proposal:** FULL APPLICATION FOR RETROSPECTIVE PERMISSION OF ONE MODULAR CLASSROOM UNIT AND DEMOLITION AND REPLACEMENT OF A SECOND MODULAR CLASSROOM UNIT

**Application Number:** 20/1267

**Case Officer:** Gemma Meaton

**Applicant:** Walsall Council

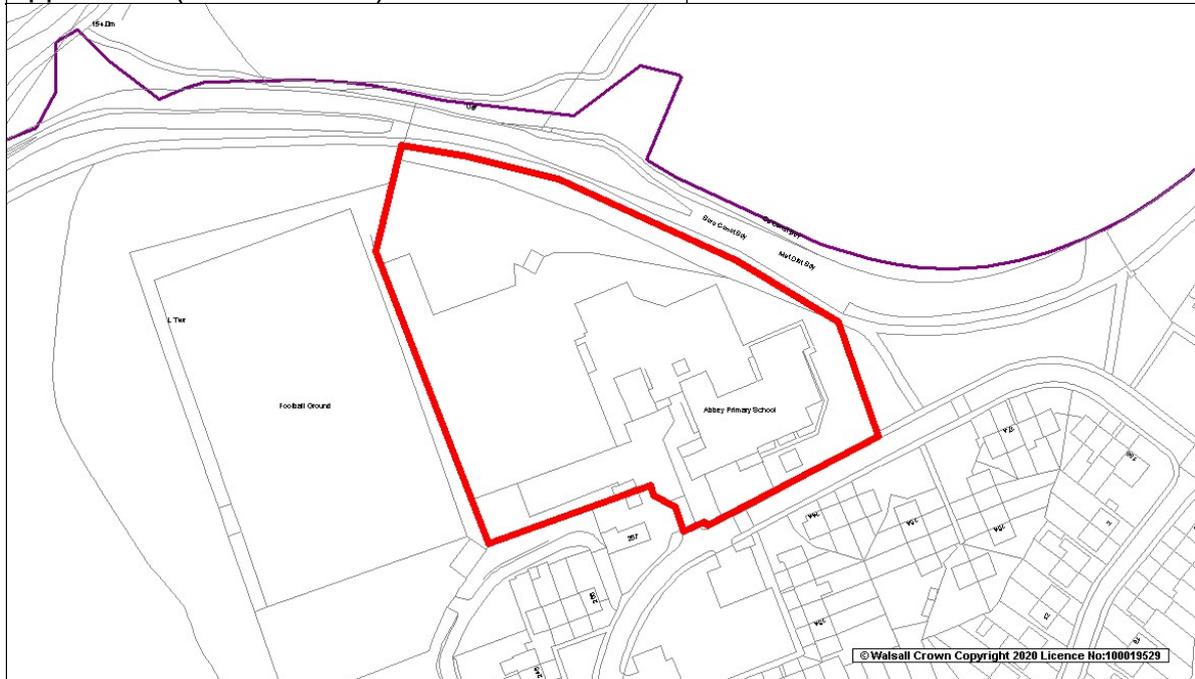
**Ward:** Bloxwich West

**Agent:** Baily Garner LLP

**Expired Date:** 28-Feb-2021

**Application Type:** Regulation 3: Minor Application (SI 1992/1492)

**Time Extension Expiry:** 14-Oct-2021



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## 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;
- No objection from Sport England;

## Proposal

The application proposes retrospective approval for a single modular building and the replacement of a second building with an upgraded one.

The retrospective component of the application is for a nature space for SEN and inclusion classroom. The modular unit is approximately 10m long and 4m wide with a flat roof and a height of 4.5m. The classroom is located in the centre of the site on a piece of hardstanding between the playing fields and playground areas to the north west of the main school building. The building is constructed in a modular fashion and is finished in sand and dark green coloured plastisol coating with white Upvc framed windows, and a dark green door, with galvanised metal access ramp.

A second structure is proposed to be replaced as part of the scheme, this replacement structure would be 9.7m wide, 15.2m long, 3.6m high, and would provide the school with two classrooms for two class groups, accommodating 60 children. The building would have a slightly larger (2.3%) footprint than the existing which is 9.0m wide and 16.0m long, but would be lower than the existing building which is 4.0m high, and also provides two teaching spaces. The external finish of the new building would be clad with cedar wood to the front and side elevations, with goosewing grey cladding to the rear. The windows would be double glazed with grey aluminium frames and darker merlin grey facias rainwater goods and doors. The building would be fitted with ramped access to ensure that it would be accessible to all users.

A Design and Access Statement has been provided which highlights that need for the retention of the space to accommodate the existing pupils at the school and that there will be no increase in pupils or staff as a result of the proposal, meaning that there are no proposed changes to the parking or access arrangements.

## Site and Surroundings

The site is located in the Bloxwich area of Walsall, approximately 1500m from Bloxwich District Centre, and 4 miles north of Walsall. The school is on the northern edge of the developed area and is within an area identified as green belt land that begins with the school and extends to the west and south.

Abbey Primary School sits on an open site, with the school located to the south east corner between the car park and surrounding open space. To the North West sits a playing field for the pupils to use. Adjacent this there is a football pitch not owned by the school. The surrounding area is predominantly residential except for open countryside hidden behind a tall border of deciduous and evergreen trees.

Abbey Primary School currently caters for circa 250 pupils between the ages of 3 and 11. The school is currently two form entry.

The site can be accessed by pedestrians and vehicles from Glastonbury Crescent.

## Relevant Planning History

None

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://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 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **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](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis
- LC6: Sports Pitches

## **Black Country Core Strategy**

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

## **Walsall Site Allocation Document 2019**

OS1: Open Space, Sport and Recreation

GB1: Green Belt Boundary and Control of Development in the Green Belt

## **Supplementary Planning Documents**

### **Designing Walsall**

- DW2 Safe and Welcoming Places
- DW3 Character

## **Consultation Replies**

**Strategic Planning Policy** - The site lies in the Green Belt and the smaller structure occupies an area that is shown as open space on the Policies Map. As such, the application should be assessed against SAD policies GB1 and OS1. GB1 refers back to the NPPF policies on development in the Green Belt. Although detached from the main school, the development could be considered as the extension of a building under NPPF paragraph 145 c): if so, it does not represent inappropriate development.

The boundary of the open space is drawn around the larger building, which implies that its presence was taken into account when the open space assessment that provided the evidence base to support the Policies Map and the SAD was drawn up. If the smaller building was in place at the same time, it appears that the open space mapping 'washed over' it.

**West Midlands Fire Service** – No objection subject to compliance with Part B of building regulations

**West Midlands Police** – No objection, recommendations around security measure including CCTV alarms, locks, and key holders recommended.

**Pollution Control** – No objection, subject to the use of gas protection measures provided in the submitted drawings.

**Local Highway Authority** - The retention of the classrooms is not based upon any increase in pupils or staff numbers and are to provide additional teaching space.

## **Representations**

None

## **Determining Issues**

- The principle of the Development
- Design and Character of the Area
- Ground Contamination
- Traffic and Highways

## **Assessment of the Proposal**

### **The Principle of the Development**

As highlighted by the comments received from Strategic Planning Policy, the proposed development, could be considered as an extension of the school. The proposal would therefore not represent inappropriate development in the Green Belt, in line with the provisions of paragraph 149(c) of the NPPF which provides an exemption for extensions that are not disproportionate to the existing building. The modest size and height of the extensions which would constitute a 14% increase in the footprint of the built development at the school are not considered to be disproportionate. The proposal is therefore considered to accord with Green Belt Policy.

The area where the smaller building is sited is indicated as part of designated Open Space, the larger building which is proposed to be replaced is excluded from the Open Space area. Paragraph 99 of the NPPF indicates that the loss of open space can be justified where the space is surplus to requirements. The proposal is for retrospective permission for existing building that occupies an area of hardstanding that is neither playground nor sports pitch.

There is existing sport and play area of over 1ha which is considered more than adequate to accommodate the school, meaning the loss of 40m<sup>2</sup> of non-in a poorly used and equipped area is not considered harmful. Sport England have been consulted and their comments are awaited. The proposal is therefore considered to be in line with paragraph 99 of the NPPF.

On balance, it is considered that the principle of the development can be considered acceptable.

### **Design and Character of the Area**

The small scale of the addition is considered to mitigate the impact on the character of the area. The replacement building is visible from Glastonbury Crescent but would be viewed against the main building and car park area and would replace an existing structure that has been present on the site for at least 8 years.

The proposed cedar cladding and use of neutral colours would help the appearance of the building to appear less industrial and utilitarian than the existing building and would make it blend into the landscape of playing fields and trees beyond to the rear.

The small size of the SEN building coupled with its modest height and position on the existing built area of the school, coupled with its green and sand coloured finish allow it to blend into the surrounding area.

It is considered that the development would not have an unacceptable impact on the character of the area and the replacement building would offer an improved appearance compared to the existing building on site. It is recommended that a condition be applied to the decision notice to secure the use of materials as indicated in on the submitted plans.

In line with the recommendations provided by the Police, and due to the siting and stand-alone nature of the buildings, it is considered that a condition should be applied to the decision notice to require additional security measures.

## **Ground Contamination**

Pollution Control has indicated that the site of this development is located adjacent a site known to be producing elevated levels of landfill gas. The proposal includes foundations that have been designed to include service entries and measures to prevent any gas from entering the classroom areas. Pollution Control have assessed that the measures provided are acceptable and requested that a condition be applied to ensure that they are implemented on site, a condition has been recommended to secure this.

## **Traffic and Highways**

There is existing vehicular access from Glastonbury Crescent, which opens directly into the staff parking area.

The proposal does not include any increase in the number of pupils or staff at the school, and the Highways officer has not objected to the proposal on this basis. The proposal would not be to the detriment of highway safety and would therefore accord with NPPF paragraph 111.

## **Conclusions and Reasons for Decision**

The proposal is not a disproportionate extension to the existing school therefore the proposal is in line with Green Belt Policy GB1 of the SAD and NPPF paragraph 149. The portion of the site that is within the area identified as Open Space accommodates the existing building an existing little used area that is surplus to requirements and therefore is in line with paragraph 99 of the NPPF.

The design would not have an unacceptable impact on the character of the area and the replacement building would offer an improved appearance compared to the existing building on site in line with saved UDP policy ENV32.

Foundations to mitigate the risk of landfill gas have been proposed and supported by Pollution Control. The Highway Authority has not objected to the application as no alterations are proposed to the access arrangements and no increase in staff or pupils is proposed.

Taking into account the above factors it is considered that the application should be approved.

## **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**

Grant Permission Subject to 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:

- Site Location and Block Plan, 1100 rev. 02, submitted 07/01/2021
- Proposed [Block] Plan, 1250 rev. 02, submitted 07/01/2021
- Plan Layout Elevations and Foundations, 03321-SIB-00-ZZ-M3-W-001 S-2, submitted 04/08/2021
- Existing and Proposed GA Plans, 1200 rev.o2, submitted 07/01/2021
- Existing and Proposed Elevations, 1700 rev. 02, submitted 07/01/2021
- Design and Access Statement, prepared by Bailey Garner, submitted 27/04/2021

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 development shall be constructed to meet the following minimum security measures and thereafter retained for the lifetime of the development:

- The design of the building shall prevent features which aid scaling or climbing.
- All ground floor and vulnerable windows shall use minimum 6.8mm laminated glazing.
- Sills shall be steeply angled to prevent them being used as climbing aids, seats or litter points.
- All windows shall be fitted with restrictors.
- Glazing and glazing sizes shall to be kept to the minimum compatible with requirements of lighting, surveillance and visibility.
- External LED lights with daylight and movement sensors to be provided at all external entrances.

Reason: To ensure the safety and security of the development itself and the safety and security of patients, visitors and employees in accordance with Saved Policy GP2 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

4. The development shall not be carried out otherwise than in accordance with the external materials shown drawing 03321-SIB-00-ZZ-M3-W-001 S-2, submitted 04/08/2021 and the facing 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 of the Walsall Unitary Development Plan.

5. The development shall not be carried out otherwise than in accordance with the foundations and service entries as specified in drawing 03321-SIB-00-ZZ-M3-W-001 S-2 submitted 04/08/2021.

Reason: To prevent potential ingress of contamination from the ground in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

### West Midlands Fire service

Comments on the internal layout of the units will be made at the Building Regulations stage. This Authority notes the use of Building Bulletin 100: Design for fire safety in schools as a design guide which shows clearly how the requirements for life safety, contained in the Building Regulations, can be met.

### Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010

#### Requirement

Limits on application 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.

#### Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire.

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required.

Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

#### Section 15: Vehicle access

##### Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m<sup>2</sup>, 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)

##### Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.

b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

a. Within 18m, and within sight of, an entrance giving access to the fire main.

b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

### **Design of access routes and hard-standings**

15.7 Access routes and hard-standings 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.

### **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)

### **Section 16: Fire mains and hydrants**

#### **Provision of fire mains**

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

a. The firefighting shafts.

b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

#### **Provision of private hydrants**

16.8 A building requires additional fire hydrants if both of the following apply.

a. It has a compartment with an area more than 280m<sup>2</sup>.

b. It is being erected more than 100m from an existing fire hydrant.

16.9 If additional hydrants are required, these should be provided in accordance with the following.

a. For buildings provided with fire mains – within 90m of dry fire main inlets.

- b. For buildings not provided with fire mains – hydrants should be both of the following.
- i. Within 90m of an entrance to the building.
  - ii. A maximum of 90m apart.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

### **Water Supplies**

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](mailto:Water.Officer@wmfs.net)

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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)

### **West Midlands Police Service**

Buildings require security. Their construction and separation from the main building increases vulnerability. A permanent extension to the main building would be preferable. Separate additional structures and buildings create hidden areas. Not immediately seen by attending key holders, security or police. Lighting and alarms are important. The buildings and items within are vulnerable.

Security such as alarms are sometimes forgotten when buildings are extended or added. More easily included during construction. Even if not included throughout the existing building.

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

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

External LED lights with daylight sensors to the external wall of the building in particular near entrances. Recommend security using the principles of Secured by Design. Providing reassurance to pupils and staff. Below is a link to secured by design guides, including Schools, police approved crime reduction information.

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

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](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](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