

Planning Committee

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

Plans List Item Number: 7

Reason for bringing to committee

Walsall Council Application

Application Details

Location: OGLEY HAY NURSERY SCHOOL, BRICKILN STREET, BROWNHILLS, WALSALL, WS8 6AU

Proposal: ERECTION OF A SINGLE STOREY CONSERVATORY EXTENSION TO THE EXISTING OGLEY HAY NURSERY

Application Number: 21/1076

Case Officer: Leah Wright

Applicant: Walsall Council

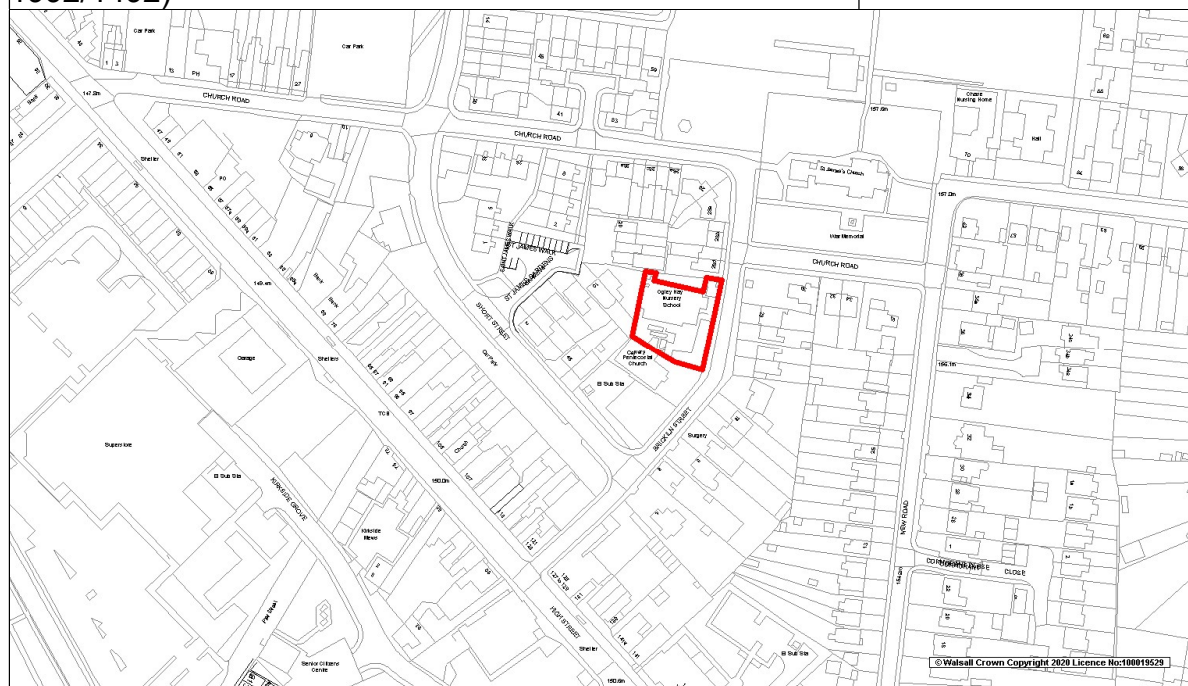
Ward: Brownhills

Agent: Bailey Garner

Expired Date: 20-Sep-2021

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

Time Extension Expiry:



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Recommendation:

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

Proposal

This application proposes the erection of a single storey conservatory extension to the existing rear of Ogle Hay Nursery.

The conservatory will measure 2.97m in maximum height with a lean to roof sloping to 2.1m, 5.7m in width and 3m in depth to provide enhanced space and will not result in additional numbers in attendance.

It would be constructed of a glazed roof, walls and doors with a brick base.

Site and Surroundings

Ogle hay nursery is located on Bricklin Street in Brownhills. The site is surrounded by residential properties on three sides and a church. The nursery is located adjacent 28d Bricklin Street with the school playing field adjacent the church to the south of the site. Access to the site is from Bricklin Street.

The site is not within a conservation area nor is it a listed building.

Relevant Planning History

03/1149/FL/E5- Extension to provide additional classroom- GSC- 22.08.2003

07/1291/FL/E6- Change of use from nursery to children's centre including internal alterations and general refurbishment of the building and installation of two windcatchers on the roof- GSC 01.08.2007

11/0645/FL- Proposed rear extension- GSC 05.08.2011.

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 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

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

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

T4: The Highway Network

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

Consultation Replies

Coal Authority- No objection. Development falls within low risk area and standing advice applies.

Pollution Control- No objection.

Archaeology and Historic Environment Officer- No archaeological implications for this proposal.

West Midlands Fire Service- No adverse comments

West Midlands Police- No objections. Recommends following principles of secure by design.

Representations

No representations received.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Impact on neighbouring amenity
- Other Matters

Assessment of the Proposal

Principle of Development

The principle of the nursery is already established with previous extensions being granted at the site.

Design, Layout and Character

This application proposes a single storey conservatory to the south of the site which would measure 2.97m in maximum height with a lean to roof sloping to 2.1m, 5.7m in width and 3m in depth.

The conservatory is considered to be a modest addition to the nursery and would be in keeping with the style of the existing building which already benefits from lean to roofs to the south of the site and further parts of the existing nursery are constructed from glazing. It is therefore considered a conservatory of the size, style and it being constructed from a glazed roof, walls and doors with a brick base is acceptable. The conservatory would be in keeping with the existing nursery and would not have a negative impact on the character of the surrounding area.

Impact on neighbouring amenity

The proposed conservatory is sited to the south of the nursery where there are no immediate residential properties. The nearest residential property would be 28D Bricklin Street which is sited to the north of the site and as such would not have views of the conservatory due to the existing orientation of the building. Views of the conservatory would be possible from the neighbouring properties sited to the east of Bricklin Street, however it is considered the conservatory is of a good design and would not impact on neighbour's visual amenity. The conservatory would have no additional overlooking or overbearing impacts to nearby residential occupiers.

Other Matters

The nursery would have no detrimental impacts on the highway network or to environmental matters.

Conclusions and Reasons for Decision

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 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

- 4200- Existing Site Plan- REC 03.08.2021
- 1400- Proposed Site Plan REC 03.08.2021
- 1100- Site Location Plan and Block Plan REC 03.08.2021
- Conservatory Proposal, pages 1-3- REC 22.08.2021
- Covering Letter REC 22.08.2021
- Design and Access Statement REC 22.08.2021

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 hereby approved shall not be constructed other than with a glazed roof, windows, doors and a brick base as indicated on submitted plans and contained within the submitted Design and Access Statement and thereafter retained as such for the life time 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.

4: Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than to meet with the following minimum security measures and thereafter the security measures shall be retained;

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors
- All ground floor windows (including French doors) and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass

The security measures shall thereafter be retained for the life of the development

Reason: To ensure the safety and security of the development and its occupiers in accordance with BCCS policy ENV3.

Notes for Applicant

None

END OF OFFICERS REPORT