

Economy, Environment and Communities, Development Management

## Planning Committee

Report of Head of Planning and Building Control on 04 November 2021

**Plans List Item Number: 3**

### Reason for bringing to committee

Council Application

### Application Details

**Location:** LEAMORE PRIMARY SCHOOL, BLOXWICH ROAD, WALSALL, WS3 2BB

**Proposal:** DEMOLITION OF EXISTING TWO CLASSROOM MODULAR BLOCK AND REPLACEMENT WITH FLAT ROOF BUILDING FOR USE AS TWO CLASSROOMS, WITH EXTERNAL STAIRCASE, DISABLED ACCESS, ALUMINIUM WINDOWS AND DOORS TO FRONT AND SIDE ELEVATIONS.

**Application Number:** 21/1296

**Case Officer:** Leah Wright

**Applicant:** Walsall Metropolitan Borough Council

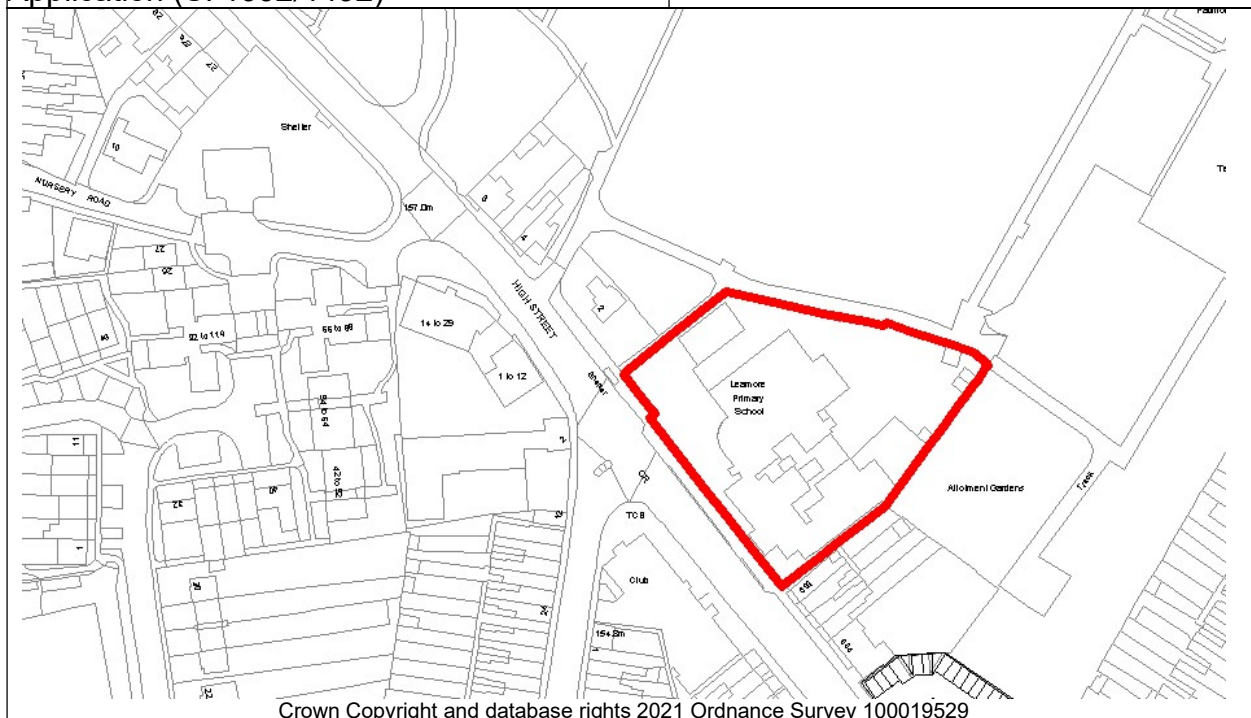
**Ward:** Blakenall

**Agent:** Baily Garner LLP

**Expired Date:** 21-Oct-2021

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

**Time Extension Expiry:**



## Recommendation

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

## Proposal

This application proposes the demolition of an existing two classroom modular block and its replacement with a single storey flat roof building for use as two classrooms, with external staircase, disabled access, aluminium windows and doors to front and side elevations.

The modular block to be demolished measures 3.6m in height with a pitched roof with eaves of 2.8m, 25m in width and 8.69m in depth. The block is accessed via an external staircase with a front door, there are six windows to the front elevation, four windows with mesh grills and two single doors to the rear elevation and two AC units to the side elevation. Internally, the block accommodates two classrooms, an electrical cupboard and a disabled WC.

The replacement building will be sited in the same footprint as the existing modular block. The building would measure 3.5m with a flat roof and would be accessed by an external staircase measuring 1.65m in height with a front door. It would measure 9.9m in depth and 15.4m in width. To the front and rear elevation there would be four sets of double windows. To both side elevations there would be two AC units contained within cages and a single door. There would be a flue to the rear which would project 0.4m higher than the classroom and would be used as a waste and vent outlet. Internally the building would accommodate two classrooms, two stores, a pupil WC and a lobby.

There would be no increase in the number of pupils attending the school as a result of this proposal.

## Site and Surroundings

Leamore Primary School is sited to the north-eastern side of Bloxwich Road. The school is constructed from brick with a variety of pitches and numerous windows to the front elevation. The main entrance is constructed of glazed walls and a set of double doors. There is a variety of boundary treatments which include brick walls and fencing to the front elevation and a number of trees. The school site area is approximately 3896sqm.

The site is within the Bloxwich and Blakenall Heath Character Area. It is not within a Conservation Area, nor does the site contain a listed building.

## Relevant Planning History

**BC64821P-** Provision of fence to top of rear playground wall to bring height to 3m. Replacement chainlink fence with 2-4m fence. Fencing - palisade, triple pointed, powder coated black- **GSC 07.01.2002.**

## 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 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**

[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
- 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

**Environmental Protection-** No objections. Attention drawn to acoustic requirements of Building Bulletin 93 Acoustic Design of Schools.

**West Midlands Fire Service-** No objection. Note to application regarding Requirement B5: Access and facilities for the fire service.

West Midlands Police- No objection. Recommend 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 school is already established with previous works being granted at the site.

The design and access statement states that the school are committed to improving the facilities to ensure that the school maintains high standards and the school has identified the need for the demolition and replacement of a standalone teaching block located on the north-west of the site. There will no increase in staff or pupils associated with the proposal. As such, the principle of the classroom is considered to be acceptable.

## **Design, Layout and Character**

This application proposes a replacement building to be sited in the same footprint as the modular block it is to replace to the north-west of the main school building. The building is considered to be modest in height measuring 3.5m in maximum height with a flat roof. The classroom is to be constructed from western red cedar walls, a clad room finished in merlin grey and skirting finished in merlin grey and double glazed aluminium windows which would result in a high quality appearance of the development. It is considered that as this is a replacement building that would be sited in the same location and would be of the same footprint it would be acceptable in terms of its design and appearance. As such, the building would be in keeping with the existing school and would not have a negative impact on the character of the surrounding area.

## **Impact on neighbouring amenity**

The proposed classroom block is sited to the north-west of the main school and is approximately 18.9m from the nearest residential property, this being 2 Bloxwich Road and sited approximately 37m from Marton Court, a block of flats sited to the south-west of the site. It is considered that as this is a replacement building of the same scale it would not have any further detriment to neighbouring properties in terms of noise and it is noted Environmental protection have not objected to the proposal. The classroom is considered to be a high quality design and whilst views of the classroom may be possible from the side windows of 2 Bloxwich road it is not considered that it would impact negatively on neighbour's visual amenity, nor would it be overbearing in nature. Further there are no windows to the side elevation of the classroom and as such it is considered there would no detriment in terms of overlooking.

## **Other Matters**

The classroom 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 Conditions and 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 GA Plans and Elevations- REC 22.09.2021
- 4200- Existing Site Plan- REC 22.09.2021
- 17121-SIB-00-ZZ-M3-W-001- 50 X 32 Permaspace Plan Layout, Elevations and Foundations- REC 22.09.2021.
- 1400- Proposed Site Plan REC 22.09.2021.
- 1100- Site Location Plan and Block Plan REC 22.09.2021
- Covering Letter REC 22.09.2021
- Design and Access Statement REC 22.09.2021

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 grey flat roof, western red cedar clad walls and merlin grey aluminium windows and doors and 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

### 1. West Midlands Fire Service.

#### Approved Document B, Volume 2, Buildings other than Dwellings, 2019.

Requirement B5: Access and facilities for the fire service

#### 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)

#### 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)**

### **Water**

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).

## **2. Environmental Protection**

Please note that the acoustic requirements of Building Bulletin 93 Acoustic Design of Schools - Performance Standards is relevant to this application as a means of demonstrating compliance with the Building Regulations Approved Document E Resistance to the Passage of Sound.

**END OF OFFICERS REPORT**