

APPLICATION REFERENCE: PL/2019/02059/MINFOT

Site Address: Kingshurst Primary School, School Close, Kingshurst, Solihull. B37 6BN.

Proposal:	Erection of a new detached building to accommodate three new school classrooms with ancillary accommodation and new accommodation for the Caterpillars play group facility, including external lean to canopies.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	The application has been submitted by the Council and there has been at least one objection on planning grounds.
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Recommendation:	GRANT CONSENT SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

The proposed development includes the removal of the existing Caterpillars Private Day Nursery single storey building and replacement with a three classroom new build block which will incorporate the nursery facility.

The new build block has been sympathetically designed to ensure it integrates with the existing school buildings whilst being functional. The modern design is aesthetically pleasing and relates well to the built form on the site. The building would enhance the quality and attractiveness of the school setting and would provide enhanced learning facilities for children. The proposal would fully accord with Policy P15 of the Local Plan and guidance in the National Planning Policy Framework. This matter carries significant weight in the planning balance.

The siting and relationship of the proposed classroom block would not have any unreasonable impact on the amenities of the neighbouring properties and accords with Policy P14 of the Local Plan. This carries neutral weight in the assessment and determination of this application.

The proposal would accord with paragraph 94 of the NPPF ensuring that a sufficient choice of school places is available to meet the needs of the existing community.

Following the submission of additional information relating to the methodology and data used in the transport assessment, the Highway Authority has removed its objection subject to conditions relating to a green travel plan and construction method statement.

MAIN ISSUES

The main issues in this application are the effects of the development: -

- Firstly, the principle of development;
 - Secondly, the impact of the new building on character and appearance of the area;
 - Thirdly, impact of the development on the amenities of the occupiers of adjacent properties; and
 - Finally, what effects does the development have on highway safety and the free flow of the road network outside the school.
- Other matters.

CONSULTATION RESPONSES

Statutory Consultees - The following Statutory Consultee responses have been received:

Sport England – No response received.

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No observations.

SMBC Ecology – No objections.

SMBC Highways – No objection subject to conditions.

SMBC Public Protection – No objection subject to advisory notes relating to noise, burning of refuse and dust control on construction sites.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

3 letters of objection have been received from 3 separate addresses detailing the following concerns;

Highways

- Travel statement does not take account of Gilson Way being a narrow road.

- Existing congestion at drop off and pick up times, new pupils are unlikely to walk adding to chaos and inconsiderate parking.
- Complaints made but nothing is done.
- Exacerbated by nursery operating from adjacent property.
- Surveys have not considered the potential for accidents, or driver aggression.
- Drop off zone requested and ignored on basis of school's travel and green policies, drop off zone could be easily controlled within vicinity of school.
- Increase in classrooms means an increase in vehicles.
- Road and footpaths impassable during morning and afternoon school times.
- Witnessed driver disputes.
- Congestion needs to be tackled.
- Traffic increase resulting in noise, toxic car fumes, not able to access properties because of indiscriminate parking.
- Yellow lines and notices are being ignored and no SMBC action is being taken.

Pollution

- Rubbish is extensive and this will increase, poor road cleaning adds to this problem.
- Existing problem has always affected residents, toxic air causes breathing difficulties for OAPs.

Other issues

- Addition will obviously cause a loss of privacy already at sky high level at least twice a day.
- From the media it was understood that OAPs would be helped to live a healthy twilight in later years, this application will exacerbate it.
- Intensity of development – constant development and increase in size since school was first built.

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Principle of Development

Paragraph 94 of the NPPF establishes that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

The proposal is to provide an additional 3 classrooms at an existing primary school, Kingshurst Primary School accessed off School Close, following the approval of the Cabinet Portfolio Holder for Children, Education and Skills.

The proposal involves the erection of a new detached block within the school grounds on the site of an existing private nursery currently housed in dilapidated temporary accommodation. The new detached block will be separated from the existing school by an existing footpath and early years secure external play area, but will be in close proximity in terms of existing and proposed building entrances to have the required synergy and connectivity with the current school. The new detached block will accommodate the Caterpillars private nursery within a new playgroup facility, and also provide three new classrooms with required ancillary accommodation. The three new classrooms will allow the school's intake to increase by half a form to three form entry.

Between 2005 and 2020 the North Solihull Primary Programme delivered an additional 2,400 primary school places across ten sites. This proposal to expand Kingshurst Primary School still further to three form entry is the final phase of this programme to be delivered by September 2020, as part of Council's Approved Plan for New School Places.

Kingshurst Primary School was built in 2007 as a 420 place two form entry primary school in accordance with the DfE guidance available at that time (Reception through to Year 6). Since then a single classroom extension has been added in September 2014, and a two classroom extension to the first floor roof terrace completed in September 2017, as part of the planned expansion to three form entry.

The temporary accommodation now housing Caterpillars private nursery play group facility was relocated to Kingshurst Primary School in 2013, and is to be demolished to make way for the new detached classroom block proposal. Whilst construction of the new detached block is taking place, Caterpillars will be accommodated in the school's Inclusion Centre. The proposal would therefore create, expand and offer schools place provision (increasing the pupil numbers from 550 to 640 pupils) to meet the changing needs of the Borough, whilst providing improved facilities.

Given the consideration of the above, the proposal would accord with Paragraph 94 of the NPPF in ensuring a sufficient choice of school places is available to meet the needs of the existing community.

Impact on the character and appearance of the area

Paragraph 124 of the NPPF establishes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Furthermore, Paragraph 127 establishes that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 of the NPPF confirms that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Policy P15 of the Solihull Local Plan 2013 requires all development to achieve good quality, inclusive and sustainable design, which conserves and enhances the local character, distinctiveness and streetscape quality and ensures that the scale,

massing, density, layout, materials and landscape of the development respect the surrounding natural, built and historic environment. Further, developments will be expected to contribute to or create a sense of place. Policy P15 is consistent with policies set out in the Framework and full weight can be attributed to the policy.

The proposal will provide 3 new classrooms and one nursery building utilising the footprint of the existing private day nursery building, with associated ancillary spaces and w/c's. The proposed building will not be linked to the existing school however it is appropriately sited to form a clear relationship between the buildings, allowing safe pedestrian access around the site.

The proposed new classroom building is single storey and has a low profile aspect to respond to the surrounding buildings both on the school site and in the surrounding residential vicinity. The proposed building has been sensitively designed to ensure it is efficient and fit for purpose, accommodating additional children to the school.

The new classroom building will be constructed using a single slope feature tiled roof whilst the nursery element of the building has been designed differently to represent a different educational use of the building. The nursery block has a pyramid hip tiled roof. Despite the difference in roof styles, the materials proposed are consistent throughout the new build. This reinforces the style of proposed building which is aesthetically acceptable. Overall the proposal would enhance the quality and attractiveness of the school setting and would provide much needed additional school capacity.

The proposal would fully accord with Policy P15 of the Solihull Local Plan 2013 and guidance in the NPPF. This matter carries significant weight in the planning balance.

Impact of the development on the amenities of the occupiers of adjacent properties.

Policy P14 of the Solihull Local Plan 2013 seeks to protect and enhance the amenity of existing and potential occupiers of houses.

The new classroom building would be located to the north of the existing school building, sited on the footprint of the existing Caterpillars nursery building. The proposed classroom building is set away from the boundary of the overall school site. The proposed classroom building is appropriately located within close proximity of the existing built development on the school site.

To the north of the proposed classroom block is the staff and visitor car park and school entrance, accessed from School Close. The nearest residential properties are located along the western boundary to the school site on School Close and Church Close but at the closest point, the proposed classroom building is 23 metres from the western boundary. The school site is bounded by mature hedgerows which screen school activities from the surrounding residential properties.

The SMBC Public Protection Officer has raised no objection to the proposal subject to advisory notes. Therefore in summary, the siting and relationship of the proposed development to the existing school buildings would not have any unreasonable impact on the amenities of the neighbouring properties and thus the development

would fully accord with Policy P14 in this regard. This carries neutral weight in the assessment and determination of this application.

Impact of the development on highway safety and the free flow of the road network outside the school.

Paragraph 108 of the NPPF establishes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 of the Framework states that 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.

Policy P7 of the Solihull Local Plan 2013 advises that all new development should be focussed in the most accessible locations and seek to enhance existing accessibility levels and promote ease of access.

Development will be expected to meet the following accessibility criteria, unless justified by local circumstance.

In relation to schools, criteria iii of Policy P7 states that proposed education facilities should be located where they are easily accessible on foot, by bicycle and bus by the local community they serve.

Policy P8 of the Local Plan establishes that all development proposals should have regard to transport efficiency and highway safety:-

- i) confirms that development will not be permitted which results in a significant increase in delay to vehicles, pedestrian or cyclists or a reduction in safety for any users of the highway or other transport network;
- ii) Travel demands associated with development should be managed to minimise detrimental impact to the efficiency of the highway network.

The proposed classroom building seeks to provide additional classroom capacity at an existing and established primary school in the North Solihull Primary Programme. The school is well connected within the local community, allowing children to walk and cycle to school using existing links. It is considered that the proposed classroom building accords with Policy P7 of the Solihull Local Plan 2013 as sustainable transport methods including bus services are a viable method of accessing the school. No car parking spaces in either the staff or visitor car parks will be affected by the proposed development.

The Council's Highways Officer did originally object to the proposed development over concerns with assumptions made within the Transport Statement submitted in support of the planning application. Following further correspondence with the applicant's highway consultant and through the submission of additional clarification documents, the Council's Highways Officer has removed the objection subject to conditions.

Construction activities will need to be carefully managed given the proximity of the proposed classroom building to the existing school and play areas however this can be achieved through the use of a condition requiring a Construction Method Statement (CMS).

The proposed classroom development is considered to accord with Policy P7 and P8 of the Solihull Local Plan 2013, on the basis that the Council's Highway Officer has raised no objection to the proposal subject to conditions. As such, neutral weight is attributed to this matter in the planning balance.

Public Sector Equality Duty

In making your decision, you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions)

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The proposal would accord with paragraph 94 of the Framework ensuring that sufficient choice of school places are available to meet the needs of the existing community.

The proposed new classroom block is of a modern design, which is aesthetically pleasing and integrates with the existing school buildings. This would enhance the quality and attractiveness of the school setting and provided enhanced learning facilities for children. The proposal would fully accord with Policy P15 of the Solihull Local Plan 2013 and guidance in the NPPF. This matter carries significant weight in the planning balance.

The siting and relationship of the proposed classroom block would not have any unreasonable impact on the amenities of the neighbouring properties and thus the development would fully accord with Policy P14 in this regard. This carries neutral weight in the assessment and determination of this application.

The Council's Highway Officer is satisfied that the proposed classroom building accords with Policy P7 and P8 of the Solihull Local Plan 2013, and the original highway objection has been removed subject to conditions. This carries neutral weight in the planning balance.

It is considered that the proposal is acceptable and substantially accords with Policies P7, P8, P11, P14 and P15 of the Solihull Local Plan 2013 and the NPPF guidance.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link: <http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – compliance with plans
2. CS05 – commencement in 3 years
3. CS06 – materials to be submitted
4. CH13 – Construction Method Statement
5. CI22 – Green Travel Plan

6. Before the development hereby approved commences full details of a scheme for a fire sprinkler system to the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and maintained for the life time of the development.

To ensure that the buildings and users of the building are protected from fire in accordance with Policy P14 of the Solihull Local Plan.

Advisory notes relating to noise, burning of refuse and dust control on construction sites.