

APPLICATION REFERENCE: PL/2020/02685/PPFL**Site Address:** Hazel Oak School, Hazeloak Road Shirley Solihull B90 2AZ

Proposal:	The addition of a single storey modular unit to provide 2 No. classrooms and amenities at the rear of the existing Hazel Oak School.
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 land use planning grounds.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

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 in this area.

The design of the classroom block is in keeping with the existing school buildings with regards to scale and materials and would enhance the quality and attractiveness of the school setting and provides enhanced learning facilities for children. The proposal would fully accord with Policy P15 of the Local Plan and guidance in the Framework. This matter carries moderate 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 fulfils the social, environmental and economic objectives of sustainable development when reading the Framework as a whole. Therefore, planning permission should be granted in accordance with the presumption in favour of sustainable development outlined in paragraph 11 d) of the Framework.

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 Material Considerations

- Other matters.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Local Flood Authority – No objection

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

SMBC Highways – No objection

PUBLICITY

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

One objection received regarding: -

Highways

- The daily term traffic will increase and is already a problem to the residents within close proximity to the school;
- My fathers health means that at times emergency ambulances are called and access is required. A white line/parking restriction outside the property would assist in this; and
- Signage could be put in place to require engines to be turned off whilst cars are waiting to collect children.

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'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 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.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

Principle of Development

Paragraph 94 of the Framework 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.

Hazel Oak School is an all age special school for children (age range 4-19 years) with moderate learning difficulties. All pupils have a statement of Special Educational Need (SEN). This results in smaller class sizes of circa 14 students or less, the total school admission number is 159 places.

Solihull MBC Children's Services Directorate seeks to increase the pupil provision further to allow an additional cohort of 30 pupils, over a phased intake together with the support of 5 additional staff members.

The accommodation required to cater for the additional pupils will be provided within the proposed single storey modular unit which will be positioned on a hardstanding area at the rear of the school alongside the western boundary.

Given the above, the proposal would accord with paragraph 94 of the Framework to ensure that sufficient choice of school places is available to meet the needs of the existing community.

Impact on the character and appearance of the area

The Framework at paragraph 124 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.

Further at paragraph 127 and 130 of the Framework deal with design. Paragraph 130 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 Local Plan 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 is for a single storey modular building to be erected towards the rear of the site, to provide two additional classrooms with toilet facilities and lobby area. The proposed new teaching block consists of single storey low profile aspect to respond to the surrounding buildings. The existing envelope of the school has a mixture of brickwork and render. The new school building is proposed to be constructed with a Profiled Steel roof plastisol coated light grey and Colourcoat LG prefinished leathergrain steel panels to the walls. The proposal is of a standard design for a modular building, which is similar in height, design and materials to the existing surroundings. Furthermore, the proposed building would not be viewed beyond the school site and would have no impact upon the wider area. The design of the classroom block is in keeping with the existing school buildings with regards to scale and materials and would enhance the quality and attractiveness of the school setting and provides enhanced learning facilities for children.

The proposal would fully accord with Policy P15 of the Local Plan and guidance in the Framework. This matter carries moderate 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 seeks to protect and enhance the amenity of existing and potential occupiers of houses.

The new classrooms and associated ancillary spaces would be located towards the north western boundary of the school site and would be adjacent to the boundary shared with Burman Infant School.

The building would be a minimum of 75m from the properties to the north on Chamberlain Crescent and would also be screened by the existing school buildings in this direction. To the south the proposed building would be a minimum of 70m from the buildings on Burman Close.

Therefore given the separation distance involved the siting of the block would have no unreasonable impact on their amenities with regards to a loss of daylight or sunlight, a loss of privacy, noise and disturbance or an overbearing impact.

In summary, the siting and relationship of the proposed development 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.

What effects does the development have on highway safety and the free flow of the road network outside the school?

Paragraph 108 of the Framework 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 Local Plan 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 development proposals include the provision of a new modular unit to accommodate two new classrooms. The new classrooms will allow for an additional 30 pupils to be accommodated at the school, over a phased intake. An additional five staff members will also be required at the school. The majority of the pupils are currently transported to this school via mini bus and taxi which drop the pupils off and collect them from the school playground and significantly reduces the need for parental drop off and collection. Thus any increase in traffic in the locality of the school would be limited given the mode of transport most pupils arrive and depart the school by.

The Council's Highways Officer has found that it is unlikely that the increase in pupils over a phased intake will generate a significant increase in vehicle trips to result in a severe impact on public highway safety, or on the operation of the local highway network and has raised no objection to the proposal subject to a condition requiring the submission of a Construction Management Plan.

The proposal therefore complies with Policies P7 and P8 of the Solihull Local Plan and guidance in the NPPF. This carries neutral weight in the assessment and determination of this application.

Other Considerations

- 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 balance 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 existing the existing community.

The proposed new classroom block is of an acceptable design, which 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 Local Plan and guidance in the Framework. This matter carries moderate 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.

It is considered that the increase in pupil numbers at the site would not result in a severe impact upon highway safety or the free flow of traffic in the area. Subject to the imposition of a Construction Management Plan condition the proposal would accord with Policy P7 and P8 of the Local Plan and neutral weight should be attributed to the matter in the planning balance

The proposal fulfils the social, environmental and economic objectives of sustainable development when reading the Framework as a whole. Therefore, planning permission should be granted in accordance with the presumption in favour of sustainable development outlined in paragraph 11 of the Framework.

In coming to this decision all representations have been taken into consideration in respect to the proposal and recommendation. In view of the matters set out above, they do not alter the overall conclusion.

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 as shown on plans

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority and Local Highway Authority. The Construction Management Plan shall be strictly adhered to and shall provide for: the anticipated movements of vehicles; the parking and loading/unloading of staff, visitor, and construction vehicles; the loading and unloading of plant and materials; hours of operation and deliveries; the storage of plant and materials used in constructing the development; a turning area within the site for construction vehicles; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

In the interest of highway safety in accordance with Policy P8 of the Solihull Local Plan 2013.