

APPLICATION REFERENCE: PL/2021/00937/PPFL

Site Address: The Bungalow Dickens Heath School Three Acres Lane Dickens Heath Solihull B90 1NA

Proposal:	Change of use of former school caretaker's bungalow (C3) to pre-school childcare unit (E)
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:	Local Authority School with an objection
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Recommendation:	APPROVAL CONSENT SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

This application seeks consent for change of use of the redundant Caretakers House for a pre-school child care unit. 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 siting and relationship of the building would not have any unreasonable impact on the amenities of the neighbouring properties and accords with Policy P14 of the Local Plan.

This report will demonstrate that the development could be achieved without causing undue harm to the amenities of nearby residents, highway safety or character of the area. Accordingly, the proposal is substantially compliant with policies P8, P14 and P15 of the Local Plan and is therefore recommended for approval

MAIN ISSUES

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

- The first main issue is the effect of the proposal on the amenities of the occupiers of neighbouring properties;

- The second main issue is the effect of the proposal on highway safety and the free flow of the road network;
- The third main issue is the effect of the proposal on the character of the area and appearance of street scene;

Other Material Considerations

- Public Sector Equality Duty
- Human Rights

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Dicken Heath Parish Council – No comment on the application

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

SMBC Drainage - No comment on the application

SMBC Highways – No objection subject to condition

SMBC Policy and Spatial Planning – No Objection

SMBC Public Protection – No comment on the application

PUBLICITY

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

2 letters of objection were received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Highway safety

- Increase in traffic issues that already exist
- No drop of facilities on site
- Danger to safety of the children due to traffic
- No additional parking

Other issues

- Longer hours means more impact on the neighbouring properties

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.

On the 13th May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states "Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also 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

The effect of the proposal on the amenities of the occupiers of neighbouring properties

Policy P14 of the SLP seeks to protect the amenity of existing and potential occupiers of houses when considering new developments. Careful consideration

must be made to amenity of both existing neighbours, as well as future occupiers. The policy is consistent with the NPPF and thus carries significant weight.

The proposed use of the building for childcare purposes would involve use of the outside area. However given the location of the building within the school site any possible noise from the rear garden area would be heard against the existing school environment. The proposed childcare will be used between 8am and 6pm. This already happens within the Hub building which forms part of the school campus. Therefore there would be no further impact than already exists. The closest residential properties are those opposite the site in Three Acres Lane circa 15m away. Subject to restrictions relating to times of use attached to any planning permission, it is considered that the proposed use will not result in any undue levels of noise disturbance.

Neutral weight should be attributed to this in the planning balance

The effect of the proposal on highway safety and the free flow of the road network

The NPPF indicates that developments should only be prevented on highway safety grounds if a safe and suitable access to the site cannot be achieved.

Policy P8 of the SLP states that development which results in a reduction in safety for any users of the highway will not be permitted. The policy is consistent with the NPPF and thus carries significant weight.

The development proposals include the change of use of the existing caretaker's building adjacent to Dickens Heath School into a pre-school childcare use. According to the Planning Statement and the Operational Statement submitted in support of the proposals, the pre-school currently operates in 'The Hub' building within the grounds of Dickens Heath School. The proposed use will therefore be relocated from within the grounds of Dickens Heath School to the existing caretaker's building adjacent to the school. It has also been indicated that 'The Hub' building will be used for community uses that will operate outside of school hours, so as not to increase traffic and vehicle movements during the school's peak periods. It is therefore unlikely that the development proposals will generate a significant increase in vehicle trips or increase in demand for parking within the vicinity of the application site, to have a severe impact on public highway safety or on the operation of the local highway network.

The Operational Statement indicates that three off-street car parking spaces will be provided to the frontage of the application site for staff however, this does not appear to have been illustrated. The Highway Authority therefore recommends that a condition is included to provide the car parking spaces prior to the proposed use being implemented.

Given the above the proposal is unlikely to result in any increase in vehicular activity to the site, or to encourage any additional staff to park on surrounding roads.

Your Highway Engineer does not object to the proposal and, in light of the above, the proposal is compliant with Policy P8

Neutral weight should be attributed to this in the planning balance

The effect of the proposal on the character of the area and appearance of street scene

NPPF Para 121 states Local Authorities should take a positive approach to applications for alternative uses of land which is currently developed.

Para 127 in summary seeks to ensure developments function well adding to the quality of an area, are visually attractive, are sympathetic to local character, establish or maintain a strong sense of place, optimise an appropriate mix of development (including green and other public space) and create places that are safe inclusive and accessible with a high standard of amenity.

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. Policy P15 is consistent with policies set out in the Framework and full weight can be attributed to the policy.

The former care-takers house is an existing structure comprising a single storey property that was used as living accommodation until it was vacated in 2019. The building is located to the northern boundary of the site fronting Three Acres lane.

The proposed physical works to enable the proposed conversion of the caretaker's house would involve minor external changes to the building with the bricking up of the garage door and a window installed. Internally the floor space will be altered by opening up the existing internal walls between the kitchen/living room/bedroom 2 and then into bedroom 1 creating an 'L' shaped main room for the Preschool, converting the garage to create the quiet/sleep room. This would include access internally from the main PreSchool room; create suitable toilet facilities by installing 2 child sized toilets, sinks and a baby changing unit into the existing bathroom and redecorate bedroom 3 to use as an office, staff room and an area suitable for meeting parents and other professionals.

Given the location of the existing building and proposed external works being minimal when viewed from surrounding streets, it is considered that there would be no adverse harm to the character of the area, subject to a condition requiring the submission and approval of materials prior to the commencement of work. The proposal therefore complies with Policy P15 of the Solihull Local Plan 2013.

Limited weight should be attributed to this in the planning balance

Public Sector Equality Duty

In determining this application, Members 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 determining this application, Members 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.

Members 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.

Planning balance and conclusion

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 Framework is an important material consideration. It advises that housing applications should be considered in the context of the presumption in favour of sustainable development which, in the absence of an up-to-date Development Plan (as in Solihull) means granting permission unless adverse impacts of the scheme significantly and demonstrably outweigh the benefits (as assessed against the Framework as a whole), or specific policies in the Framework indicate otherwise. This is often referred to as the 'tilted balance'.

The outcome of this application therefore depends on:

- Whether there are any adverse impacts which would significantly and demonstrably outweigh the benefits; and
- Whether the overall planning balance would be in favour or against the scheme.

In terms of the benefits of the scheme, the development would accord with Policies P7, P14, P15 and of the Local Plan and relevant criteria therein.

In terms of adverse impacts, subject to conditions, the development would not conflict with Policies within the Local Plan or guidance in the Framework. This should be accorded neutral weight in the planning balance.

In conclusion, for the reasons outlined above, the proposed development would benefit from the presumption in favour of sustainable development and the overall planning balance must be in favour for this proposal.

In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal. In view of the matters set out above however, they do not alter the overall conclusion.

The proposal is therefore recommended for approval subject to appropriate conditions.

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 – Plan numbers
- 2) CS05 – Time limit
- 3) CS07 – Materials
- 4) The development shall not be occupied until a car parking layout plan has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved plan.

To ensure adequate off-street car parking is provided to accord with Policy P8 of the Solihull Local Plan 2013.

- 5) CR01 – Restriction to this use only
- 6) CN21 – Hours of use