

APPLICATION REFERENCE: PL/2022/00491/PPFL**Site Address:** Bosworth Wood Centre Auckland Drive Smiths Wood Solihull B36 0DD

Proposal:	Erection of a new SEND school, including access arrangements, car parking, landscaping, amenity space, substation, plant and other associated works.
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 approval of an application which in the opinion of the Head of Development Management would have a significant impact outside of its immediate vicinity.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS
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EXECUTIVE SUMMARY

The proposal would accord with paragraph 95 of the Framework ensuring that sufficient choice of school places are available to meet the needs of school pupils with social, emotional and mental health needs. This carries substantial weight in the planning balance.

The design of the school is sound, with legible entrances from Auckland Drive. The building would enhance the quality and attractiveness of the school setting and provide 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 significant weight in the planning balance.

The siting and relationship of the proposed school 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.

Subject to the imposition of conditions, which include a comprehensive landscaping scheme for the school site, ecological mitigation and enhancement, the proposal accords with Policy P10 of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

The proposal would not cause a severe impact on the highway network or highway safety issues. Subject to the imposition of conditions the proposal would accord with Policies P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight should be attributed to the matter in the planning balance.

The proposed development would not conflict with paragraph 99 of the Framework or Policy P20 of the Local Plan. There is a significant surplus of provision within the local area, and, notwithstanding this, the application scheme includes appropriate compensatory measures. The proposals will also support the objectives of paragraph 98 of the NPPF by improving existing facilities, bringing them back into formal use, and ensuring their long-term maintenance. Neutral weight can therefore be attributed to the matter in the planning balance.

All other matters are neutral in the planning balance.

In summary, 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.

In coming to this recommendation, your officers have also taken into consideration representations made in respect to the proposal.

THE PROPOSAL

The proposal is for a new school, commissioned by The Department for Education. The school (The Heights Academy) will be operated by the Forward Education Trust who already oversee several SEND (Special Educational Needs and Disabilities) schools in the area. The Heights Academy will accommodate 116 pupils aged between 7 and 16. Pupils will have an Education Health and Care Plan for Autism with associated Social Emotional and Mental Health (SEMH) needs.

The school will be situated on the site of the former Bosworth Wood Primary School which was demolished in 2021. The site is adjacent to the Auckland Education Centre and Lawnswood Childcare Centre to the East, Auckland Road to the South, playing fields to the West and residential properties (off Vauxhall Crescent) to the North.

The school will open with 48 pupils across all three Key Stages, increasing to 64 in the second year, 80 in the third year, 96 in the fourth year and 112 in the fifth year. The residual capacity at this point will be taken up by an increase in the primary school intake, to reach the maximum capacity of 116 pupils.

As described, the site was previously occupied by the former Bosworth Wood Primary School and subsequently the Auckland Education Centre and privately run Lawnswood Nursery. The buildings were demolished in spring 2021 and the site is therefore clear and vacant. The application site also includes part of the adjoining Bosworth Playing Fields. The development comprises the erection of a new two storey school, together with the creation of a new vehicular access, sports provision

including multi-use games area (MUGA) and grassed pitch, habitat area, associated car, minibus and cycle parking and new landscaping.

MAIN ISSUES

- Principle of Development;
- Impact on the character and appearance of the area;
- The effect of the development on the safety and free flow of traffic on the local highway network;
- The effect of the development on the living conditions of local residents; and
- The partial loss of the adjacent public playing pitch.
- Other Material Considerations:
 - Drainage;
 - Landscape;
 - Ecology;
 - Climate Change;
 - Public sector equality duty; and
 - Human rights
- Conclusion.

CONSULTATION RESPONSES

Statutory Consultees The following Statutory Consultee responses have been received:

Lead Local Flood Authority - No objection subject to condition.

Smiths Wood Parish Council) – Letter of support received but concerns over impact on nearby on-street parking.

Non Statutory Consultees (*list in alphabetical order*) The following Non-Statutory Consultee responses have been received:

SMBC Highways – No objection subject to condition.

SMBC Landscape - No objection subject to condition.

SMBC Public Protection – No objection subject to condition.

SMBC Policy – No objection subject to assessment.

SMBC Urban Design – No objection subject to condition.

West Midlands Fire Service – No objection

Sport England – Objects to the proposal as currently set out with it not being demonstrated that the playing field site is surplus to requirement based on an up-to-date assessment of need and there being no replacement provision proposed, in line with NPPF paragraph 99 and Sport England Exception Policies E1 and E4.

However, should the Council be minded to approve the proposal the following is recommended: community access is secured to the remaining playing field land; the playing pitch improvement details are submitted to and approved by the Council; and the approved works are implemented prior to the occupation of the proposed development.

PRE-CONSULTATION

The Framework recognises that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. Solihull Metropolitan Borough Council adopted its Statement of Community Involvement (SCI) in 2007. The SCI was updated in January 2020. The new SCI is entitled: Reviewing the Plan for Solihull's Future, Solihull Local Plan Review, Statement of Community Involvement (January 2020).

The SCI contains guidelines for developers to follow when consulting on planning applications within the boundaries of the local authority. The document advises that the Council would expect developers of applications for major development to involve the wider community in the development of their proposals at a pre-application stage.

In line with the SCI and Framework a consultation exercise was undertaken to present the proposed development options to residents and stakeholders. The purpose of this consultation was to allow residents, local councillors and other interested parties the opportunity to be involved in the proposals from the beginning.

The applicant carried out a public consultation exercise undertaken in early February 2022 with 1,000 leaflets distributed to properties within the vicinity of the application site. The leaflet directed recipients to a webpage (<https://qaplanning.co.uk/solihull/>) where there was an opportunity to review further information about the proposed development and provide feedback via several methods of communication.

The consultation has also been promoted in the local press and on the Birmingham Live website where other comments have also been lodged.

At the end of the two week-long consultation period, a total of 29 individual responses were received. In summary 17 comments were submitted in support, many making additional points which are set out in the table below. A total of 10 comments supported the proposals with further queries and only 2 responses stated that they did not support the proposals overall.

The submission does not provide any summary if any concerns were raised at the consultation event.

PUBLICITY

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

Two responses were received, both raising an objection to the proposal. The comments received are summarised below:

- Impact on neighbouring amenity – loss of light and noise.
- Increase in pollution from traffic.
- Parking provision and the impact of vehicles parking on-street.
- Impact of the development on the congestion and safety of the highway network.
- Overly dominate building.
- Impact of the design on the character of the area.
- Loss of part of the playing field.

RELEVANT PLANNING HISTORY

▪ **PL/2020/02516/MINFOT** – Demolition works on the site of the former Bosworth Wood Primary School, now known as Summerfield Education Centre (Withdrawn, 2020).

▪ **PL/2017/03389/COU** – Change of use from Class B1 office accommodation to Class D1 education use (Granted, January 2018).

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 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.

The Solihull Local Plan – Draft Submission Plan (October 2020) was submitted to the Secretary of State on the 13th May 2021. The Review Inquiry hearings were held between September 2021 and February 2022. The Review will gain importance in decision making as the review process progresses.

This marks the next stage in the preparation and adoption of the plan. The advice in the Framework 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 considers the proposal against the Development Plan ('Local Plan'), the relevant policies of the Framework, the National Planning Practice Guidance ('PPG').

Principle of Development

Paragraph 95 of the NPPF deals with school places and school expansion and acknowledges the importance of school places being available to meet needs of existing and new communities. It states that "Local planning authorities should take on a proactive, positive and collaborative approach to meeting this requirement...". The proposed development therefore gains support from paragraph 95 of the Framework, which carries on to advise that Local Planning Authorities ('LPA') should give great weight [own emphasis added] to the need to expand or alter schools.

There is a clear and pressing need for additional educational provision in the local area. The proposed development will provide additional educational provision across age groups from 7 to 16 and will provide a much needed facility for autistic children throughout the Borough. The school will meet a shortage of places for junior and secondary age students with an Educational and Health Care Plan for Autism specifically, in addition to associated Social Emotional Mental Health (SEMH) needs. Initially the school will open with 48 pupils across all three Key Stages, increasing over the years to full capacity in year 5. The proposed development will deliver additional educational provision which is a benefit that carries substantial positive weight in the planning balance.

Other benefits arising from the proposal include the contribution towards employment creation during the construction phase. The proposed development would also create 50 jobs rising to 84 teaching staff when the school is at full

capacity. These benefits collectively carry significant positive weight in the planning balance.

Given the above, the proposal would accord with paragraph 95 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.

Policy P15 of the Local Plan requires the retention of the area's character and local distinctiveness, and respect for the streetscape in terms of scale, massing, density and materials and landscape. Paragraph 126 of the Framework requires the creation of high quality, beautiful and sustainable buildings and places. Paragraph 130 requires that development is sympathetic to local character.

The proposal involves a number of elements, namely: a new two-storey school building, extended car parking area, change of use of land to provide playing fields, football pitch, and MUGA.

The site layout has been carefully considered to suit the academy and the specific pupil requirements. The proposal is for a two storey L-shaped building which is set back from the main road in order to provide a green buffer and also accommodate the required car parking and minibus drop off area in front of the building.

The main entrance to the building will be used for primary school pupils and visitors. This entrance is clearly legible from the approach to the building as it is highlighted with the use of the entrance canopy and school signage.

The elevations use a refined and robust palette of materials, namely, buff brick, grey brick and grey render. The grey brickwork is used around the main entrance as a feature.

The building layout has been informed by the three separate elements of the school which are as follows:

1. primary school areas;
2. secondary school areas; and
3. shared spaces e.g. admin, hall, dining etc.

The external areas have been designed to ensure that there is limited overlap between routes for primary and secondary school pupils to access the external play areas. The MUGA and sports pitch and located alongside the west boundary adjacent to Bosworth Playing Fields.

The proposals also include an extended car parking areas along the Auckland Drive frontage and MUGA adjacent to the parking area. The parking areas will extend the former car park area on site to provide additional parking spaces, drop-off spaces and a cycle parking area. The car parking areas would be viewed against the backdrop of the school building and associated infrastructure and landscaping along the site frontage. Officers are satisfied that the parking areas are appropriate in size

and respect the scale and function of the school, and therefore would not detract from the visual amenity or character of the surrounding area.

The MUGA will be located to the west of the school building. The MUGA is modest in size and would be enclosed by 3m fencing. No lighting is proposed. The MUGA would again be viewed against the backdrop of the proposed school building and wider playing fields associated with the school. Officers are satisfied the facility is appropriate in size and respects the scale of the school and therefore would not detract from the visual amenity or character of the surrounding area.

Finally, considering the playing fields and football pitch. These will be located to the north and north-west of the site where the previous school's playing fields were sited. Officers do not consider the siting of the football pitch and playing fields to be out of place or have a detrimental impact on the character of the site or of the surrounding area.

In conclusion, the proposed school building is two-storey in form and will incorporate design features and materials that respect and respond to the surrounding area. The proposed school would enhance the quality and attractiveness of the former 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 significant weight in the planning balance.

The effect of the development on the safety and free flow of traffic on the local highway network

In assessing applications for development, the NPPF states at paragraph 110 that it should be ensured that;

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance including the National Design Guide and the National Model Design Code; and
- 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 111 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.

Paragraph 112 notes that applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

- create places that are safe, secure and attractive, and minimise potential conflicts between pedestrians, cyclists and vehicles;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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 proposed building will be centrally located within the site set back from the road frontage behind the car parking and minibus drop off areas to provide a green buffer along the site frontage. There will be a new dedicated vehicular access to serve the school from Auckland Drive at the western end of the site and a separate pedestrian access with demarcated pedestrian route through the car park to the main school entrance.

The car park will provide a mixture of staff and visitor spaces comprising 55 standard spaces, 4 visitor and 4 accessible spaces, immediately outside the front entrance. There will also be two spaces for parking mini-buses owned by the trust.

The majority of pupils will arrive by minibus and the design incorporates a circular one-way drop off route within the site with space for 15 mini-buses to unload at any one time. The mini-buses will arrive in convoy and enter the secure drop off area which is located directly in front of the primary and secondary entrances. Once all of the mini-buses are within the drop off area, the pupils will be escorted into the building.

A Transport Statement (TS) and School Travel Plan has been submitted by the applicant, in support of the development proposals. The Transport Statement has reviewed the highways and transport implications for the demolition of the Jenson building and erection of a new SEND school, including access arrangements, car

parking, landscaping, amenity space and other associated works off Auckland Drive, Solihull.

The Council's Highway Officers have advised that there are four bus stops available along Auckland Drive, located in close proximity to the application site. The 93 and 94 services operate at the bus stops, which provide services between Smiths Wood to Small Heath and Chelmsley Wood to Birmingham respectively. The 93 service operates hourly and the 94 service operates approximately every 10 minutes. This provides for sustainable alternative modes of transport to get to the school site for teachers, support staff and pupils in some instances.

The development proposals include the creation of a new vehicular access off Auckland Drive to serve the proposed school. The position of the proposed vehicular access will require the existing bus stop and associated infrastructure and road markings to be relocated. The Highway Authority has consulted with Transport for West Midlands (TFWM), who agree with the new location of the bus stop as illustrated on Drawing Number 23595-01 (Proposed Site Access). The new location is also supported by the Council's Highway Management Team.

The proposed vehicular access will measure 6m wide, which should allow two vehicles to pass each other within the access. Furthermore, suitable visibility can be achieved at the proposed access. Thus, the proposed access to the site raises no highway safety issues.

A Transport Assessment (TA) prepared by DTA has been submitted in support of the development proposals. Chapter 5.0 (Traffic Generation and Impact) of the TA indicates that the majority of pupils will travel to / from the site via a minibus service provided by the school. Table 6 (Traffic Generation Forecasts) indicates that the proposals could generate approximately 71 two-way vehicle trips during the AM peak period (08:00-09:00) and approximately 38 two-way vehicle trips during the PM peak period (17:00-18:00). The proposals could generate a total of 218 daily two-way vehicle trips.

The number of vehicle trips generated by the development would not have a severe impact on the operation or capacity of the local highway network. The Highway Authority is mindful that the site was previously used as a school which would likely have generated a higher number of vehicle trips compared to the proposed school, which will offer minibus services.

A total of 63 car parking spaces are proposed within the application site including four disabled bays and four visitor spaces, in addition to 15 minibus drop-off bays. The level of car parking proposed is considered to be acceptable and complies with the Council's Vehicle Parking Standards and Green Travel Plans SPD.

Concerns have been raised by neighbouring residents that the new school will result in an uplift in parked vehicles surrounding the school site in the morning drop-off and afternoon pick-up times. Given that this application is for a SEND school, and by virtue of the needs of the children attending the school, the significant majority of pupils will be arriving and departing via mini-buses. This in conjunction with the short

duration that occurs in the morning drop-off and afternoon pick up would not cause a severe impact on the highway network.

Further there is no evidence in terms of collision data suggesting that the current parking by parents causes an inherent highway safety issue around the school site, but clearly there was formally inconsiderate parking.

Consideration is given to the fact the site was previously in use as a primary school which would likely have generated a greater number of trips than the current proposal.

Subject to the imposition of conditions the proposal would accord with Policies P7 and P8 of the Local Plan and neutral weight should be attributed to the matter 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. Policy P14 of the Local Plan is consistent with policies set out in the Framework and full weight can be attributed to this Local Plan Policy.

The proposal involves the construction of a two-storey building, car parking area, change of use of land to provide new playing fields, and MUGA. The building, playing fields and MUGA would be physically and functionally related to the existing area as this site was previously in use as a school. The car park would be located to the front of the site between circa. 29 metres from the boundary with the nearest residential dwelling on Auckland Drive. The only operational development associated with the creation of the playing fields is a 2.4m high timber acoustic fence and perimeter fencing on the boundary with the dwellings on Vauxhall Crescent. Having regard to the physical scale of the proposed development in relation to the nearest residential properties, it is not considered the proposal would have an adverse effect on the amenity of the occupiers of these properties.

In addition to the physical effect of the proposed development on the amenity of neighbours, the impact of associated activities resulting from the proposal requires careful consideration.

The application has been accompanied three noise assessments. Two reports focus on capturing potential school activity noise impacts as well as those affecting the building/occupants. The third assessment focusses on the use of a newly proposed Multi-Use Games Area (MUGA).

The MUGA Noise Impact Assessment carries out assessment for both 1-hour and 16-hour operational periods and uses both absolute and relative (change in ambient level) criteria to assess impacts. The scenarios tested assume worse case scenarios for noise / MUGA pitch use.

The report demonstrates that the new MUGA pitch is compliant with the absolute level showing a 'slight' impact in terms of change to current ambient noise levels at a couple of locations. However, the slight impacts are likely to be further mitigated to the north, by a noise barrier is erected to the northern boundary of the site (which is proposed in the separate 297742-RSK-RP-001-(01) RSK noise report). Coupled with this, impacts are unlikely to be as significant as projected for properties on Auckland Drive (who will be affected by the close proximity to road traffic noise on Auckland Drive which has not been accounted for in background monitoring). As such the Council's Public Protection Officers do not raise objection to the content or findings.

The second noise assessment seeks to address site noise impacts (including plant and machinery noise design limits / criteria) and some other aspects of necessary sound attenuation (to secure appropriate school environments). The Council's Public Protection Officer is satisfied that subject to the imposition of conditions the necessary sound attenuation can be achieved.

The final noise assessment focusses on school plant noise criteria. Again, the Council's Public Protection Officer is satisfied that the detail of plan and machinery on site can be suitably controlled through the imposition of conditions.

In summary, subject to the imposition of conditions 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 accord with Policy P14 in this regard. This carries neutral weight in the assessment and determination of this application.

The partial loss of the adjacent public playing pitch

Not all the proposed development falls within the curtilage of the existing/demolished school. This site will be extended to the west so that part of the MUGA and school's football pitch will encroach on the adjacent public playing field.

Paragraph 99 of the Framework states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Policy P20 of the Solihull Local Plan – Provision for Open Space, Children's Play, Sport, Recreation and Leisure seeks to prevent the loss of existing facilities unless the need or benefits of the development clearly outweigh the loss and, in such circumstances that appropriate compensatory measures are provided.

Given the above policy and the consideration that part of an existing public playing field to the west of the site is to be lost by in this proposal, appropriate mitigation must be sort.

Pre-application discussions have taken place between the Council, Department for Education and Sport England. As a result of these discussions a detailed mitigation proposal have been prepared by the applicant.

The playing field at the application site has not been formally used for non-school use since at least 2003 when it was fenced off by the local authority. Thus, Sport England are not a statutory consultee, but have been engaged in discussions in respect of the application.

Prior to this it was open land that was freely accessible for informal use by the local community. From 2003, the field was used by Bosworth Primary School until it closed in 2009. After the closure of school, informal community use was reintroduced, and a new pedestrian access was installed in 2008. Written agreements are in place for informal community use, including dog walking, but this does not constitute a license for use of the field. The field has not been used as formal playing pitch provision (and was not identified as a playing pitch within the Solihull Playing Pitch Strategy of 2017) and no pitch has been marked out at the site since at least 2016. Approximately 5,900 sq. m of the existing land at Bosworth Field is required for the proposed development, leaving a remaining area of approximately 7,050 sq. m.

A review of the Playing Pitch Strategy has been undertaken as part of discussions with Sports England. Existing sports pitch infrastructure is quite densely distributed within this northern part of Solihull and there are several pitch locations in immediate reach of Auckland Drive. A review of current supply and demand for football pitches has also been undertaken and has found considerable spare pitch capacity in the area. Overall, there is 17.5 match spare capacity of peak equivalent sessions in the northern wards of the Borough. There is capacity across adult, youth and mini sessions. There is also general spare capacity available that could facilitate training requirements and increases the spare capacity to 87.5 match equivalent sessions.

The Playing Pitch Strategy confirms that there is no unmet football demand in the Borough, if latent demand were to take up capacity in the north of the Borough there would still be spare capacity which would be sufficient to meet future demand. Furthermore, the Council has identified that there are flexible options for pitch supply in order to meet any new demand including disused pitches at Babbsmill Park and Blue Bell Recreation Ground. Given the scale of the available capacity, the Mitigation Proposal suggests that mitigation of any net loss due to the proposed development may not be required. When taking account of the new grass pitch that is proposed as part of the proposed development (with an area of 3,095 sq. m), the net loss is calculated to be 2,816 sq. m.

Notwithstanding this, the applicant's mitigation proposal sets out two key areas of compensatory measures to be secured by condition for the proposed new school development:

- Securing the tenure of the remaining land at Bosworth Field and marking this out for two pitches (1 x Youth 9v9 pitch and 1 x Mini Soccer 5v5 pitch).
- In addition, the Council's Children's Services and Skills Department will commit a funding contribution of £50,000 to schemes in the local area to improve the quality of existing pitches.

At the time of writing, discussions with the Council's Children's Services Team and Leisure & Physical Activity Team are taking place to find a suitable club or institution where the £50,000 uplift can be used for pitch improvements.

The concerns from Sport England are noted and they comment that there is a lack of provision for larger 11v11 pitched in the Borough. The securing tenure of the remaining land at Bosworth Field and marking this out for two pitches (1 x Youth 9v9 pitch and 1 x Mini Soccer 5v5 pitch) in combination with the £50,000 funding towards off-site pitch improvements is considered to be appropriate mitigation for the loss of part of the Bosworth Field

Given the above, it is considered that the proposed development would not conflict with paragraph 99 of the NPPF or Policy P20 of the Local Plan. There is a significant surplus of provision within the local area, and, notwithstanding this, the application scheme includes appropriate compensatory measures. The proposals will also support the objectives of paragraph 98 of the NPPF by improving existing facilities, bringing them back into formal use, and ensuring their long-term maintenance. Neutral weight can therefore be attributed to the matter in the planning balance.

Other considerations

- Drainage

Paragraph 163 of the NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased via a flood-risk assessment.

Policy P11 of the Local Plan advises that all new developments shall incorporate sustainable drainage systems, unless it is shown to be impractical to do so. Developers shall ensure that adequate space is made for water within the design layout of all new developments to support the full use of sustainable drainage systems and shall demonstrate that improvements to water environment will be maximised through consideration of a range of techniques.

SMBC Drainage Engineers have reviewed the submitted information and advised that the revised detail to incorporate permeable paving, tree pits and underground attenuation tanks meets the requirements of the current Policy P11 of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

- Landscaping

Policy P10 of the SLP recognises the importance of a healthy natural environment in its own right. Policy P14 of the SLP requires new development to safeguard

important trees, hedgerows and woodlands. The policy is consistent with the NPPF and thus carries significant weight.

Initially, the hedgerow at the frontage with Auckland Drive was proposed to be removed. However, following further negotiations with the applicant amended details have now been submitted indicating that the hedgerow is now being retained and pruned back. This is a positive response to comments and acknowledges the importance of this landscape feature.

One of the large ash trees (T4) at the front of the site is now to be removed and the proposal to mitigate this with 4 replacements at 14-16cm. The Council's Landscape Architect has confirmed that this detail is acceptable, but advises that there are currently issues with availability of oak trees at this size due to Oak Processionary Moth restrictions, as a result, it has been suggested that these trees may need to be changed to a fastigate lime (*Tilia cordata* Greenspire). Such an amendment can be addressed in the submission landscape scheme (see condition 17).

Subject to the imposition of conditions the proposal safeguards and enhances the landscape character of the site and complies with Policy P10 of the Local Plan and can be afforded neutral weight in the planning balance.

- Ecology

Policy P10 of the Solihull Local Plan 2013 seeks to protect habitats and to conserve, enhance and restore biodiversity. The policy is consistent with the NPPF and thus carries significant weight.

An Ecological Impact Assessment (EclA) and revised metric has been submitted in support of the application. The report concludes that the proposed development will result in a net gain to biodiversity with no predicted impacts on protected species. The Council's Ecologist has confirmed that she has no objection to the proposal subject to the imposition of conditions. Subject to the imposition of conditions, the proposal accords with Policy P10 of the Local Plan and guidance in the Framework. Neutral weight can therefore be attributed to the matter in the planning balance.

- Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable urban drainage are secured, a net gain in biodiversity is achieved and landscaping is maximised, limiting tree loss and requiring landscape mitigation and landscape schemes more generally. Officers also note that schools will be constructed to modern Building Regulation standards and will therefore have a far greater thermal efficiency than older schools. Whilst not yet reaching net zero, such standards will, by their very nature, help reduce energy demand for heating, lighting and cooling and minimise carbon dioxide emissions.

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 request for approval, 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. The recommendation for approval is considered a proportionate response to the submitted request based on the considerations set out in this report.

Conclusion

The proposal would accord with paragraph 95 of the Framework ensuring that sufficient choice of school places are available to meet the needs of pupils with social, emotional and mental health needs. This carries substantial weight in the planning balance.

The design of the school is aesthetically pleasing, with legible entrances from Auckland Drive. The building 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 significant weight in the planning balance.

The siting and relationship of the proposed school 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.

Subject to the imposition of conditions, which include a comprehensive landscaping scheme for the school site, ecological mitigation and enhancement, the proposal accords with Policy P10 of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

The proposal would not cause a severe impact on the highway network or highway safety issues. Subject to the imposition of conditions the proposal would accord with Policies P7 and P8 of the Local Plan and guidance in the Framework. Neutral weight should be attributed to the matter in the planning balance.

The proposed development would not conflict with paragraph 99 of the Framework or Policy P20 of the Local Plan. There is a significant surplus of provision within the local area, and, notwithstanding this, the application scheme includes appropriate compensatory measures. The proposals will also support the objectives of paragraph 98 of the NPPF by improving existing facilities, bringing them back into formal use, and ensuring their long-term maintenance. Neutral weight can therefore be attributed to the matter in the planning balance.

All other matters are neutral in the planning balance.

In summary, 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. In coming to this recommendation, your officers have also taken into consideration all of the representations made in respect to the proposal.

RECOMMENDATION

Approval is recommended subject to the following precis of conditions, a full list of planning conditions is available using the following link:

[Search for Planning and Building Control applications | solihull.gov.uk](https://solihull.gov.uk)

- 1 CS00 - Compliance with all plans
- 2 CS05 - Commencement within 3 years
- 3 CS06 - Materials to be submitted

4. The development hereby approved shall not be occupied until the new vehicular access off Auckland Drive has been laid out in general accordance with Drawing Number 23595-01 (Proposed Site Access) and constructed to the standard specification of the Local Highway Authority.

In the interests of highway safety to accord with Policy P8 of the Solihull Local Plan 2013.

5. The vehicular access hereby approved shall not be installed until the existing bus stop and associated infrastructure and road markings on Auckland Drive have been removed, and a new bus stop and associated road markings and equipment have been provided along Auckland Drive in general accordance with Drawing Number 23595-01 (Proposed Site Access).

In the interest of highway safety and to encourage the use of sustainable travel modes in accordance with Policy P8 of the Solihull Local Plan 2013.

6. The development hereby approved shall not be occupied until details of a scheme for the implementation of a pedestrian crossing on Auckland Drive has been submitted to and approved in writing by the Local Planning Authority. The pedestrian crossing shall be implemented in accordance with the approved scheme and constructed to the standard specification of the Local Highway Authority.

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

7. The development hereby approved shall not be occupied until a School Travel Plan has been implemented in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the school shall review the Travel Plan on a biannual basis. The review report shall be submitted biannually to and approved in writing by the Local Planning Authority.

To promote more sustainable transport choices in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

8. No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no occupation until the scheme is operational. The submitted details shall include, as a minimum:

a) Drawings showing overall site concept design principles
b) Site layout plan, incorporating SuDS drainage design (as shown on drawing 'Drainage Layout' Project No 221-323, DWG No 100, P10, 19.04.2022), site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.

c) Surface Water Drainage Design including:

- Confirmation of the lifetime of the development.
- Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances').
- Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology.

- Confirmation of discharge rates and volumes (both pre and post development)
- Confirmation of proposed discharge location.
- Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMBC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
- Engineering details for all surface water drainage features.
- Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD.
- Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site.

d) Surface Water Drainage adoption and maintenance strategy.

e) On and off-site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding.

f) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

The drainage scheme thereafter shall be implemented, maintained and managed in accordance with the approved details.

To secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan 2013.

9. No occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment has been submitted in writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority and Lead Local Flood Authority. The details shall include:

- a) Any departure from the agreed design is in keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) Confirmation that the system is free from defects, damage and foreign objects.

To secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan 2013.

10. A detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority before first occupation of the development hereby approved. The plan should include details of and maintenance of all new planting. Details of species used and sourcing of plants should be

included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full.

To ensure a net biodiversity gain in accordance with Policy P10 of the Solihull Local Plan and NPPF.

11. CL03 – Barriers around trees to be retained
12. CL07 - Replacement of trees or hedging lost

13. Before the development hereby approved is first brought into use a detailed scheme to enhance playing pitches in the area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

To secure off-site playing pitch enhancement in accordance with Policy P20 of Solihull Local Plan.

14. The Multi-Use Games Area (MUGA), and other external areas used for games and sporting activities hereby approved, shall be solely for school use and shall not be used or operated outside of the hours of:

- 08:30 to 18:00, Monday to Friday
- No use on Saturdays, Sundays or Bank Holidays

In the interest of neighbour amenity and Policy P14 of the Solihull Local Plan.

15. All external plant and machinery hereby approved shall be installed and used in accordance with the Mach Acoustics Ltd report 'THE HEIGHTS Plant Noise Impact Assessment 001478-MAL-XX-XX-RP-Y-9003, Tilbury Douglas Construction Ltd, dated 13/06/2022 (Ref: NS 220531 – The Heights – Environmental Noise Assessment Report Revision PO1).

Where information on noise impacts from proposed external plant and machinery has not been fully reported or is not complete (for example where it was not available at the time of writing technical submissions), the subsequent installation and use of any such equipment shall be subject to update and prior approval in writing by the Local Planning Authority.

Supplementary information shall include, as necessary, assessment and modelling of cumulative noise impacts associated with the operation and use of all external plant and machinery, any air conditioning, and all electrical or mechanical systems.

Once written approval has been issued, the noise impacts and any necessary control measures must be implemented before the use commences, maintained, and used in accordance with agreed schemes thereafter.

In the interest of neighbour amenity and Policy P14 of the Solihull Local Plan.

16. Before external playing pitches / Multi-Use Games Areas (MUGA) hereby approved are brought into use details of boundary treatments to the development site shall be submitted for approval by the Local Planning Authority. Information shall include the provision of drawings and information on the location, height, and specification of any noise barrier to the north of the site and shall also confirm all weldmesh fencing (enclosing the MUGA) shall be securely clamped with resilient fixings (e.g. EPDM inserts) to avoid the transmission vibration / fence rattle when impacted with balls etc.

Approved boundary treatments shall be implemented and retained thereafter.

In the interest of neighbour amenity and Policy P14 of the Solihull Local Plan.

17. Before the development hereby approved is brought into use, a kitchen extract ventilation system incorporating:

- • grease filtration / suppression and
- • odour mitigation, attenuation*, filtration and/or suppression

shall be installed in accordance with a scheme to be submitted to and approved by the Local Planning Authority

*attenuation mechanisms may include for acceptable vertical discharge heights and subsequent diffusion / dissipation over appropriate distances, where relevant. Thereafter the kitchen extract ventilation system shall be used and maintained in accordance with the approved scheme

In the interest of neighbour amenity and Policy P14 of the Solihull Local Plan.

18. All demolition and construction work shall be carried out in accordance with recommendations as set out within the following reports-

- TILBURY DOUGLAS RISK ASSESSMENT EHS-RSK-001, Contract; The Heights, Contract No. WDB3566; Activity / Operation; Nuisance, Ref; CEMP'
- • 'Construction Environmental Management Plan – Appendix B', no date, reference or revision number provided
- • TILBURY DOUGLAS CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) R101B Ref: R101B 12022020, no date or revision

To safeguard the character and appearance of the area and amenities of neighbours in accordance with Policy P14 and P15 of the Solihull Local Plan.

19. No lighting and/or floodlighting shall be installed or used on site at any location so as to be used to light external playing fields, pitches, any Multi-Use Games Areas

(MUGA) or any other external play or amenity space (that is used for exercise, sport or play).

In the interest of neighbour amenity and Policy P14 of the Solihull Local Plan.

20. The use of the Multi-Use Games Area (MUGA) hereby approved shall be in accordance with 'The Heights Academy, MUGA Noise Impact Assessment, 23.2.2022' by Mach Acoustics unless agreed in writing with the Local Planning Authority.

To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan.

Note : Condition numbers 10-12 require works to be carried out within the limits of the public highway. Before commencing such works the applicant / developer must enter into a Section 278 Agreement. Applications should be made to the Highway Services Team and can be contacted at duljit.madhar@solihull.gov.uk or 0121 704 6487.

- EV charging
- Climate Change – Building Control