

# PLANNING DECISION NOTICE

## DETERMINATION OF APPLICATION FOR PLANNING PERMISSION

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

<b>Application No:</b>	PL/2021/01418/PPFL
<b>Case Officer:</b>	Matt Preece
<b>Date of Decision:</b>	10 <sup>th</sup> March 2022
<b>Location:</b>	Cheswick Green Primary School , Cheswick Way, Cheswick Green, Solihull
<b>Proposed Development:</b>	Expansion of the existing 1FE primary school to form a new 2FE school for 420 pupils ranging from Reception to Year 6. In addition to the 420 pupil intake, there will be 30 pre-school and 60 nursery children attending the school as a result of the proposal. The existing school site area will increase to 19,828m <sup>2</sup> from 16,305m <sup>2</sup> . The proposal will consist of an additional 5 new class bases for year 1 to year 6. An additional reception class base and extended nursery provision together with internal alterations, additional on staff site parking provision an external enclosed MUGA and minor reconfiguration of the external play space for the KS1 play areas and access paths. The proposal will also seek permission for a temporary access route to be established via Creynolds Lane from the east of the site via the existing adjacent field next to the school sports field.
<b>Date Registered:</b>	7 <sup>th</sup> June 2021
<b>Applicant:</b>	Mr Tim Browne
<b>Agent:</b>	

The Solihull Metropolitan Borough Council as Local Planning Authority hereby **GRANTS PERMISSION SUBJECT TO CONDITIONS** as shown below, for the above described development.

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The development must conform with the terms and approved plans and must remain in conformity with such terms and plans, subject to and save as may be otherwise required by any of the following conditions:-

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

- 17011-BDS-ZZ-XX-DR-A-1000-S4-P02 Site Location Plan
- 17011-BDS-ZZ-XX-DR-A-1002-S4-P02 Proposed Block Plan
- 17011-BDS-ZZ-XX-DR-A-1004-S4-P02 Proposed Floor Plan
- 17011-BDS-ZZ-XX-DR-A-1007-S4-P04 Proposed Roof Plan
- 17011-BDS-ZZ-XX-DR-A-2004-S4-P04 Proposed North Elevation
- 17011-BDS-ZZ-XX-DR-A-2005-S4-P04 Proposed East Elevation
- 17011-BDS-ZZ-XX-DR-A-2006-S4-P03 Proposed South Elevation
- 17011-BDS-ZZ-XX-DR-A-2007-S4-P03 Proposed West Elevation

To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policies P14 and P15 of the Solihull Local Plan 2013.

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

3. No 'above-ground' building works shall proceed above damp-proof course level or equivalent on any buildings or structures hereby approved until a schedule and samples of all bricks, tiles and other materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To safeguard the visual amenities of the area in accordance with Policy P15 of the Solihull Local Plan 2013.

4. The development authorised by this permission shall not begin until the highway Traffic Regulation Order(s) as detailed in drawing numbers:

- o 05214 A 0101 P1 (Highway Improvement General Arrangement);
- o 05214 A 0102 P1 (Highway Improvement Geometry Plan);
- o 05214 A 0103 P0 (Proposed Zebra Crossing General Arrangement);

within Appendix A of the Technical Note (12th January 2022): Transport Measures - Deliverability Statement, have been completed in accordance with those drawings and constructed to the standard specification of the Local Highway Authority, and have been certified in writing as complete by the Highway Authority.

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Reason: In the interests of transport efficiency and highway safety in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

5. No development shall commence until a Walking Bus scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details showing:

- (a) Extent of scheme;
- (b) Defined routes and pick-up/drop-off points;
- (c) Deployment of resources; and
- (d) Marketing/promotion

The approved details shall be implemented as agreed and the scheme shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of transport efficiency and highway safety in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

6. The building extensions hereby approved shall not be occupied until a scheme for the provision of a dedicated school bus service between Cheswick Green Primary School and Blythe Valley Park has been submitted to and approved in writing. The scheme shall include details showing:

- (a) The location of bus stops and route(s);
- (b) Bus capacity;
- (c) Timings of bus service(s); and
- (d) Number of staff travelling on bus service(s)

The approved details shall be implemented as agreed and the scheme shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of transport efficiency and highway safety in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

7. The building extensions 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.

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

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8. The building extensions hereby approved shall not be occupied until the existing before and after school clubs have been expanded and wrap-around care provided in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: In the interests of transport efficiency and highway safety in accordance with Policies P7 and P8 of the Solihull Local Plan 2013.

9. The building extensions hereby approved shall not be occupied until a Car Parking Management Strategy has been submitted to, and approved in writing by, the Local Planning Authority. The car park shall thereafter only be operated in accordance with that approved strategy.

Reason: In order to secure the satisfactory management of the car park to ensure adequate car parking is provided in accordance with Policy P8 of the Solihull Local Plan 2013.

10. 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; hours of operation and deliveries; vehicle routeing; and, wheel washing facilities and other measures to prevent mud/debris being passed onto the public highway.

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

11. 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, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- c) Surface Water Drainage Design including:
  - o Confirmation of the lifetime of the development
  - o 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'),
  - o Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
  - o Confirmation of discharge rates and volumes (both pre and post development)
  - o Confirmation of proposed discharge location.

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- o Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC 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.
- o Engineering details for all surface water drainage features
- o 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;
- o 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 scheme shall be implemented, maintained and managed in accordance with the approved details.

Reason: To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

12. The development shall not be commenced until such time as the detailed design of any proposed alleviation measures to manage the surface water flood risk within the site, insuring no increase in offsite flood risk, has been submitted to, and approved in writing by, the Local Planning Authority and Lead Local Flood Authority. The submitted details shall include:

- a) Detailed hydraulic modelling/calculations confirming the appropriate sizing of any required flood alleviation features
- b) Full detailed design drawings, where appropriate
- c) Design reporting including methodology and maintenance commitments

The scheme shall be fully implemented/operational and subsequently maintained, in accordance with the timing / phasing arrangements to be agreed, in writing, by the Local Planning Authority.

Reason: To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

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13. The building extensions hereby approved shall not be occupied until a Verification Report for the installed surface water drainage system for the site based on the Flood Risk Assessment (CGR-WSP-XX-XX-RP-0500 RV2) 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.

Confirmation that the system is free from defects, damage and foreign objects

Reason: To secure the satisfactory drainage of the site in accordance with the NPPF, as well as Policy P11 and P15 of the Solihull Local Plan 2013.

14. The MUGA hereby permitted as shown green on drawing number 17011-BDS-ZZ-XX-DR-A-1002-S4-P02 (Proposed Block Plan) shall only be used in connection with Cheswick Green Primary School and shall at no time be available for use by the wider community unless otherwise agreeing in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbours in accordance with Policy P14 of the Solihull Local Plan 2013.

15. The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

To minimise the effect and enhance the character of the development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period



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of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

To minimise the effect and enhance the character of the development in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

17. Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

To retain the character of the landscape in accordance with Policy P10 and P15 of the Solihull Local Plan 2013.

18. A Landscape and Ecology Management Plan (LEMP) including short (1-5years), medium (5-15 years) and long term (15-30 years) design objectives, management actions, responsibilities, future monitoring and maintenance schedules for all landscape, habitat mitigation and compensation works, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the building extensions hereby approved. The LEMP shall be carried out as approved.

Reason: In the interests of protected species and habitats and trees and hedgerows of significance in accordance with Policies P10 and P14 of the Solihull Local Plan 2013

19. The building extensions hereby approved shall not be occupied until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority detailing:

The demolition and remove of resulting material from the land of the temporary construction vehicular access and route identified Drawing Number 05214-A-0001-P1 (General Agreement) within Appendix A (Construction Access Drawings) of the Technical Note (26th January 2022): Cheswick Green Primary School - SMBC Highway Response (Construction Access) and the reinstatement of the area as detailed in Drawing Number A478 02 01 C (Landscape Concept Plan).

Development shall be carried out in accordance with the approved details.

Reason: In order to define the terms of the permission and safeguard the openness and purposes of the Green Belt and visual amenity of the countryside in accordance with Policies P15 and P17 of the Solihull Local Plan 2013 and NPPF.

20. The temporary construction vehicular access shall not be used until it has been laid out and constructed in general accordance with Drawing Number 05214-A-0001-P1 (General Agreement)

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within Appendix A (Construction Access Drawings) of the Technical Note (26th January 2022): Cheswick Green Primary School - SMBC Highway Response (Construction Access), and constructed to the standard specification of the Local Highway Authority. Upon completion of the construction of the development, the vehicular access shall be closed and the kerb and footway shall be reinstated to the standard specification of the Local Highway Authority.

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

21. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expects to see details concerning appropriate working practices and safeguards for nesting birds, badgers, hedgehogs, reptiles and amphibians that are to be employed whilst works are taking place on site. The CEMP should also include working practices relating to invasive species. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development and to prevent the spread of invasive species.

22. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition, the Local Planning Authority expects lighting to be restricted at the north and on the periphery of the site and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal species. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas;
- Lighting should be shielded to avoid spillage onto vegetated areas;
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods;
- Connections to areas important for foraging should contain unlit stretches.

Reason: In accordance with NPPF, ODPM Circular 2005/06

23. No development shall commence until full details of:

- (a) the works/contractors compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials);
  - (b) a scheme for the removal of the works/contractors' compound and the restoration of the existing playing field land and the creation of new playing field land on which it is situated;
- are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.



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The works/contractors compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored and the new playing field land is constructed in accordance with the approved details before occupation of the building extensions hereby approved unless otherwise agreeing in writing with the Local Planning Authority. The new playing field land shall be constructed and laid out in accordance with the drawing number A478 02 01 C (Landscape Concept Plan) and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011).

Reason: To ensure the quality of pitches is satisfactory and they are available for use before occupation of the development and to accord with Policy P20 of the Solihull Local Plan.

24. No development shall take place until:

- a) a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work has been submitted to and approved in writing by the Local Planning Authority.
- b) the programme of archaeological evaluative fieldwork and associated postexcavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.
- c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.

The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

Reason: To ensure adequate opportunity for site research and recording in accordance with Policy P16 of the Solihull Local Plan 2013.

## **Reason for Approval**

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority has worked positively and proactively with the applicant during the application process to check and/ or identify any required solutions to ensure that the proposal is sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan.

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Any solutions identified have been incorporated into the proposal and/or have been secured by planning condition(s). On this basis the Local Planning Authority have therefore implemented the requirements in Paragraphs 38 'Decision taking' of the National Planning Policy Framework.

The following policies of the Solihull Local Plan 2013 were considered relevant:

- P7 - Accessibility and Ease of Access
- P8 - Managing Demand for Travel and Reducing Congestion
- P9 - Climate Change
- P10 - Natural Environment
- P14 - Amenity
- P15 - Securing Design Quality
- P16 - Conservation of Heritage Assets and Local Distinctiveness
- P17 - Countryside and Green Belt
- P20 - Provision for Open Space, Children's Play, Sport, recreation and Leisure

National Guidance

National Planning Policy Framework (2021)  
National Planning Practice Guidance

**Signed**



**Mark Andrews**  
Head of Planning, Design and Engagement  
Services

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## TOWN AND COUNTRY PLANNING ACT 1990

### **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision of your application, then you must do so within: 28 days of the date of the service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice.

If this is a decision to refuse planning permission other than those specified above, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice,

If this is a decision to refuse permission for works to a TPO tree, if you want to appeal against your local authority's planning decision then you must do so within 28 days of the date of this notice.

**Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>.**

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.