

Q+A Planning
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Solihull Metropolitan Borough Council
Development and Regulatory Management
Council House
Manor Square
Solihull
B91 3QB

18 July 2023

Dear Sir / Madam,

**RE:PP-12255996 Section 96A Non-Material Amendment at The Heights Academy,
Auckland Drive, Smiths Wood, Solihull**

On behalf of our client Tilbury Douglas Construction Ltd, please find enclosed an application requesting a Non-Material Amendment (NMA) under section 96A of the Town and Country Planning Act 1990 pursuant to application reference **PL/2022/00491/PPFL**.

Permission was granted on the 19 July 2022 for the:

'Erection of a new SEND school, including access arrangements, car parking, landscaping, amenity space, substation, plant and other associated works'.

Proposed Amendments

The NMA application seeks to make two amendments, the first being a change to the wording of condition 9.

Change 1

Planning condition 9 states:

'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.*

The purpose of condition 9 is to secure the satisfactory drainage of the site in accordance with policy P11 and P15 of the Solihull Local Plan.

Construction work on site is continuing at pace at the Heights Academy, ready for a September 2023 intake, and whilst the majority of the drainage is now installed it will not be completed until July, which will not allow time for it to be surveyed, inspected and a report be produced prior to the required occupation in September 2023. It is therefore requested that the 'trigger point' for the eventual discharge of condition 9 is changed from 'No occupation will commence' to 'within 3 months of occupation...'.

For the avoidance of doubt, condition 9 is requested to read as follows:

'Within 3 months of the development being first brought into use a Verification Report for the installed surface water drainage system for the site based on the approved Flood Risk Assessment shall be 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.'*

Change 2

The second requested change relates to minor changes to the approved Landscape GA plan as listed in condition 1 of the decision notice - reference 001478-ADP-00-00-DR-L1900-LANDSCAPE GA-D3 T14.

The changes to the landscape plan are twofold. Firstly, it is proposed to relocate one of the trees to the south of the car parking. Due to the drainage layout requirements, one tree cannot now be satisfactorily accommodated in its approved location and the revised plan shows this relocated to the west. Importantly, the changes proposed relate to the position of the trees only, there is no change to the type, number or total new trees to be provided.

Secondly, it is proposed to reposition part of the front hedgerow there is concern from the school operators regarding security of the entrance gates. Specifically, that the proposed new portion of hedge to the entrance of the school site could create a 'hiding zone' leading to a security risk for children and therefore it is proposed to form a 'dog leg' around the secure gated mini bus entrance to prevent this.

Importantly, there is no loss in the amount of trees or hedges proposed due to the amended layout and therefore will be no net change in terms of Biodiversity Net Gain.

Section 96A of the Town and Country Planning Act 1990 allows changes to be made to conditions where these are not material to the planning permission as originally granted.

Moreover, the legislation makes clear that in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with any previous changes made under this section on the planning permission as originally granted.

The proposed amendment would not:

- affect the scale of the approved scheme;
- affect the overall design and appearance of the development as originally approved; or
- result in any physical changes to the consented development.

In short, the changes are principally required to ensure that there is sufficient time to complete the necessary survey work and ensure the school can be handed over to the Department for Education for opening in September 2023.

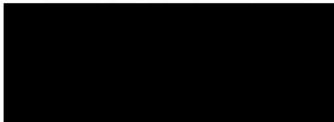
Importantly, it is not considered that anyone would be individually affected by a delay on discharging condition 9 within 3 months of opening or by the repositioning of trees or hedges within the site, and that these changes do not constitute a material change.

The proposed changes fall within the remit of s96A of the Town and Country Planning Act 1990 and can be dealt with by way of an NMA.

The application form, certificates and relevant documents have been submitted electronically via the Planning Portal and the requisite fee of £234 paid online at the point of submission.

I trust that you have all necessary information required to determine this application. However, should you require any further detail please do not hesitate to contact me.

Yours sincerely,



Emma Whitney
Principal Planner

For and on behalf of

Q+A Planning Ltd