

<b>Application Number:</b>	2018/0589	<b>Application Type:</b>	Outline
<b>Proposal:</b>	New 3-court Sports Hall, with changing and shower facilities (inc Access / Layout / Scale)	<b>Location:</b>	Tor View School Clod Lane Haslingden
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	17/03/20
<b>Applicant:</b>	Tor View School	<b>Determination Expiry Date:</b>	20/03/20
<b>Agent:</b>	AHR Building Consultancy Ltd		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	No
<b>3 or more objections received</b>	No
<b>Other (please state):</b>	The proposal entails construction of a sizeable building within the Green Belt.

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. **RECOMMENDATION**

That Outline Planning Permission be granted subject to the conditions set out in Section 10.

## 2. **SITE**

Tor View School occupies a site of 2.1 hectares that is accessed from Manchester Road (B6527) via Clod Lane. It makes use of a complex of single storey buildings to the east side of Clod Lane, some of brick construction with grey tiled roofs and others with flat-roofs.

To the opposite side of Clod Lane, and bounding the site to the north side are residential properties. To its east side is Manchester Road and to the south side is the Ewood Campus (formerly the Ewood Day Centre), which is also in the Applicant's ownership.

The school provides education for residents of Rossendale and further afield, aged 3-26 years, with special educational needs.

Whilst the residential properties to the north and west lie within the Urban Boundary of Haslingden, the school and land to its east and south sides is within the Green Belt.

## 3. **PROPOSAL**

Outline Planning permission is sought to erect a sports hall within the grounds of the school. At this stage permission is for the siting, scale and means of access to the sports hall, with consideration of the appearance and landscaping reserved for later consideration.

The sports hall is to be sited just to the south-east of the existing complex of buildings, thereby having a setback from Clod Lane of 75m. It is to have a footprint of 18.5m x 29.5m, with an eaves-height of 9.25m and a ridge-height of 10.25m. It is presently envisaged that its low-pitch roof will be covered with grey-coloured metal-sheeting and the upper-part of external walls to be clad but otherwise of brick to match the existing buildings. To its west side - connecting it to the existing buildings - will be changing rooms/toilets, whilst connected to the east side will be a lean-to equipment store, in both cases to be of no greater height than existing school buildings.

The proposed buildings will not result in loss of any of the off-street car parking spaces presently available for use by staff and visitors. However, they will encroach upon a corner of the school playing field, obstruct the tarmacked path that circles it and displace a small hard-surfaced play area & a cycle-store.

The Design & Access Statement accompanying the application states that the proposed facility is of a size to accommodate three badminton courts and is intended to provide all-year round indoor-sports facilities for pupils that are not presently available.

The application was also accompanied by a letter of support from Lancashire County Council's (LCC) Head of Service for Special Educational Needs & Disability Children's Service.

## 4. **PLANNING HISTORY**

2012/0256 Refurbishment of Ewood Day Centre for use as a Post 16 Special School, entailing Demolition of Holmewood View Residential Unit and provision of Car Parking, Multi Use Games Area and Outdoor Teaching Area

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
- Section 8 Promoting Healthy & Safe Communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well-Designed Places
- Section 13 Protecting Green Belt Land
- Section 14 Meeting the Challenge of Climate Change, etc
- Section 15 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **RBC Core Strategy (2011)**

- AVP6 Area Vision for Haslingden & Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 8 Transport (inc Appendix 1 Parking Standards)
- Policy 9 Accessibility
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and Its Communities
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

### **Other**

National Planning Practice Guidance

## 6. **CONSULTATION RESPONSES**

### **Sport England**

It initially objected to permission being granted for the proposed sports hall on the grounds that it prejudices the use, or leads to the loss of use, of land being used as a playing field and it not having been demonstrated to meet one or more of its specific exceptions.

After protracted discussions between the School and Sport England it has now withdrawn its objection:

Sport England raises **no objection** to this application, which is considered to meet Exception 5 of our adopted Playing Fields Policy, subject to conditions relating to agreement of location for any contractors compound, meeting appropriate design guidance and securing a Community Use Agreement.

In amplification:

The proposal is for a new sports hall to the rear of the Tor View School, which is a school for children with Special Educational Needs. The chosen location for the hall clips a corner of the existing playing field and reduces its area by approximately 400m<sup>2</sup>, taking up a roughly triangular shaped piece of playing field close to the school.

It therefore needs to be considered against Exception 5 of the above policy, which states:

*'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'*

The absence of an objection is subject to the following condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

1. No development shall commence until full details of the works/contractors' compound (including buildings, moveable structures, works, plant, machinery, access and storage of vehicles, equipment or materials) are submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]...
2. No development shall commence until details of the design and layout of the sports hall and ancillary supporting facilities have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]...
3. Use of the development shall not commence/No development shall commence [or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Tor View School Sports Hall and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

#### LCC Highways

No objection to the principle of the development.

Ensure that there is no clash between student use and community use and their respective parking demands.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted and letters were sent to neighbours.

The following comments have been received:

#### 10 Clod Lane

Objection

I have lived here for over 30 years but in recent months have found it difficult at times to exit and return to my drive because of parked cars associated with the school. I expect this proposal to result in more staff and therefore more cars.

Rumours are that the new facilities will be used outside school times - is this a commercial venture?

#### 12 Clod Lane

If the new sports hall will increase the demand for parking I have an objection. Parking congestion already occurs on most school weekdays with Tuesdays being particularly

problematic between 9am to 4pm. Parking congestion occurs on both sides of the road with frequent parking on the pavement posing safety issues.

## 8. **ASSESSMENT**

In dealing with this application the main issues which need to be considered are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking

### Principle

Notwithstanding that the proposed sports hall is to be located within the grounds of the existing school, it will be within the Green Belt, as defined on the Proposals Map accompanying the Council's adopted Core Strategy.

Policy 1 of the Council's Core Strategy states that proposals outside of the Urban Boundary will be determined in accordance with the relevant national and local planning guidance. Section 13 of the National Planning Policy Framework sets out Central Government policy in respect of Green Belt land:

*"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* (para 133)

*"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* (para 143)

*"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* (para 144)

As the proposed building is not for agriculture, forestry or one of the other uses Paragraph 145 of the NPPF considered appropriate within the Green Belt the proposal must be considered to constitute 'inappropriate development' and, as such, harmful to the Green Belt and not to be approved except in 'very special circumstances'. Furthermore, whilst the proposed sports hall will not add hugely to the spread of buildings at the school it will be of 2-storey height, whereas the existing school buildings are single storey, thereby having a significant impact on openness.

The application is accompanied by a letter of support from LCC's Head of Service for Special Educational Needs & Disability Children's Service:

*"Tor View School is an outstanding school and one of Lancashire's most established providers of education for the County's pupils with Special Educational Needs. The school supports a wide spectrum of pupils with moderate to profound and multiple learning needs, aged 3 to 26. The school also includes a specialist provision for a small cohort of pupils with severe learning difficulties, complex autism and challenging behavior that cannot be placed elsewhere in the county. This provision was designed to reduce the need for less cost effective 'out of county' placements in independent schools and to keep them within their communities wherever possible."*

*The original school footprint, built around 1960, was designed to support approximately 60 pupils. A remodeling scheme in 1985 increased capacity to accommodate 85 learners. Over the years, the demand for specialist SEND places in Lancashire has grown exponentially, as has the Local Authority's need to place students at Tor View, to access the outstanding education they provide, has increased. Most recent census data demonstrates that, with very limited change having taken place to the infrastructure of the building, the pupil number on roll now exceeds 180 in number. The FE learners (36) have moved to a separate off site provision but numbers on the main school site are still increasing, currently 146 learners, which far exceeds the original 85 for which it was built.*

*An essential part of development for any child with additional needs is being able to access suitable provision for physical development. This is not essentially the PE curriculum (as might be timetabled in a mainstream provision), instead it is part of the classroom curriculum and may include rebound therapy, physiotherapy, teaching a child balance, coordination and/or ambulatory skills. Clearly, to meet these needs, the school requires appropriate space.*

*With all of the above in mind, and as an Academy, Tor View School is making a bid directly to the EFA's Condition Improvement Fund. It should be noted that Tor View is currently the only Secondary school in the Rossendale area without any indoor sport facilities. Their bid is therefore to create an additional learning environment which will essentially be a multiuse space. They are seeking to create a fully flexible facility which will provide much needed classroom facilities, together with supporting sport, therapeutic opportunities and drama. The need for this facility was clearly evidenced by the Sufficiency and Supply audit, conducted by Lancashire County Council in the summer term of 2018."*

It is considered that the needs of this special school for more space, particularly for indoor sport facilities, for the existing school roll provide the 'very special circumstances' to warrant the grant of outline planning permission.

As the proposal entails loss of a small part of the existing playing field of the school Sport England has assessed the potential benefit of the new sports facility. It has no objection to the scheme, recognizing that:

- The loss of the area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site, as it takes up a triangular shaped piece of playing field closest to the school where it has not been marked out for pitch sports in the past.
- It improves the delivery of sport and physical education for students with a range of disabilities at this SEN school site.

Sport England has recommended Conditions to ensure the facility:

- complies with relevant Sport England design guidance; &
- Fully secures sport related benefits for the disabled in the local community.

The vulnerability of the pupils at the school, and their special needs, to a degree dictate the layout/design of the facility (particularly changing rooms/toilets) and the sports equipment to be kept. Consequently, its utility for use for sport by the general public will be limited. Nevertheless the Applicant is content for permission to be granted subject to the Condition requested by Sport England requiring a Community Use Agreement to be entered into, more obviously enabling use of the sports facility when not needed by the school itself by those

with disabilities, other schools and organized groups by prior arrangement rather than by the general public calling 'on spec'.

### Visual Amenity

The proposed building - by reason of its additional height and the contrasting materials of its upper part - will undoubtedly erode the openness of the area to a significant extent. However, as previously stated, it is to be sited immediately adjacent to the existing complex of school buildings, thereby avoiding an unnecessary spread of buildings or use of land that is 'rural' in character. It is to be setback from Clod Lane by 75m, fronted in part by existing school buildings and where projecting to the side of the existing buildings screened from the highway by intervening trees of greater height than the existing buildings. Through the reserved matters application it will be possible to secure further tree planting near to the Clod Lane frontage that, with time, will further mitigate the buildings prominence in views from this highway. The sports hall will be still further from Manchester Road and much of the frontage to this highway of Tor View School and the adjacent Ewood Campus is bounded by high hedges and mature trees. There is scope for additional planting on this frontage to in-fill the 50m gap in the existing hedges/trees on this boundary.

### Neighbour Amenity

It is not considered that the proposed sports hall will result in an unacceptable loss of light, outlook or privacy for any neighbour. The additional boundary planting will, with time, further reduce the view residents of properties to the other side of Clod Lane and Manchester will have of the proposed building.

### Access / Parking

The sports hall is intended to meet the needs of the existing school, not add to the number of pupils or staff. LCC Highways has raised no objection to the proposal so long as there will be no clash between student use and community use and their respective parking demands.

The vulnerability of the pupils at the school, and their special needs, to a degree dictate the layout/design of the facility (particularly changing rooms/toilets) and the sports equipment to be kept. Consequently, notwithstanding the Community Use Agreement sought by Sport England and which the school is content to enter into, non-school use of the sports hall will be by those with disabilities, other schools and organized groups by prior arrangement rather than by the general public calling 'on spec'. Accordingly, arrangements can be made to ensure the sports hall does not give rise to additional on-street parking.

At the start and finish of the school day congestion on Clod Lane does arise. Accordingly, a condition requiring submission of a Construction Method Statement is recommended to manage the hours at which HGVs associated with construction seek to enter and leave the site and to ensure the construction phase does not add to on-street parking.

## **9. SUMMARY REASON FOR APPROVAL**

The scheme, by definition, amounts to inappropriate development within the Green Belt and will erode its openness. However, the need to improve the delivery of sport and physical education for students with a range of disabilities at this Special Educational Needs establishment provides the '*very special circumstances*' to warrant the grant of outline planning permission. Subject to the Conditions, the proposal will not detract to an unacceptable extent from the character and appearance of the area, neighbor amenity or highway safety. Accordingly the scheme is considered to accord with the National Planning Policy Framework and Policies AVP6 / 1 / 8 / 9 / 18 / 19 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

## 10. RECOMMENDATION

That Outline Planning Permission is granted.

### CONDITIONS

- 1) An application for approval of the reserved matters (namely appearance and landscaping of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development shall be carried out in accordance with the following drawings/documents unless otherwise to accord with the Reserved Matters Approval and the conditions below:

Title	Drwg No	Date Recd
Location Plan	TV_PL.001 rev A	20 / 12 / 18
Block Plan	TV_PL.002	20 / 12 / 18
Site Plan (Proposed External Works)	TV_PL.010 rev A	26 / 03 / 19
Proposed General Arrangement	TV_PL.006 rev B	21 / 08 / 19
Proposed Elevations	TV_PL.007 rev A	26 / 03 / 19
Massing Drawing (Sheet 1)	TV_PL.011	20 / 12 / 19
Massing Drawing (Sheet 2)	TV_PL.012	20 / 12 / 19
Design & Access Statement	-	20 / 12 / 18
Letter from LCC's Head of Service for Special Educational Needs & Disability Children's Service	-	20 / 12 / 18

Reason: To define the permission and in the interests of the proper development of the site.

- 3) Foul and surface water shall be drained on separate systems.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 4) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - b) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
  - c) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent



replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 5) No development shall take place, including any groundworks or demolition (other than site investigations), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority (after consultation with LCC Highways and Sport England). The approved statement shall be adhered to throughout the construction period. It shall provide for:
- a. Parking of vehicles of site operatives and visitors
  - b. Loading and unloading of plant and materials
  - c. Storage of construction plant and materials
  - d. Erection and maintenance of security hoarding
  - e. Temporary buildings and cabins
  - f. Wheel washing facilities
  - g. Hours of movement of HGVs to & from the site
  - h. Measures to control the emission of noise, fumes & dust
  - i. Arrangements for storage/disposal of wastes

Reason: In the interests of neighbour amenity and highway safety and to minimise loss of playing field during the construction phase.

- 6) No development shall commence until details of the design and internal layout of the sports hall and ancillary supporting facilities have been submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The development shall be undertaken with the approved details unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable and to accord with the relevant industry Technical Design Guidance, including guidance published by Sport England and National Governing Bodies for Sport; particular attention is drawn to Accessible Sports Facility guidance.

- 7) Use of the sports hall hereby permitted shall not commence until a Community Use Agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Tor View School Sports Hall and include details of pricing policy, hours of use, access by non-Tor View pupils, the off-street parking and drop-off facilities to be made available and maintained, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities.