

Application Number:	2012/0566	Application Type:	Full
Proposal:	Change of Use of business premises to school for emotional behavioural difficult children	Location:	The Garage Mercedes House, Market Street, Shawforth, OL12 8HN
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	15/01/2013
Applicant:	ACE Provision Ltd	Determination Expiry Date:	23/01/2013
Agent:			

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	X
Other (please state):	

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 Permission be granted subject to the Conditions set out in Section 10 of the Report.

2. APPLICATION SITE

The application site relates to a detached two storey building of brick construction under and tiled pitched roof. The property has most recently been used as office space (B1) associated with the MOT garage which operates out of the east (rear) of the application site. The applicant owns the application site as well as the MOT garage and associated area of hardstanding.

To the south on the opposite side of a narrow access road there is a residential home located at No.452 Market Street approximately 5m from the application site. Properties to the south include residential properties and a wood yard 30m away. North of the application site is a vacant industrial building currently up for sale and further residential properties approximately 78m away.

The site is set back from Market Street but is prominent due to the raised level of the building at the top of grassed bank leading up from the footway along Market Street. There is a small outside yard area to the south of the building and a wide strip of hardstanding between the application site and the MOT garage.

The site is within the Urban Boundary of Shawforth as designated by Policy 1 of the Core Strategy DPD and illustrated on the Proposals Map 2011. The site was previously designated for employment uses although this is no longer a saved policy. The NLP Employment Land Study (2009) references the site as E62 and describes the site as 'occupied', a site of 'average attractiveness' but in a 'remote location therefore with limited potential for upgrading'.

3. RELEVANT PLANNING HISTORY

- 1978/528** Storage building with car parking on the roof
Approved
- 1978/686** Part industry and part storage building with car parking on the roof
Approved
- 1985/587** Construction of first floor offices over existing single storey offices
Approved
- 2000/223** Change of use of former works used for the storage and mechanical assembly and production of pumps (use class B8/B1) to the production of tower packaging and valves (general industrial use (use class B2))
Approved
- 2002/128** Conversion of part of office accommodation to flat at first floor level
Approved
- 2012/334** Change of Use to care home and school for emotional behavioural difficult children
Withdrawn

4. THE PROPOSAL

The applicant seeks permission for the change of use of The Garage Mercedes House from an Office Building to a school for emotional behavioural difficult children placed in care and education by the Local Authorities.

There would be no external alterations to the building and internally there would be minor room layout alterations to accommodate the new use. The site would be made secure by fencing to the rear perimeter. The property would be occupied by approximately 20 students between the ages of 11-17.

Documentation in support of the proposal indicates there would be 16 full-time staff including head teacher, support teaching, qualified support care staff as some examples. Following querying from the case officer in relation to the impact on employee number of the removal of the residential element from the originally submitted scheme, the number has been revised to approximately 10 full time employees. The applicant has also clarified that the school will be open from approximately 8am till 5pm and 8am till 6pm on open evenings, with the children being present in a similar time frame to mainstream schools ie approximately 9am to 3.15pm.

In support of the application the agent has submitted:

- Ofsted Report – Pre-registration Inspection which is supportive of its registration with the Department of Education
- Supporting Statement
- Letters from local schools/organizations supporting the concept.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 1 Building a strong, competitive economy

Section 7 Requiring good design

Section 8 Promoting

Section 11 Conserving and enhancing the natural environment

Development Plan

Regional Spatial Strategy for the North-West of England (2008)

Policy DP1-9 Spatial Principles

Policy L1 Health, Sport, Recreation, Cultural and Education Development

Policy RDF1 Spatial Priorities

Policy W1 Strengthening the Regional Economy

Policy W3 Supply of Employment Land

Policy RT2 Managing Travel Demand

Policy RT4 Managing the Highway Network

RBC Core Strategy DPD 2011

Policy 1 General Development Locations and Principles

Policy 8 Transport

Policy 16 Preserving & Enhancing the Built Environment

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Applications Requirements

Other Material Planning Considerations

Strategic Housing Market Assessment (2008)

6. CONSULTATION RESPONSES

LCC Highways

I would raise no objection to the above planning application on highway grounds and pre-application advice has been given and my comments were acted upon.

LCC policy on parking requires 1 off street space per classroom/area. Therefore with 6 classrooms/teaching areas on the ground floor, 6 off street spaces are required. They have shown 7 which I would agree are all necessary.

Should any space on the first floor be re-allocated to classroom/teaching area in the future, I would recommend that a survey of the parking areas is undertaken to ensure that the adequate numbers of off street spaces are provided.

A green travel plan should be provided and advice can be obtained from the Sustainable Travel Team at Lancashire County Council on 01772 530217.

RBC Environmental Health

Environmental health have reiterated previous advice that the department has no objection in principle but does feel consideration should be given to the potential for noise nuisance arising from outdoor activity and play for occupiers of 452 Market street, Moorside flats and another 3 storey building nearby.

RBC Housing and Regeneration

Following a meeting with the applicant and a discussion around the housing provision of the building for looked after children (which was a principle concern raised by Strategic Housing previously) this element of the planning application has now been removed; which we are in agreement with as further development work is required with Lancashire County Council's Social Services Team to commission that type of residential service. There are no objections from Strategic Housing to the current application.

The current application is solely for an Independent School (Pupil Referral Unit) which would take 20No. 11 – 16 yr. olds who are not in mainstream education. The building proposed previously provided office accommodation linked to the adjoining garage facility, however, this element has since ceased and the office building has lain vacant for a number of months (in excess of 24months); and while the applicant has not actively marketed the office accommodation (and with the current economic climate it would be hard to establish a demand for this type of accommodation in the area) they feel conversion of the building to an independent school and the jobs that would be provided is an alternative solution to bringing a long-term empty, commercial building back into use. Discussions with the applicant suggest that they will also be linking with a rehabilitation enterprise for ex-service men and women and this will provide an additional benefit of the school a supporting statement has been provided as part of the additional documents. The applicant reports that verbal discussions have taken place with local Head teachers and the establishment of a Pupil Referral Unit in Rossendale would be supported. There are currently only 13 Pupil Referral Units across Lancashire and with Mainstream Education they support 2,484 young people with Behavioural, Emotional and Social Difficulties (BESD). The applicant's model would work alongside this backdrop and need.

In summary, the revised application raises no objections from both Environmental Health and Strategic Housing as the residential element has now been removed. In terms of Economic Development and Regeneration; while, the applicant hasn't demonstrated the marketing of the property for the requisite time, this needs to be balanced alongside the building being classified as a long-term vacant (over 24months) and being brought back into use as an independent school, the job creation generated through the establishment as an independent school and the additional links such as rehabilitation of ex-service men and women. With that in mind and the current economic climate and need for office accommodation within Whitworth then from a Regeneration point of view we would have no objection to the current application.

RBC Forward Planning

This site is within the Urban Boundary as shown on the current Proposals Map. It is also shown as being within an Employment Area, although this policy has not been saved. The site is currently vacant, having been available to let since 2007, and was last used as offices to serve the adjacent garage (B1 use class).

The site is identified as part of a larger area, referenced as E62 (Units off Market Street), in Rossendale's Employment Land Study, with the recommendation being to monitor its performance, given that it scored as being of poor quality, though its "role in meeting local employment needs is recognised".

Policy 10 of the Core Strategy notes that there is a requirement to provide 20.84 ha (in total) for B1, B2 and B8 uses classes in the period up to 2026, with new sites expected to be provided in the Rawtenstall area and the Bacup, Waterfoot and Stacksteads Corridor. B1 uses should be primarily located in or adjacent to the town centres of Rawtenstall, Bacup and Haslingden.

Policy 10 further discusses where the loss of employment sites to non-employment generating uses will be supported. I note that there has been no marketing information submitted with this application, although it has been vacant, and available to let, since 2007. I also note that the applicants refer to the school as providing employment opportunities, and I do accept that the proposed use will provide a reasonable number of jobs for the site area

The Area Vision for Whitworth, Facit and Shawforth (AVP1) notes that "under-used and vacant land and buildings, particularly mill buildings and complexes will be actively supported for alternative uses – preferably mixed use, where they are no longer viable for their existing use".

On balance, subject to satisfactory arrangements for the proposed use, in particular its compatibility with adjoining uses, as well as this proposal not adversely affecting the ability of the adjoining uses to continue in use, especially the employment uses, I would suggest this proposal is acceptable in principle.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 2 site notices were posted on 06/12/12 and 54 neighbours notified by letter on 05/12/12.

4 letters of objection have been received from neighbours making the following points:

- There are already care homes in the area including a place for people with psychiatric problems.
- Tension / fear of crime / not feeling safe due. Concerns the children will have drug and alcohol abuse problems
- Increase in traffic problems from this proposal and the nearby permission for kennels and other nearby uses on an already busy road making it dangerous for children to play as a result of the development
- School is already registered before planning consent given
- Consultation on the application should have been wider

Whitworth Town Council

No concerns regarding the nature of the development, however it objects to the application on the grounds of the unsuitable nature and location of the building itself, in terms of close proximity to busy A671 main road and close proximity to industrial units. Council also believes that the building and its grounds does not lend itself to this type of application (unsuitable exterior areas which are

also too small). A suggestion was made that Stubbylee Hall would be a more appropriate location for a business such as this.

The previous application which included a residential element received 4 letters of objection raising the following concerns:

- There are already care homes in the area including next door to the application site
- Playground not secure/concerns about the security of the school
- The bus stop will become a hangout (it has a shelter and four seats)
- Increase in traffic making it dangerous for children to play as a result of the development at the kennels and this development
- Tension/Fear of crime/not feeling safe in the local community if children are allowed out into the wider community

8. ASSESSMENT

The main considerations of the application are :

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

Principle

Policy 1 seeks to locate new development within the Urban Boundary and in sustainable locations close to quality public transport routes and other facilities. The 464 quality bus route runs along Market Street.

The proposal would generate employment on the site. In addition as a result of minimal alterations the proposed use would not prevent other employment uses occupying the building at a later date and the adjoining sites/buildings will not be compromised.

This proposal is located within the Urban Boundary, relating to an existing building fronting Market Street which is a main road. Surrounding uses are a mix of commercial, industrial although not currently in use and residential. It is acceptable in principle.

Visual Amenity

There are no external alterations proposed to the building. There would be some fencing erected to the rear of the property of the same design to existing fencing at the site. Consequently, the proposal is acceptable in terms of visual amenity.

Neighbour Amenity

The scheme would not unduly impact on sunlight or outlook experienced by occupiers of neighbouring properties as the building would not be extended or have any material external alterations. The existing yard area would be used as a play area / recreational outdoor space for the children. Although it is currently possible to stand in this outdoor space and view into windows of Freeholds Cottage the proposed use does not in officer's view present a worsening of the situation from that currently present.

The agent has included in the supporting statement that children will be accompanied at all time by an employee. RBC Environmental Health has no objection to the scheme. Although there could be a certain level of noise disturbance created by the proposed use I am mindful of the existing MOT garage which exists adjacent to the application site and the number of children as well as the agents statement that states most outdoor activity will be carried out off site. It is not anticipated that there would be undue harm caused by noise nuisance by the proposed use.

There will be clear physical barriers in the form of security fencing between the existing MOT garage and the application site. The parking has been laid out to accommodate both businesses adequately it is not considered there would be conflict between the two uses.

A number of neighbours have expressed concern about their personal security, security of their children and of their property. As part of the application the agent has included a statement to explain children are accompanied by an employee at all times. Also in response to the comments I asked whether the children would be allowed off site unsupervised. It has been confirmed children are kept occupied with structured timetables consisting of standard education as well as vocational training and would not be allowed off site unsupervised. There is a high staff to student ratio for student safety/security. Finally, the applicant has clarified that the establishment is not for children with alcohol and drug abuse difficulties.

The scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

The development does not impact adversely upon existing access and parking arrangements. LCC Highways has no objection to the scheme subject to a Green Travel Plan being submitted. Subject to the relevant conditions the scheme is considered acceptable in terms of access/parking.

9. SUMMARY REASON FOR APPROVAL

The school for emotional behavioural difficult children is not considered inappropriate in principle in this existing building located on a quality bus route, subject to the conditions, will not detract to an unacceptable extent from neighbour amenity or highway safety. It is considered that the development is in accordance with Section 7 / 11, Policies DP1-DP9 / RDF1 / RT2 / RT4 / EM1 of the Regional Spatial Strategy and Policies 1 / 8 / 16 / 23 / 24 of the adopted Core Strategy DPD 2011.

10. RECOMMENDATION

That Permission be granted subject to the following conditions.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the drawings numbered ACE Provision 01 date stamped 28/11/12, amended drawing numbered ACE001/F and ACE001G both received 06/12/12, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policies 8 & 24 of the adopted Core Strategy DPD 2011
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any order amending, revoking or re-enacting that Order, the building which is subject of this permission shall be used solely as a school for social emotional behavioural

difficult children, and shall not be used for any other purpose including any other use contained within Use Class C2 of the above mentioned Order.

Reason: To control future users of the development, in the interests of neighbour amenity and public safety, in accordance with Policy 24 of the adopted Core Strategy DPD.

4. Within 2 months of commencement of the works hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- Appointment of a Travel Plan manager
- Travel survey
- Details of cycling/pedestrian/public transport links to the site
- Provision for parking/manoeuvring for cycles/motorbikes/cars/ambulance
- SMART targets for non-car modes of travel
- Action plan of measures to be introduced, and appropriate funding

Details of arrangements for monitoring and review of the Travel Plan for a period of five years

The Travel Plan shall be completed and carried out in accordance with the details approved and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and promotion of sustainable transport, in accordance with Policy 24 of the adopted Core Strategy DPD.

5. Hours of operation will be between 8am to 6pm Monday to Friday only.

Reason: In the interests of residential amenity and for the avoidance of doubt.