

PLANNING COMMITTEE: 14th February 2017
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2016/1264

LOCATION: NBC Depot , Station Road

DESCRIPTION: Variation of Condition 1 of planning permission N/2000/981 to allow the use of the building as a free school

WARD: Billing Ward

APPLICANT: Education Funding Agency
AGENT: Jones Lang LaSalle

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1. RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposal would allow for the provision of a temporary facility to meet an existing educational need until a more permanent facility is provided. Subject to the conditions below, it is not considered that the change of use would lead to any unacceptable adverse impacts on adjacent residential amenity or existing highway conditions. The proposal is therefore in accordance with the requirements of Policies S10 and E6 of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

2. THE PROPOSAL

2.1 The application is submitted by the Education Funding Agency and relates to a variation of a condition of planning permission N/2000/981 which allowed the continued use of the depot as a training centre, but restricted the use of the premises as a training centre only and for no other purpose under Use Class D1 (non-residential institutions). The current proposal seeks permission to use the premises as a free school, or Alternative Provision School (AP), defined by the Department for Education as a school “for pupils who can’t attend mainstream school for a variety of reasons, such as school exclusion, behavioural issues, short or long term illness, school refusal or teenage pregnancy”.

2.2 The application as originally submitted advised that the site was intended to cater for 45 pupils including both primary and secondary age with a total of 20-24 staff, and made provision for 6 on-

site parking spaces. The scheme has subsequently been amended so that the school would now accommodate a maximum of 45 primary school aged pupils (i.e. 4-11 year olds) only and 21 staff. School hours would commence at 8.30am and finish at 2.30pm.

- 2.3 Access to the site would be via Station Close, from Station Road. The scheme has been amended to provide 13 on-site parking spaces with separate pedestrian and vehicular access at the entrance to the site. Pupils would be escorted by staff to and from the drop-off area into the school grounds. In addition to the on-site parking spaces, the applicant has advised that 5 additional car parking spaces have been secured at the local pub, The Deers Leap, (circa 330m walk from the site) and that the school has arrangements in place with some local residents to lease parking spaces during term time between the hours of 7:45 to 16:15. At the time of writing this report it is understood that 5 residents have signed up to this agreement providing 8 spaces.
- 2.4 The submitted details advise that it is the intention that a new, permanent AP Academy will open in 2018, and pupils will be relocated to the new facility. The intention is that Bellinge Depot would then be used for vocational purposes to provide services for youths and families in the local community. A prior notification application for the change of use of from offices (Use Class B1) to a free school (Use Class D1) at Nos. 59-77 Sheep Street has been submitted by the applicant and is currently under consideration (N/2016/1643). On this basis, the applicant has confirmed that a 2-year temporary permission for the depot site would be acceptable.
- 2.5 A Management Plan has been submitted with the application which includes the following details:
- It is planned that from January 2018 the Academy will be based at Northgate House, Sheep Street.
 - The temporary school at Station Close has been designed with behaviour management in mind and will have swipe controlled access to enable staff to control and supervise children's movement in/out and across the site.
 - All staff will be trained to manage behaviour throughout the day and not just in class rooms.
 - Staff and young people remain together during lunch and breaks.
 - The majority of learners will arrive via transport organised by the Local Authority. For students due to transfer from the two Include schools, this will be via taxi which will drop students off at 8.45am and pick up between 2.30 and 2.45pm.
 - At the start and end of the day a member of staff will be on duty at the school gate to ensure students arrive and leave site in a respectful manner.
 - The school is committed to being good neighbour and the Parish Council and neighbours on Station Close have the Head Teacher's direct contact details to raise any concerns immediately.
 - A monthly report of incidents and actions will be produced and reviewed with a community representative.

3. SITE DESCRIPTION

- 3.1 The application site comprises of two single storey former Council Depot buildings located around an enclosed courtyard with gated access located at the end of Station Close. Access to the depot site is via a single track road from Station Close which runs to the rear of residential gardens of properties on Station Road and Station Close. The surrounding area is residential in character, with residential properties on Station Close adjoining the immediate northern boundary of the site. Great Billing Way forms the eastern boundary of the site beyond a boundary wall and a line of trees.

4. PLANNING HISTORY

4.1 N/2016/1387 – Installation of new doors, windows, infill cladding panels, gates and ramps with handrails. Approved 21/12/16.

N/2000/981 – Continue use as a training centre on a permanent basis. Approved 1/11/00.

N/1998/632 – Conversion of existing facility for use as an outreach training centre by Youth Service and Chamber of Commerce/Moulton College initiative. Approved 6/10/98.

5. PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014) and the Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

The National Planning Policy Framework has a presumption in favour of sustainable development.

Paragraph 17 seeks to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 advises that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 advises on that developments should be located and designed where practicable to create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians.

Paragraph 72 advises on the importance of ensuring a sufficient choice of school places is available to meet the needs of existing and new communities and the need for a proactive approach to meeting this requirement and the widening of choice in education.

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

Policy S10: Sustainable Development Principles – development will achieve the highest standards of sustainable design incorporating safety and security considerations; be located where services and facilities can be easily accessed by sustainable transport methods.

Policy E6: Education, Skills and Training – new educational facilities will be encouraged and should be developed at sites accessible by sustainable transport modes.

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

No relevant policy.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)

Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **NCC Highways:** After reviewing the submitted Transport Statement, amended parking layout and submitted Parking Survey the Highway Authority comments are summarised as follows:

- The scheme has been amended to provide 13 on plot parking spaces with a separate pedestrian access gate. In addition, written permission has been obtained for 5 parking spaces during the school day for the local public house (The Deers Leap), although due to the distance from the site, this is likely to be considered as a last resort. Also, the applicant has formed signed written agreements with 5 residents on Station Road to use their driveways during the school day. These agreements with residents hold limited weight when considering highway impacts.
- The applicant has stated that the school will require 21 staff, of which 18 will arrive via vehicle. With the provision of 13 on-site parking spaces, this would leave a residual staff parking demand of 5 vehicles.
- The submitted Parking Survey suggests there is room for 39 vehicles on Station Road. However, the Local Highway Authority (LHA) considers Station Road is not wide enough to accommodate vehicle parking on both sides and there are a number of vehicle crossovers, leaving sufficient room for approximately 25 vehicles to be parked on Station Road at full capacity.
- Because the majority of staff vehicle parking has been accommodated on site and there are measures to accommodate the residual parking demand as well as some space on Station Road, the remaining issue is with regard to student pick up/ drop off arrangements.
- The LHA consider a student trip rate of 25% is reasonable which would result in 34 pupil trips.
- In order to address concerns regarding picking up/ dropping off on Station Road/ Station Close and ensure suitable and safe arrangements are in place, a condition is requested for the submission of a Traffic Management Plan prior to occupation detailing how the pick-up/ drop off times will be managed by the school.
- Taking into account the on-site parking provision, proposed off-site mitigation and the submission of a Traffic Management Plan, the LHA consider that the proposed change of use would not compromise highway safety

- 6.2 **Crime Prevention Design Advisor** – (commenting on the original proposal) object to the proposal on the grounds of the road leading to the depot having insufficient capacity to accommodate vehicles; lack of parking and resultant use of surrounding streets by staff for parking; and insufficient room on Station Road to accommodate the number of drop-off vehicles. The local sergeant is very concerned about the impact on the residential amenity of existing residents and anticipated calls to the police to deal with nuisance, obstruction and inconsiderate parking. Further comments are awaited in respect of the revised details and will be reported to Committee on the addendum to this agenda.
- 6.3 **Billing Parish Council** – attended a Public Meeting with members of the community and representatives of Catch 22, which it is considered allayed many of the public's concerns, including traffic congestions, on-street parking, intimidation, criminal damage and control of students. Catch 22 promised a much improved management team (from the previous use of the site) with the provision of a direct line of communication with the Head Teacher should there be a repeat of such incidents. The Parish accept the unfortunate need for this temporary establishment.
- 6.4 A representative from **NCC Learning Skills and Education** has commented that the facility will be dedicated to providing education to vulnerable learners who have either already been permanently excluded from mainstream education or are at risk of permanent exclusion. It is essential that they are able to access high quality education which will not only safeguard their current development but will enable them to re-integrate into mainstream schools and achieve their full potential. Without the facility NCC will have many vulnerable learners for whom it is impossible to allocate the right type of support in education and may therefore be at risk in multiple ways.
- 6.5 **7 letters of objection have been received.** The comments are summarised as follows and relate to the application as originally submitted for both primary and secondary school children with 6 on-site parking spaces:
- Previous use of the site as a type of school/college cause problems with anti-social behaviour, children climbing over fences, hanging around, and rubbish in gardens.
 - Lack of parking and potential blocking of street.
 - Ruin peaceful enjoyment of living in property.
 - Site too small to accommodate a school of this size.
 - Narrow access road and potential of parked vehicles to block access for emergency vehicles.
 - Dropping pupils off in Station Road for the school will allow plenty of scope for mischief.
 - Impact on highway safety.
 - Deliveries into Station Close, including the refuse lorry already have difficulty.

Further consultation has been carried out in respect of the amended scheme, and any further comments received will be reported to Committee on the addendum to this this agenda.

7. APPRAISAL

Principle

- 7.1 The NPPF advises on the need to take a proactive approach to ensuring the availability of a sufficient choice of school places to meet the needs of the community and the widening of choice in education. Policy E6 of the JCS supports the provision of educational facilities on sites accessible by sustainable transport modes.

- 7.2 Planning permission was originally granted for the use of the site as an outreach training centre in 1998, and subsequently renewed on a permanent basis in 2000. The permission was subject to a condition restricting the use of the premises as a Training Centre only and for no other purpose under Use Class D1 (non-residential institutions), in the interests of amenity, with an additional condition to restrict parking to within the site only, in the interests of highway safety and adjacent residential amenity.
- 7.3 The provision of a facility to meet educational needs as proposed is supported by planning policy, and the principle of the use of the premise as a free school is considered comparable to the previously permitted use as a training centre. The main issues therefore to consider are the impacts arising from the use as proposed, which would include up to 45 pupils and 21 members of staff, on surrounding residential amenity and highway impacts. These issues are considered below.

Amenity

- 7.4 The site is situated in a predominantly residential area with a single access from Station Close which runs along the rear garden boundaries of residential properties on Station Road and Station Close.
- 7.5 Concerns have been raised by residents with regard to the previous use of the premises by the school and associated anti-social behaviour issues, as well as impacts on amenity and highway safety arising from increased on-street parking demand.
- 7.6 The Parish Council's comments, at paragraph 6.3 above, advise that a public meeting with members of the community and representatives of Catch 22 allayed many of the public's concerns raised, clarifying how the school would be managed and providing channels of communication should issues arise. Although further correspondence has not been received to formally withdraw the previous objections raised by residents, it would appear that with appropriate management general concerns raised by residents regarding impacts on amenity could be addressed.
- 7.7 The applicant has submitted a Management Strategy which clearly sets out how the school is intended to be managed to avoid previous anti-social behaviour issues, the contents of which are summarised in paragraph 2.5 above. Furthermore, the amended scheme now proposes the provision a facility for primary aged children only. The playground would be secured with swipe access to and from the site, and staff would be on duty to monitor pupils' arrival and departure from the school.
- 7.8 Whilst the benefits of such a strategy are acknowledged and encouraged, it would be difficult to impose and enforce a planning condition requiring the development to be carried out in accordance with the Management Strategy. The intentions of this strategy would, therefore, have to be considered in good faith only with no ability to control through planning. The property would however be leased from the Council, and there would be an element of control over appropriate use of the building through the lease in respect of any potential to cause nuisance or inconvenience to the Landlord, or any owner or occupier of neighbouring properties.

Highways

- 7.9 The NPPF, at Paragraph 35, seeks to ensure developments are located and designed to create safe and secure layouts minimising conflict between traffic and cyclists or pedestrians, and a providing a good standard of amenity for all. At Paragraph 32, the NPPF advises that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

- 7.10 Access to the site would be via Station Close, from Station Road, which provides access to residential properties to the north of the site, with a single track arm approximately 4m in width providing access to the depot site with a turning head at the end.
- 7.11 The Highway Authority Parking Standards (September 2016) require 1 space per full-time member of staff with 1 drop off space per 4 participants for educational establishments. Potentially, this would lead to a requirement of up to a maximum of 21 staff parking spaces with a requirement for approximately 11 drop off spaces. The Highway Authority has accepted that only 18 members of staff drive and that alternative modes of transport would be used by the other 3.
- 7.12 Following initial concerns raised by the Highway Authority in respect of parking provision and vehicular activity associated with drop-off/ pick up periods, the applicant has submitted a Parking Survey, in addition to the originally submitted Transport Statement, and on-site parking provision has been increased from 6 spaces to 13 spaces. In addition, the applicant has made various efforts to address the issues of staff parking by seeking alternative methods of parking provision off-site including leasing parking spaces from local residents and securing 5 parking spaces at the local pub, although it is acknowledged that this off-site provision would not be enforceable by planning condition.
- 7.13 Whilst further comments are awaited from the Police in respect of the amended parking provision, the Highway Authority, are now satisfied that subject to the submission of a Traffic Management Plan including appropriate staff supervision of pupil's access to and from the site, and the retention of the 13 parking spaces on site for the duration of the use, that the proposal would not lead to any unacceptable adverse impacts on highway safety.

8. CONCLUSION

- 8.1 The use of the site is intended as a temporary measure until alternative accommodation is secured, and a condition imposing a 2-year temporary consent is proposed on this basis, and to enable the Local Planning Authority to further assess the impacts of the use, should there be a future requirement for a longer period. Whilst the management of the facility would not be enforceable by planning condition, there would be an element of control under the lease agreement with the Council to enable control over any unacceptable adverse impacts on adjacent residential amenity. The impacts of the proposal in relation to highway matters are not considered to be of such severity that the application should be refused on this basis. On balance, it is considered that the proposal would provide a much needed educational facility, the impacts of which could be appropriately mitigated subject to the conditions proposed, and therefore, the application is recommended for approval.
- 8.2 As this application is for a variation of condition, the previous relevant conditions of the original consent, N/2000/0981, are imposed.

9. CONDITIONS

1. The use of the premises hereby permitted shall be for a temporary period only expiring on or before the 15th February 2019 after which time the premises shall revert to its former permitted use.

Reason: The proposed use is considered acceptable as a temporary use of the land and building to meet a current need and would allow the Local Planning Authority to monitor the impact on adjacent residential amenity and highway safety in accordance with Policy E6 of the West Northamptonshire Joint Core Strategy and the National Planning Policy Framework.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Ground Floor Layout Option 6 received 30/01/17.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. Prior to the first use of the premises hereby permitted, a Traffic Management Plan shall be submitted to the Local Planning Authority for approval in writing providing details for the management of vehicle and pupil movements during drop-off/ pick-up times associated with the use of the premises. The approved scheme shall be implemented on the first use of the premises hereby permitted and maintained throughout the life of the development.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

4. The parking area providing 13 parking spaces as shown on the approved drawing, Ground Floor Layout Option 6 received 30/01/17, shall be laid out and made available for use prior to the first use of the buildings hereby permitted and maintained throughout the life of the development.

Reason: In the interests of highway safety in accordance with the requirements of the National Planning Policy Framework.

5. The premises shall only be open for the use hereby permitted between 08:00 and 21:00 hours Monday to Fridays and at no time whatsoever on Saturdays, Sundays or Bank Holidays.

Reason: in the interests of the amenities of nearby residential properties in accordance with the National Planning Policy Framework.

10. BACKGROUND PAPERS

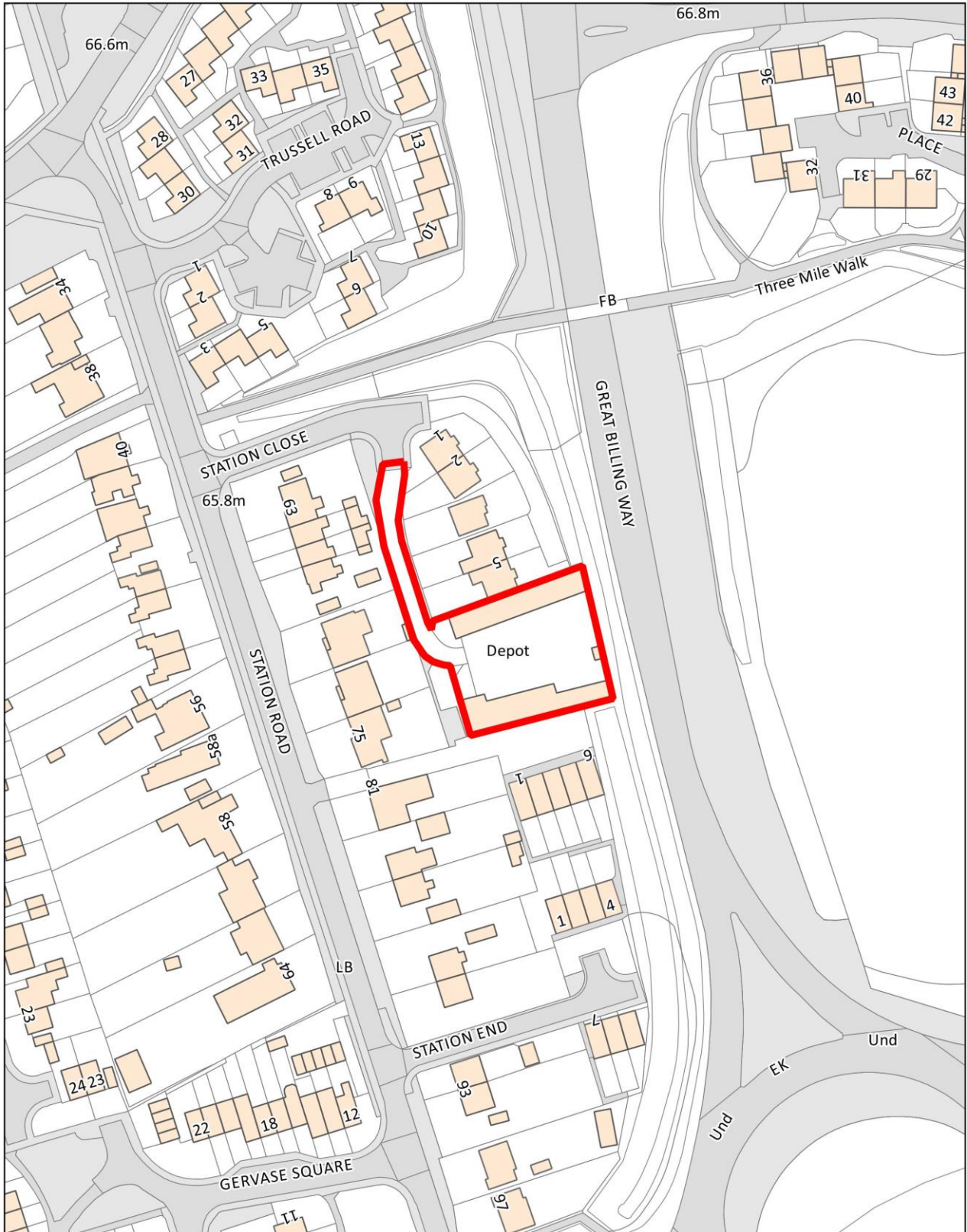
10.1 N/2016/1264.

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



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Date: 01-02-2017

Scale: 1:1,250

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