

PLANNING COMMITTEE: 31st July 2018
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/0845

LOCATION: The Spires Academy , Station Close

DESCRIPTION: Variation of Condition 1 of Planning Permission N/2016/1264 (Variation of Condition 1 of planning permission N/2000/981 to allow the use of the building as a free school) to allow the Spires Academy to occupy the building for longer than the consented period for a further 12 months until 15 February 2020

WARD: Billing Ward

APPLICANT: Education & Skills Funding Agency
AGENT: JLL

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 continue to 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 continue 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 and Skills Funding Agency and seeks to vary Condition 1 of planning permission N/2016/1264 which allowed the temporary use of the former Council Depot as a free school, with the temporary planning permission expiring on or before 15th February 2019. The application seeks a further temporary consent to use the premises until 15th February 2020.

- 2.2 The site is occupied by the Spires Academy which is a co-educational, alternative provision school run by the Catch 22 Multi Academies Trust. The school offers provision for pupils with behavioural difficulties, those that have been permanently excluded from school, and children that cannot sustain a place in mainstream schools. The school currently accommodates 39 pupils, with potential to accommodate up to 45 of primary age. School hours would commence at 8.30am and finish at 2.30pm.
- 2.3 The site is intended as a temporary solution to provide accommodation for pupils due to a delay in the delivery of a long-term permanent solution to accommodate additional pupils at the Spires Academy. The intention is to provide a more permanent site at Northgate House on Sheep Street which has planning permission for conversion to a school approved under the prior notification process in June 2017.

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 a private road. The site is owned by the Council. Access to the depot site is via a single track private 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/2016/1264 - Variation of Condition 1 of planning permission N/2000/981 to allow the use of the building as a free school
- 4.2 N/2016/1387 – Installation of new doors, windows, infill cladding panels, gates and ramps with handrails. Approved 21/12/16.
- 4.3 N/2000/981 – Continue use as a training centre on a permanent basis. Approved 1/11/00.
- 4.4 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:

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, there is no relevant policy relates to this proposal.

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

6 **CONSULTATIONS/ REPRESENTATIONS**

6.1 **NCC Highways** – no objection to the use of the site for an extended period.

6.2 1 letter of objection has been received, the comments of which are summarised as follows:

- Concern regarding traffic, parking, and potential obstruction. Over past year, numerous problems with parking have been encountered
- Inconsiderate and dangerous driving of school employees, parents and taxi drivers
- Issues of cars parked on drives, cars blocking entrance to residential part of Station Close, blocking access for emergency vehicles

6.3 The consultation period has not yet expired. Any further comments received will be reported to Committee on the addendum to 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 The continued provision of a facility to meet educational needs as proposed is supported by planning policy as identified above. The main issues to consider therefore relate to the continued use of the premises on a temporary basis as a school, and the impacts on surrounding residential amenity and the highway.

Amenity

- 7.3 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.
- 7.4 The principle of the use of the site as a school on a temporary basis has been established through the grant of the existing permission. No comments have been received in respect of any adverse impacts on amenity since the current use has been in place, other than comments outlined above in respect of parking, which are addressed below.
- 7.5 The property is leased from the Council, which would retain an element of control over appropriate use of the building in respect of any potential to cause nuisance or inconvenience to the Landlord, or any owner or occupier of neighbouring properties. As such, it is considered that the continued use of the buildings on a temporary basis as proposed is acceptable and would not lead to any undue impact on surrounding residential amenity.

Highways

- 7.6 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 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.
- 7.7 Local concern has been raised regarding issues of traffic and parking arising from the existing use.
- 7.8 Access to the site is from Station Close, via a private road under the ownership of the Council. The submitted Traffic Management Plan advises that the school is staffed by 20 full and part time staff. In accordance with the requirements of the previous planning consent, some parking provision has been made available on site to provide 5 drop off/pick up spaces and 8 parking spaces for staff. The Traffic Management Plan advises additional staff parking is provided for 4 vehicles adjacent to the entrance gates, with further parking along the grass verge to the side of the private access road. There are also existing lease agreements in place with some local residents providing spaces on private drives, up to 8 spaces in total, however none of these leases are currently being used as parking is said to be being managed within the existing site and adjacent private road.
- 7.9 The Highway Authority has raised no objection to the continued use of the site as proposed on the basis of the submitted Traffic Management Plan. Subject to a condition requiring the use continues in accordance with the submitted Management Plan, it is not considered that the proposal would lead to any unacceptable adverse impacts on highway safety or surrounding residential amenity.

8 CONCLUSION

- 8.1 The continued use of the site is intended as a temporary measure until alternative accommodation is secured. A condition imposing a temporary consent is proposed on this basis, and to enable the Local Planning Authority to continue to assess the impacts of the use, should there be a further 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 2020.

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. The continued use hereby permitted shall be carried out in accordance with the details set out in the submitted Traffic Management Plan dated 4/07/18.

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 retained 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 Mondays 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

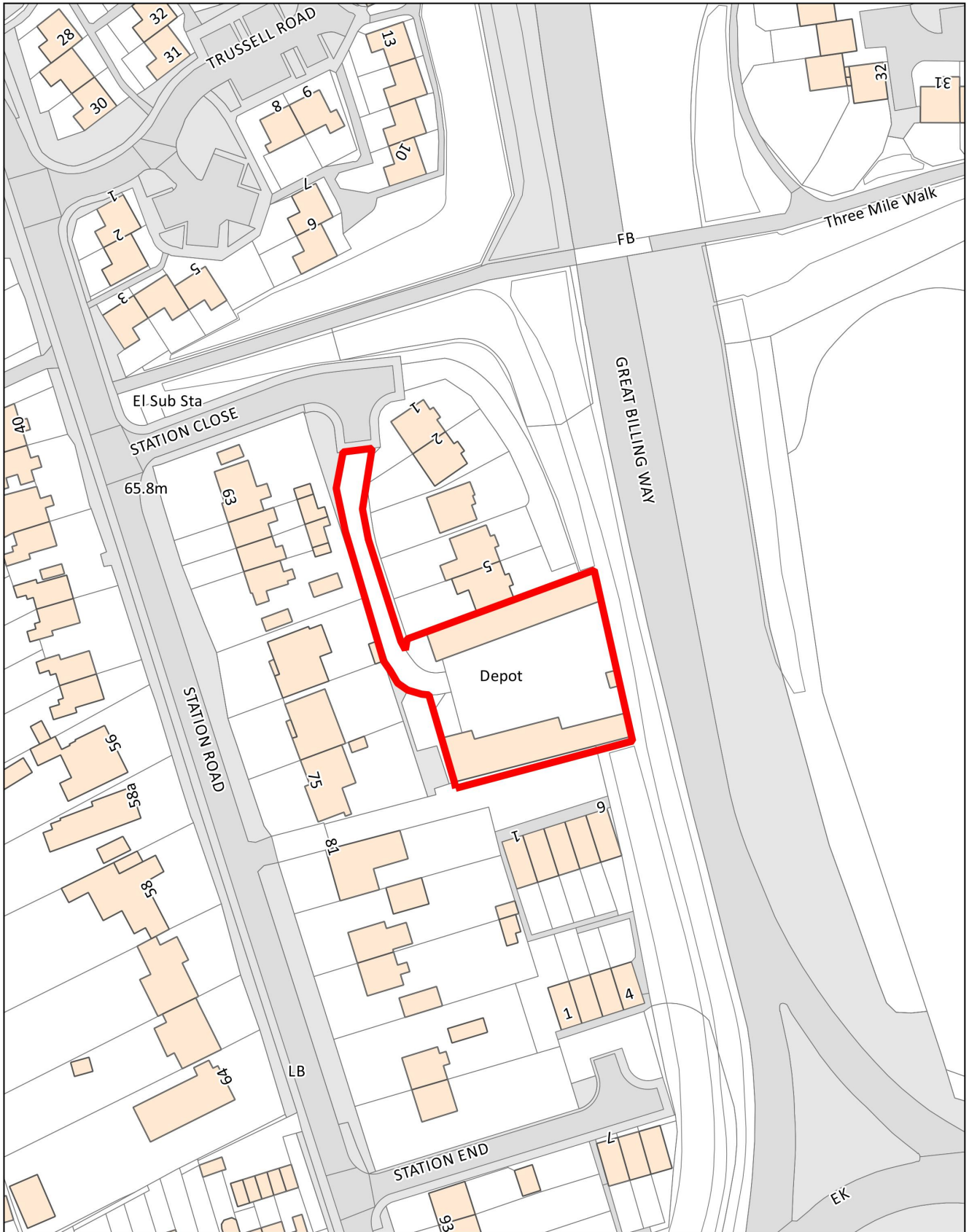
- 10.1 N/2018/0845s

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.



Title: **The Spires Academy. Station Close**

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Date: 05-07-2018

Scale: 1:1.000

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