

Development Control Committee
Meeting to be held on 4th March 2020

Electoral Division affected: Great Harwood, Rishton and Clayton Le Moors
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Hyndburn Borough: application number. LCC/2019/0070
Provision of a new single storey building to provide a children's respite care unit including vehicle parking, external lighting columns, fencing and landscaping following demolition of existing school.
North Cliffe School site, Blackburn Old Road, Great Harwood

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Executive Summary

Application - Provision of a new single storey building to provide a children's respite care unit including vehicle parking, external lighting columns, fencing and landscaping following demolition of existing school.

North Cliffe School site, Blackburn Old Road, Great Harwood.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, building materials, landscaping, ecology and highway matters.

Applicant's Proposal

The application is for a new single storey building to provide a respite care unit for disabled children. The building would provide 6 bedroom places for children staying at the unit (all with attached bathroom / wet room facilities), 2 bedrooms for supervisory staff together with ancillary dining and kitchen areas, office and reception facilities, communal lounge area, sensory room and laundry room.

The total floor area of the new building would be 532m². The new building would be L shaped with maximum dimensions of approximately 40 metres by 20 metres with a pitched roof with a maximum height of 6 metres to the ridge line. The external elevations of the building would be constructed from red facing brick with buff cast stone quoins to the corners. The windows and doors would have powder coated aluminium frames coloured matt white. The roof would be covered with dark grey concrete roof tiles with matt white soffits and black rainwater goods.

The external areas to the south of the building would be laid out for outdoor play activities incorporating an area of rubber safety surfacing measuring approximately 20 metres by 10 metres, a green house, an area of artificial grass, sensory play and surrounding paving areas. There would also be provision for a bin store, bike store and other outside storage.

To the north side of the building would be a car park with 18 spaces, a drop off area and a turning head for emergency and service vehicles. The car park would be created from the existing school car park but with the addition of 3 no. 4 metre high lighting columns to illuminate the car park area.

There would also be 3 no., 4 metre high lighting columns along the frontage of the building together with a number of 1 metre high lighting bollards adjacent to the access road and other vehicular circulation areas.

Description and Location of Site

The application is located on the site of the former Northcliffe Special School which closed in 2011. The site is accessed via a short access road off Blackburn Old Road, a C class road in the Cliffe area of Great Harwood, approximately 1km north of the town centre.

The site is currently occupied by a number of single storey, flat roofed buildings forming the former school complex together with a tarmac playground and car parking area to the north of the school buildings and further play areas to the south. The land in this area falls from Blackburn Old Road towards the south and the school buildings occupy a flat site that has been excavated into the hillside. This has resulted in the school buildings being below the natural land levels in the north of the site with the playing field to the south being raised above the surrounding land level.

The nearest houses to the site are located on Ridgeway to the west, Blackburn Old Road to the north and North Cliffe to the east. There are a number of trees on the boundaries of the school site particularly adjoining the properties on Blackburn Old Road and Northcliffe.

The land to the south of the school is located within the Green Belt. Parts of the existing playgrounds and ancillary school buildings marginally impinge on the Green Belt.

Background

The site is a former special school. Planning permission was granted in 2002 for a canopy over the playground to the rear of the school building (ref 11/02/324)

Planning Policy

National Planning Policy Framework : Paragraphs 11, 47 – 48, 54 -55, 108 – 109, 118,127 – 130, 143 – 146 and 174 - 175 are relevant with regard to the presumption in favour of sustainable development, determining applications, planning conditions,

transport considerations, using brownfield land, achieving well designed places, Green Belt and habitats and biodiversity

Hyndburn Borough Local Plan – Development Management Policies

Policy GC1 Presumption in favour of sustainable development

Policy GC 2 Infrastructure, planning Obligations and CIL

Policy DM8 Delivering Schools and Early Learning

Policy DM14 Housing with care for older people and people with disabilities

Policy DM17 Trees Woodlands and Hedgerows

Policy DM18 Protection and Enhancement of the natural environment

Policy DM19 Protected Species

Policy DM26 Design quality and materials

Policy DM29 Environmental Amenity

Policy DM32 Sustainable transport, traffic and highway safety

Policy DM34 Development in the Green Belt and countryside area

Consultations

Hyndburn Borough Council: - No objection but draw attention to the need to consider residential amenity, highways and impacts on trees. Hyndburn Borough Council's Tree Officer raises objection in relation to the impact on trees in particular to the loss of 4 trees on the boundary of the site which it is considered provide a high level of visual amenity and screening for the surrounding properties. The Borough Council consider that suitable tree replacement should be carried out for any trees that are removed. Conditions are also recommended to address any protected species issues that will arise from the demolition of the existing school building.

LCC Highways Development Control: Highways note that Blackburn Old Road benefits from a 30 mph limit but that there is a history of collisions due to excessive speed and drivers losing control. To maintain suitable visibility at the access onto Blackburn Old Road, Highways request that double yellow lines are placed along Blackburn Old Road. Highways also request conditions relating to provision of turning and parking area and provision of a secure, covered cycle shelter

County Landscape Service : Raise issues in relation to the trees within and on the boundary of the site in particular to better define which trees would be removed Landscape suggest that a larger number of trees on the site should be retained to better address the visual impact of the new development. Comments are also made on the design and location of the proposed mitigation planting in relation to the car parking area and the Green Belt.

Natural England: No comment to make.

Lead Local Flood Authority: No comment to make.

LCC Ecology Advisor: The proposals would result in the loss of two bat roosts and a Natural England licence would be required. Prior to determination, the applicant should submit details of the replacement bat roosts. The applicant should also be requested to reposition the building in order to avoid impacting upon the trees on the

eastern edge of the site and that adequate compensation be provided for any trees that do require removal. Conditions are requested in relation to protection of retained vegetation and provision of a habitat creation / landscaping plan. Attention is also drawn to the need to comply with the legislation regarding nesting birds and bats

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Twenty three representations have been received comprising 14 objections, 3 in support and a further 7 providing general comments or requesting further information on the proposal.

The objections can be summarised as follows:-

- The proposed development is out of character with the existing residential land uses and will result in a loss of daylight to adjoining property
- The planning application does not properly explain the purpose of the building
- The proposed fencing and lighting will be detrimental to local amenity and the fencing will create issues maintaining existing boundaries.
- Why is the fencing required and is the need for fencing indicative of the nature of the residents staying in the unit.
- The development will result in an increase in noise levels particularly during the evening and night.
- The numbers of people staying at the unit will be difficult to control and there are concerns about the nature of the residents, how they will interact with the local community and how concerns about the safety and welfare of existing residents will be addressed
- The school site has become valuable for wildlife and an assessment should be made of the impacts on habitats
- Residents have not been adequately consulted.
- The access onto Blackburn Old Road is dangerous
- The development must safeguard existing rights of access over the access road
- The proposal is a waste of public money
- The site is in the Green Belt and is a Site of Special Scientific Interest

The representations of support state that the aim of the building is laudable and that the County Council should be supported in its efforts to provide respite care which will provide a valuable community asset. It is considered that the buildings would not have a significant impact on the amenity of residents living around the site and would result in the removal of the existing derelict school buildings.

The seven residents raising general comments have requested further details about the nature and purpose of the building. A number of residents have also raised comments about the need to remove or retain the existing trees or hedgerows on the boundary of the site. These residents have been sent further communication explaining the proposal in more detail.

Advice

The planning application is for a short stay respite care unit for children between birth and 18 years of age who have a range of life limiting physical and mental disabilities. For many of these children, the family home is the most appropriate caring environment. However, there may be times when parents / carers cannot be at home or wish to take a break from caring responsibilities. The short stay unit would allow such children to stay in a supervised caring environment for short periods such as overnight, weekends or short breaks to ensure that their care needs are fully provided for as set out in their individual Education Health and Care Plans.

There has been a long standing commitment by the County Council to close eight existing short break units and to establish three new overnight residential units across Lancashire. The first of these units opened in 2015 and the second unit, the subject of this planning application, would replace the existing provision at Hargreaves House in Oswaldtwistle as this building is in poor condition with little external play area. The new building would help to ensure that the County Council can provide respite care to the families of children with disabilities which are of modern standard and which provide the full range of facilities which are required.

The building would provide accommodation for up to 6 children and two staff at any one time. As well as children's bedroom space, the building would provide overnight accommodation for two staff as well as the ancillary facilities that are needed for this type of provision (office / reception, dining / lounge area, medicine room, sensory room and wheelchair accessible bathroom areas). The proposal also includes outdoor play and recreational space in order to provide the full range of facilities needed for these children.

Paragraph 47 of the National Planning Policy Framework requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan policies for this site are contained in the Hyndburn Development Management Plan Document. The main planning issues to consider include the design of the new building including its relationship to the adjacent houses and protection of their amenity, highway safety, impact on the Green Belt and issues relating to ecology / landscaping.

Design and Local Amenity

Paragraph 118 of the National Planning Policy Framework states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The application site is a former school site and the proposals would assist in returning the site to a beneficial use and removing the former school buildings which do little to enhance the local environment in this area.

Policy DM26 of the Hyndburn Development Management Plan Document relates to design quality and materials and requires that new development will be expected to consider a number of factors in overall scheme design including reinforcing locally distinctive patterns of development, the relationship between new development and its surroundings, height and massing and impact on views and materials and lighting.

The site is was formerly used as a special school and is comprised of a single storey, flat roofed structure together with assorted outbuildings. All of the existing structures would be demolished to allow the construction of the proposed building. The new building would be located towards the eastern side of the existing school site with the western side of the existing school site being restored following the demolition works. The western end of the site is reserved by the applicant for the location of a future adult respite care unit which would need to be the subject of a further planning application.

The land in this area falls from north to south and the existing school site has been constructed using a cut and fill technique to create a flat site. This has resulted in the floor level of the existing school buildings being approximately 4.5 metres lower than the houses on Blackburn Old Road. Most of the houses on Northcliffe in the area close to the proposed new building are approximately on the same level as the existing school.

The separation distances between the new building and the houses on Blackburn Old Road would be around 60 metres compared to 53 metres to the existing school. To the houses on Northcliffe, the new building would be approximately 23 metres distant compared to approximately 25 metres to the existing school building. The proposed building would be constructed on the same floor level as the existing school. Whilst it would be a single storey structure, it would have a pitched roof to a ridge height of 6 metres, approximately 2 metres higher than the roof line of the existing school. Although there may be some loss of outlook compared to the existing situation, particularly to the houses on Blackburn Old Road and Northcliffe, it is considered that the separation distances are sufficient and that there would be no unacceptable overlooking or shadowing impacts.

The building would be constructed from red brick with artificial stone quoins with a concrete tiled roof. The building is located at the end of an access road leading from Blackburn Old Road and is therefore screened from the existing properties which front the surrounding roads and the site is not prominent in the street scene. The existing properties do not have any particular local vernacular or predominant architectural style and it is considered that the proposed design and materials are acceptable in this location.

A number of local residents have raised concerns about the nature of the people who would stay at the unit and associated risks for their safety and security. It should be noted that the building is not designed for the rehabilitation of criminals or treatment of addiction problems. Due to their disabilities and health issues, all children staying at the site would need supervision and care at all times and access to and from the building would be controlled by staff. For these reasons the concerns of some local residents in this respect are unfounded and the development would not give rise to any amenity impacts by way of noise especially compared to the previous use of the site as a school. The original proposal contained provision for two metre high security fencing around the northern and eastern boundaries of the site. The fencing was the subject of some concern from local residents in relation to its visual impact and being able to maintain their boundaries and to address these concerns it has now been removed from the proposal.

New lighting is proposed around the car park area and the front of the building comprised of 6 x 4 metre high lighting columns, 6 x 1 metre high lighting bollards and a number of lights mounted on the walls of the new building. A number of the representations received from local residents raise issues about the impacts of the lighting. The proposals are accompanied by a lighting assessment showing the predicted light spill. This shows that the light spill to the properties would be minimal and largely restricted to the garden areas where they immediately adjoin the boundary with the application site. The lighting would be fitted with PIR movement detector controls so that it would only be fully illuminated when movement within the external areas is detected and would be dimmed to 10% of maximum output at other times. The impacts of the lighting are therefore considered acceptable subject to a condition requiring the lighting system and controls to be implemented as set out in the application.

Highways

Paragraph 108 of the National Planning Policy Framework requires that development proposals should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The site is accessed off Blackburn Old Road by means of a short access road. Blackburn Road is subject to a 30 mph restriction but LCC Highways note that there is a history of accidents in this area due to excessive speed. However, given the low level of traffic generation of this proposal, Highways do not raise any objection subject to the removal of the existing 'school keep clear' markings on Blackburn Old Road and their replacement with no parking double yellow lines. This would help to retain visibility for traffic emerging onto Blackburn Old Road from the site access.

Policy DM32 of the Hyndburn Local Plan addresses sustainable transport issues and requires that all development proposals should actively encourage and prioritise sustainable travel modes and should meet the local parking standards.

Although the site is not particularly accessible by public transport, it should be noted that the users of the proposed building would be young and also disabled and are therefore very unlikely to be able to use public transport and would be brought to the site in cars or specially adapted vehicles. The proposals would provide 16 car parking spaces together with two disabled spaces. Whilst the parking provision would be significantly above the levels in the policy of one space per 5 bedrooms and 1 space per 10 visitors and staff, the parking spaces already exist at the site being a refurbishment of the former school parking area. It would be unreasonable to request that the existing parking spaces are removed to meet the levels in the standards. The proposals is therefore considered acceptable in relation to Policy DM32.

Taking into account the above issues, the proposals are considered acceptable in terms of highways issues subject to conditions being imposed regarding the parking restrictions on Blackburn Old Road and the remarking of the car park and provision of secure cycle storage.

Ecology / Landscape

The National Planning Policy Framework requires that development is visually attractive as a result of good landscaping and should contribute to enhance the natural environment by minimising impacts and providing net gains for biodiversity (paragraphs 127 and 170). Policies DM17, DM18 and DM19 of the Hyndburn Borough Development Management policies require that the natural environment will be protected from damage and that proposals that would have an adverse impact on species of principle importance will not normally be permitted and that suitable mitigation measures be required where impacts would occur. Policy DM17 requires that development proposals must seek to avoid the loss of existing trees and where tree loss cannot be avoided, compensatory planting should occur at a ratio of at least 3:1.

The application site has a number of trees, both adjacent to the existing school buildings and on the boundaries of the site. The application is accompanied by a tree survey which identifies the trees to be removed and their quality. The original application identified that nine trees would require removal within the site itself, a number of which were assessed as category A (good) trees. Whilst the trees immediately next to the existing school building will still have to be removed, the proposals have been amended so that only one significant tree on the boundary with Northcliffe will require removal. It is considered that the retention of the other trees will assist in the landscaping of the site and will mitigate some of the visual impacts of the new building when seen from the houses on Northcliffe. This can be the subject of a planning condition along with a requirement to undertake additional planting to mitigate for the trees that have to be removed. On this basis the development is acceptable in relation to Policy DM17.

The site is not subject to any ecological designations but an ecological survey of the existing school site has identified two bat roosts within the existing school building. As the building would be demolished, there would be impacts on European protected species. In such cases development should not be supported unless it can be demonstrated that three tests in Policy DM19 can be satisfied; these are that it can be demonstrated that there is no satisfactory alternative, the development is in the overriding public interest and that the proposal would not have an unacceptable impact due to the incorporation of appropriate mitigation measures. In relation to these tests, the existing school building is in a very poor condition and could not reasonably be adapted to provide the type of facilities required by the intended users of the new building. It is also considered that there is a public interest case for providing the facility to ensure the provision of sufficient accommodation of the required standard for disabled children. The protected species affected by this development (pipistrelle bats) can be mitigated by providing replacement roosting features either on the elevations of the new building or on the retained trees. It is therefore considered that the three tests in Policy DM19 are satisfied.

Provided that conditions are imposed regarding implementation of mitigation measures, techniques to be used for the demolition of the existing building and protection of retained vegetation, it is considered that the development is acceptable in terms of landscape and ecology considerations and complies with Policies DM17, 18 and 19 of the Hyndburn Borough Development Management policies.

Green Belt

The existing school site straddles the Green Belt boundary and some of the existing school playground and part of a two - classroom teaching block lie within the Green Belt. The new short stay unit would be outside of the Green Belt but some elements of the new external play area and greenhouse would lie within the Green Belt. Paragraph 145 of the National Planning Policy Framework states that new buildings within the Green Belt should be regarded as inappropriate except for the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. In this case, the proposed development would only affect a very small area on the edge of the Green Belt and would not have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore considered acceptable in terms of paragraph 145 of the National Planning Policy Framework.

Conclusions

The proposed development would involve the reuse of previously developed land to provide a facility required for the provision of high standard respite care. The new building would be acceptable in relation to design and the amenities of local residents and would have no unacceptable impacts on highway safety, ecology or the openness of the Green Belt. The proposal is therefore considered acceptable in terms of the policies of the National Planning Policy Framework and the Hyndburn Borough Development Management Policies.

In view of the scale, location and purpose of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except as otherwise required by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 16th December 2019

b) Submitted Plans and documents:

Drawing A100 Rev B Existing Site Plan
Drawing A210 Rev K Proposed Site Plan
Drawing A260 Rev E Proposed Elevations
Drawing 6820 - EP Rev B Proposed External Lighting Plot
Drawing A220 Revision F Proposed Ground Floor Plan

c) All schemes and programmes approved in accordance with this permission.

Reason: To minimise the impact of the development on the amenities of the local area and to conform with policies DM17, DM18, DM19, DM26, DM32 and DM34 of the Hyndburn Borough Development Management Policies.

3. The building materials used for the external elevation and roof of the building shall conform to those shown on drawing A260 Revision E.

Reason: In order to ensure a high standard of design in the interests of the visual amenities of the areas and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

4. The external lighting shall conform to the design shown on Drawing 6820 - EP Rev B Proposed External Lighting Plot and shall be operated in accordance with the details on that drawing at all times.

Reason: In the interests of local amenity and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

5. The building shall not be brought into use until parking restrictions on Blackburn Old Road have been implemented in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall contain details of the following:-

- a) Removal of the existing 'school keep clear' markings from the carriageway surface.
- b) A drawing showing the areas of Blackburn Old Road that are to be subject to no parking restrictions in order to ensure adequate visibility for traffic emerging from the site access onto Blackburn Old Road.

Reason: In the interests of highway safety and to conform with Policy DM32 of the Hyndburn Borough Development Management Policies.

6. Demolition works to the existing building shall take place in accordance with the bat mitigation measures described in section 7.6 of the submitted Ecological Appraisal.

Prior to any demolition works commencing the bat mitigation measures shall be erected in accordance with the details in the email from Design and Construction dated 13th February 2020.

Reason: To ensure the provision of implementation measures for European protected Species and to conform with Policy DM19 of the Hyndburn Borough Development Management Policies.

7. Prior to the development being brought into use the car parking area including disabled spaces and secure cycle parking shall be provided and laid out as shown on Drawing A210 Rev K - Proposed Site Plan.

Reason: In the interests of highway safety and sustainable transport and to conform with Policy DM32 of the Hyndburn Borough Development Management Policies.

8. The trees shown shaded in green on drawing A210 Rev K shall be retained and protected from damage using fencing or other suitable means of demarcation during construction works.

Reason: In the interest of local amenity and to ensure the retention of important landscape features and to conform with Policy DM17 of the Hyndburn Borough Development Management Policies.

9. Within six months of the date of this planning permission, a scheme and programme for the landscaping of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of the following:

- a) Details of the ornamental planting to be carried out around the building.
- b) Native tree and hedge planting to be undertaken in the field to the south of the building to mitigate for the trees that are removed as part of the development. The mitigation planting shall be undertaken at a ratio of 3:1 for the trees that are removed. The details shall contain information on the location of planting works, sizes, types and species to be planted, planting techniques and protection measures.
- c) Details for the restoration of all land within the Northcliffe school site that is outside of the footprint of the new development.

The new planting works and land restoration shall be undertaken not later than the end of the first planting season following the development being brought into use.

Reason: In order to secure the proper landscaping of the site and to conform with Policies DM17 and DM26 of the Hyndburn Borough Development Management Policies.

10. No demolition, construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 18.00 hours Monday to Friday (except Public Holidays),
08.00 to 13.00 hours on Saturday.

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the use of pumping equipment and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

11. Measures shall be taken at all times during demolition and construction works to minimise the generation of dust.

Reason: In the interests of the amenities of local residents and to conform with Policy DM26 of the Hyndburn Borough Development Management Policies.

Definitions

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Local Government (Access to Information) Act 1985 List of Background Papers

None

Reason for Inclusion in Part II, if appropriate – N/A