

Item 4g **12/00325/FUL**

Case Officer **Nicola Hopkins**

Ward **Chorley North East**

Proposal **Change of use of existing office accommodation (ground and first floor) to Chorley Academy free school (Use Class D1)**

Location **Inland Revenue Lingmell House Water Street Chorley Lancashire**

Applicant **Gill Academy Trust**

Consultation expiry: **4 May 2012**

Application expiry: **23 May 2012**

Proposal

1. The application relates to a temporary change of use of existing office accommodation (ground and first floor) formally occupied by the Inland Revenue to Chorley Academy free school (Use Class D1)
2. The proposals intend to establish a secondary school and sixth form school. It is proposed to utilise the application site for the first year of operation only (September 2012- September 2013) and intends to enrol 60 Year 7 students and 100 post 16 (of which 32 post-16 students would be based off site). After the first year the school is seeking to relocate to a permanent facility.
3. The existing building can accommodate the temporary school accommodation without any external development or demolition.
4. The proposals incorporate the change of use of the existing ground and first floor level (the second floor does not form part of this application).
5. Free Schools are state-funded schools the first of which were opened in September 2011 and enable independent groups to set up a school. On 10 October 2011, the Secretary of State announced the successful applications to open a mainstream Free School in 2012 and beyond that have been approved to pre-opening stage and this included Chorley Career and Sixth Form Academy. The vision of the Chorley Career and Sixth Form Academy will be to provide independent but state funded education to young people aged from 11-19.

Recommendation

6. It is recommended that this application is granted conditional planning approval

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the conservation area
 - Impact on the neighbours
 - Traffic and Transport
 - Noise

Consultations

8. **Chorley's Conservation Officer** has commented as the application site is within St Laurence's Conservation Area
9. **Lancashire County Council (Highways)** has no highway objection to the development
10. **Director of People and Places** has no comments to make.

Neighbours

11. None received

Policy Background

National Planning Policy:

12. The relevant national planning policy guidance/statements are as follows:
 - **National Planning Policy Framework (NPPF)**
The NPPF states:
'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU and statutory requirements.'
13. The NPPF confirms that for 12 months from the day of publication (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.
14. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
15. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
16. At the heart of NPPF is the presumption in favour of sustainable development which is established as the 'golden thread' running through the plan and decision making processes. For decision making this means:
 - Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - Specific policies in the NPPF indicate development should be restricted.
17. Paragraph 72 of the NPPF states:
The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this

requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.
- **Policy statement – planning for schools development (August 2011)**

This Policy document sets out the Government's vision for school development and confirms that the Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

The Development Plan

18. The development plan comprises the saved policies of the Adopted Chorley Borough Local Plan Review 2003, the Sustainable Resources Development Plan Document 2008 and the North West of England Regional Spatial Strategy 2008 (RSS).
19. The starting point for assessment of the application is Section 38 of the Planning and Compulsory Purchase Act 2004 that states if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Regional Spatial Strategy (RSS)

20. At the current time the Regional Spatial Strategy (RSS) for the North West is still in force. The Secretary of State's intention to revoke RSS, and how that intention should be considered has been a matter for the courts, with the outcome that RSS remains part of the development plan, and that the intention to revoke can be regarded as a material consideration in the determination of planning applications.
21. Section 109 of the Localism Act has already come into force which gives the Secretary of State the power to revoke the whole or part of any Regional Spatial Strategy. Consultation on Strategic Environmental Assessment (SEA) which considers the environmental impacts of revocation expired on 20 January 2012. The Government indicated that it intended to revoke RSS by April 2012 however at the time of writing this report this had not happened.
22. The relevant policies of the RSS are as follows:
 - DP1: Spatial Principles
 - DP2: Promote Sustainable Communities
 - DP4: Make the Best Use of Existing Resources and Infrastructure
 - Policy DP5: Manage Travel Demand; Reduce the Need to Travel and Increase Accessibility
 - L1: Health, Sport, Recreation, Cultural and Education Services Provision
 - RT2: Managing Travel Demand
 - RT9: Walking and Cycling

Adopted Chorley Borough Local Plan Review

23. The NPPF confirms that for 12 months from the day of publication of the NPPF (27th March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework. The Local Plan Policies were adopted in 2003 and saved by the Secretary of State in 2007 which was in accordance with the Planning and Compulsory Purchase Act 2004. The NPPF also confirms that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans. The emerging plan is addressed below.
24. The relevant policies of the Local Plan are as follows:
 - GN1- Settlement Policy – Main Settlements
 - EM6- Financial And Professional Services
 - TR4- Highway Development Control Criteria
 - EM9- Redevelopment Of Existing Employment Sites For Non-Employment Uses

25. Supplementary Planning Guidance:
- Proof Of Marketing: Policy EM9 – Redevelopment Of Existing Employments Sites For Non- employment Uses

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Emerging Policy Considerations

Central Lancashire Local Development Framework Joint Core Strategy

26. Central Lancashire Core Strategy – Publication Version December 2010: Chorley Council is preparing a Core Strategy jointly with Preston City and South Ribble Councils which was submitted for examination in March 2011 and an Examination in Public took place in June 2011. In July 2011, the examining Inspector expressed doubts whether the document in its December 2010 published form could be found sound in providing for sufficient new housing (Policy 4). The examination was suspended and in November 2011 the three Councils produced a Proposed Housing Related Changes document. This was subject to public consultation during November and December 2011. The consultation period ended on 13th December 2011. The examination re-opened and closed on 6th March 2012.
27. As a whole the Core Strategy as a document is at an advanced stage.
28. The following Core Strategy Policies are of relevance to this application:
- **Policy 10-** Employment Premises and Sites
This Policy states that all existing employment premises and sites last used for employment will be protected for employment use.
 - **Policy 14-** Education
The Policy states that the Council will provide for education requirements by:
 - a. Enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport.
 - b. Asking developers to contribute towards the provision of school places where their development would result in or worsen a lack of capacity at existing schools.
 - c. Working in partnership with the education authority in any modernisation programme requiring school closure or new construction.
 - d. Supporting the growth and development of higher and further education, through close working with the relevant institutions.
 - e. Working in partnership with the education authority and other service providers to identify opportunities for the co-location of services
 - **Policy 16-** Heritage Assets
This Policy seeks to protect and seek opportunities to enhance heritage assets.

Site Allocations & Development Management Policies DPD (Preferred Option Paper)

29. Local Development Framework: Site Allocations and Development Management Policies Development Plan Document. The Council has recently completed consultation on the Preferred Option Paper for the Chorley Site Allocations and Development Management Policies Development Plan Document (DPD). This document will accord with the broad content of the Central Lancashire Core Strategy but will provide more site-specific and policy details. The purpose of this document is to help deliver the aims of the Central Lancashire Core Strategy by setting out development management policies and allocating or protecting land for specific uses. This DPD is at a relatively early stage of preparation, and can be afforded limited weight.

Assessment

Principle of the development

30. In August 2011 the Secretary of State for Communities & Local Government and the Secretary of State for Education issued a new policy statement on planning for schools

development. The policy statement is designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government's strong commitment to improving state education. It follows and strengthens the guidance on planning for schools development contained in the Written Ministerial Statement of July 2010.

31. The Statement confirms the Government's commitment to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include free schools. The NPPF reiterates this view and confirms that local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education.
32. Policy L1 of the North West RSS requires plans and schemes to provide for the full spectrum of education provision and the views of the local community must be taken into account.
33. The application site is located within the settlement boundary of Chorley Town within St Laurence's Conservation Area and an area allocated for financial and professional service uses (Use Class A2) under Policy EM6.4 of the Local Plan. Additionally Policy EM9 of the Local Plan is applicable to the proposals as they relate to the redevelopment of existing employment sites for non-employment uses for Policy EM9 sites "employment use" is defined as Use Classes B1, B2, B8 and A2.
34. Policy EM6 states: The following area is reserved for changes of use, or the construction of new buildings for financial and professional services (Use Class A2) and other appropriate town centre non-retail uses:
 - Water Street, Chorley Use class A2 zone
35. The use of the premises for school accommodation is contrary to the provisions of Policy EM6, as set out above, as this use falls within Use Class D1. It is noted that it is proposed to remove this allocation within the Site Allocations DPD. This document can only be afforded limited weight at this time due the stage it has reached and the local plan policy has greater weight however, potentially, this zone may be removed in the future.
36. Policy EM9 states:

Sites and premises currently in employment use (or that were last used for employment purposes) which become vacant or are proposed for new development, will be assessed to determine whether they are particularly suitable to be re-used for employment purposes. The factors to be taken into account in assessment will include:

 - a. the site's relationship to public transport;
 - b. the adequacy of the road access;
 - c. whether the site provides a locally important source of employment;
 - d. whether the site serves a particular sector of demand for employment land or premises;
 - e. whether there are adequate replacement or alternative sites in the vicinity;
 - f. whether the site's use for another purpose would prejudice the continued existence of another employer;
 - g. whether the site is suitable for mixed-use development.

Sites that are assessed to be particularly suitable to be re-used for employment purposes shall be reserved for such uses unless:

- i. there is no realistic prospect of an employment re-use of the land or premises, or;
- ii. redevelopment for an employment use would not be economically viable, or;
- iii. an employment re-use or redevelopment would no longer be appropriate for planning or environmental reasons.

Redevelopment and re-use proposals, for whatever purpose, are to comply with the other policies in this Plan

37. Policy EM9 is supported by an accompanying SPG which requires a Statement of the Efforts that have been made to market (Statement of Efforts and Proof of Marketing) for any premises or site currently or last used for employment development where an applicant

proposes non-employment use. The Council currently requests a 12 month marketing period.

38. In accordance with Policy EM9 the site has been assessed to determine whether the site is particularly suitable to be re-used for employment purposes, as follows:
 - a. the site's relationship to public transport- the site is within a sustainable location close to Chorley Town Centre
 - b. the adequacy of the road access- road access is considered to be suitable as addressed below.
 - c. whether the site provides a locally important source of employment- the premises are currently empty and as such do not currently provide a source of employment.
 - d. whether the site serves a particular sector of demand for employment land or premises- the premises are currently empty and the proposed use is only temporary which ensures that the premises will be returned to an employment use
 - e. whether there are adequate replacement or alternative sites in the vicinity- the premises are currently empty and the proposed use is only temporary which ensures that the premises will be returned to an employment use.
 - f. whether the site's use for another purpose would prejudice the continued existence of another employer- it is only intended for the school to occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.
 - g. whether the site is suitable for mixed-use development- the school will only occupy the ground and first floor of the building and as such the second floor is still available for office accommodation.
39. It is considered that this site is suitable to be re-used for employment purposes and as such, in accordance with the SPG which accompanies EM9, a Statement of the Efforts should have been submitted in support of this application. However it has been noted that the proposals are only for a temporary change of use whilst the school secures permanent accommodation.
40. The supporting information states that the premises will only be utilised for the first year of operation only (September 2012- September 2013) however the agent for the application has confirmed that the free school has stated that there is a possibility that their period of accommodation may be required up until, at the latest, December 2014. Additionally the landlord has also requested some assurance that the building will revert to office use following the school vacating the premises. This has been secured by condition.
41. As the premises will be returned to office accommodation following the use by the school it is considered overly onerous, in this case, to require a full Statement of Efforts as the proposals will not result in the permanent loss of office accommodation.
42. It has also been noted that the premises are currently vacant and are being advertised on the Jones Lang LaSalle web-site as a commercial office building for let. As such in accordance with Policy EM9 the premises has been marketed for employment uses.
43. As set out above the NPPF post dates both the Local Plan and the RSS and due weight, the degree of which to be determined by the decision maker, is given to relevant policies in existing plans according to their degree of consistency with the NPPF. In this case it is considered that a temporary use of the premises is preferable to the retention of an empty building close to Chorley town centre. It is clear that the landlord is keen to ensure that the premises is returned to office accommodation following the school securing permanent accommodation which ensures the retention of office accommodation within a relatively sustainable location in accordance with the aspirations of Policies EM6 and EM9.
44. The proposals are fully in accordance with National guidance in respect of widening the choice of education in the Borough and as such in this case the temporary nature of the use with provisions to secure the retention of the premises as office accommodation are material considerations which outweigh the local plan policies.
45. The NPPF also enables decision-takers to give weight to relevant policies in emerging plans. Policy 14 of the Core Strategy seeks to enable new schools to be built in locations which are

accessible by the communities they serve, using sustainable modes of transport. The sustainable nature of this site ensures that the proposals accord with emerging policies.

Impact on the conservation area

46. The application site is located within the St Laurence's Conservation Area, which is a designated heritage asset as defined in Annex 2 to the NPPF. Section 12 of the NPPF is therefore a material consideration in the determination of this planning application.
47. No external alterations to the appearance of the building are proposed as part of the development. The Council's Conservation Officer has reviewed the application and confirmed that the significance of the designated heritage asset, the conservation area, will be sustained as part of the development. As such the proposals are considered to be acceptable in respect of Section 12 of the NPPF.

Impact on the neighbours

48. The application site is adjacent to the residential terraced row of properties 11-25 Water Street. 11 Water Street is immediately adjacent to the application site boundary and has 2 ground floor windows facing the application site. It is intended that the existing hard standing area to the rear and side of the building, currently used for parking, will be used as an external play area for the school.
49. It is acknowledged that an external play area associated with a school has the potential to impact on the neighbours amenities in terms of noise creation when compared to the existing use as a car park. However this would only be during the school opening hours which the agent has confirmed are 7am – 6pm during weekdays, and on some Saturdays 9am – 1pm. The Council's Neighbourhood Environmental Health Officer has raised no issue from a noise perspective and as such it is not considered that the external play area will adversely impact on the neighbours amenities through noise generation.

Traffic and Transport

50. The Highway Engineer at Lancashire County Council has assessed the proposals and has raised no objection to the proposals. In accordance with the submitted draft North West Regional Parking Standards 2 parking spaces per classroom are required for secondary school and 1 space per 2 staff and 1 space per 10 students is required for higher education. However it should be noted that there will be up to 60 Year 7 pupils (aged 11 to 12 years) and up to 100 Year 12 students (aged 16-17 years) attending the Academy during its first year and as such parking space for students is not an issue. As such an assessment of the parking requirements is based upon the requirements for secondary education. The premises will have up to 27 members of staff in the school in the first year of operation, including several part-time members of staff. The travel plan submitted with this application estimates that half of this number will travel to school in their own car.
51. The submitted plans detail 15 car parking spaces to the front of the premises including 2 disabled parking spaces. The proposals include 2 classrooms at ground floor level along with a post 16 classroom at ground floor level and 6 classrooms at first floor level. This results in a requirement for 18 car parking spaces (based upon secondary school accommodation) which results in a deficit of three spaces at the site however the Highway Engineer has assessed the proposals and confirmed that the level of staff parking available in front of the building will prove sufficient. Additionally the site is opposite a public car park which can provide car parking provision for these premises.
52. With respect to parking requirements for parents, the Highway Engineer considers that the central town centre location surrounded by busy roads and the inner ring road, walking to school is unlikely to be a favoured option and for the same reason it is equally unlikely to prove popular or practical for most pupils to cycle to school. As such he considers that there will be a high tendency for pupils to be dropped-off and picked-up by car by parents.
53. In respect of the on-street car parking arrangements the Highway Engineer considers that both Water Street and Hollinshead Street will offer a level of parking provision for dropping-off and picking-up. Within the submitted planning statement there is a suggestion that a one-

way system could be operated for parent parking however the Engineer does not consider this necessary at this time.

54. The Engineer considers that effectively parent parking will take place over a short period in the morning and afternoon and the level of parking is manageable. As such the highway engineer does not feel that school traffic generation will have any significant adverse impact on the safety and operation of the immediate highway.

Overall Conclusion

55. It is acknowledged that the proposals do not fully comply with Local Plan Policies EM6 and EM9 in respect of the use of the premises for a use other than for financial and professional services. However the NPPF confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the proposals will secure the temporary re-use of an empty building in a relatively sustainable location.
56. The National Planning Policy Framework states that *the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools;*
 - *work with schools promoters to identify and resolve key planning issues before applications are submitted.*
57. The Policy statement 'planning for schools development' makes it clear that local authorities should make full use of their planning powers to support state-funded schools applications and that a refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. The statement goes on to confirm that any appeal against any refusals of planning permission for state-funded schools will be treated as priority by the Secretary of State and the Secretary of State may choose to recover, for his own determination, appeals against the refusal of planning permission.
58. It is considered that the proposals will secure educational choice within the Borough, as Free Schools are independent of the Local Authority Education system, in accordance with the Government's clear direction of travel as set out within the NPPF and the planning for schools development policy statement published by the Government. This policy statement confirms that *creating free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities.* The temporary nature of the use can ensure the reversion to an office use in the future. As such the application is recommended for approval.

Planning History

74/00010/FUL: 8 storey office block. Withdrawn

77/00587/FUL: Change of use of Parish Institute to Offices. Approved July 1978

78/00441/OUT: Outline application for 39 flats and 1 house plus communal facilities (Category 2 sheltered housing). Approved July 1978

03/00071/FUL: Erection of detached garage. Approved March 2003

05/00434/CON: Application for Conservation Area Consent for the demolition of existing building. Approved July 2005

Recommendation: Permit Full Planning Permission Conditions

1. The use of the ground and first floor of the building by Chorley Career and Sixth Form Academy (Use Class D1) hereby permitted shall cease by 31st December 2014 or when a permanent facility for Chorley Career and Sixth Form Academy is established (whichever is the shortest period of time). Thereafter the building shall be reinstated to office accommodation.

Reason: The permission was granted on a temporary basis having regard to the special circumstances advanced in support of the application, however the use would be inappropriate to the locality on a permanent basis and in accordance with Policy Nos. EM6 of the Adopted Chorley Borough Local Plan Review.

2. The approved plans are:

Plan Ref.	Received On:	Title:
046 S 01	26 March 2012	Site Location Plan
046 S 02	26 March 2012	Existing Site Plan
046 S 04	26 March 2012	Proposed Site Plan
046 GA 00	26 March 2012	Proposed Ground Plan
046 GA 01	26 March 2012	Proposed Level 1 Plan
046 GA 02	26 March 2012	Proposed Level 2 Plan
046 EX 00	26 March 2012	Existing Ground Plan
046 EX 01	26 March 2012	Existing Level 1 Plan
046 EX 02	26 March 2012	Existing Level 2 Plan

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

3. The use hereby permitted shall be restricted to the hours between 7am and 6pm on weekdays, between 9am and 1pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.