

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01527/PRA56	Rosalind Galton	2 February 2023

Address: St Albans House Drake Street Rochdale OL16 1UZ

Proposal: Prior approval for change of use from a business use (Class E) to a State Funded School (Class F1(a))

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N
CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	PRIOR APPROVAL REQUIRED AND APPROVED
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CHECKED AND SIGNED OFF BY: L.Ashworth

DATE: 02.02.2023

SITE

The site relates to a three storey office building with undercroft parking located within the defined urban area in Rochdale

PROPOSAL

The proposal relates to aprior approval for change of use from a business use (Class E) to a State Funded School (Class F1(a)).

RELEVANT PLANNING POLICY

Planning Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class T

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

Unitary Development Plan (UDP):

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

78/D07203 – Offices Extension – Grant subject to conditions

83/D14842 – Approval of reserved matters for the construction of 20 aged person flats (Category 1) Grant subject to conditions

10/D53410 – Disabled access to front and rear of premises Grant subject to conditions

14/00979/FUL – Erection of new main entrance portal to south facing elevation together with creation of steps and disabled access ramp Grant subject to conditions

CONSULTATION RESPONSES

Highways And Engineering

Highways have reviewed this application and subsequent information on parking and also staff numbers for the proposed use of this building.

Considering the previous use, Highways have enough information not to require anything further and offer no objection to this Change of Use.

Env Health - Noise/Odours

This section has no objections to the proposals.

Environmental Control (Landfill Gas)

Depending on the business use it may require a PRA on application.

REPRESENTATIONS

None received

ANALYSIS

Permitted development

T. Development consisting of a change of use of a building and any land within its curtilage from a

use falling within one of the following provisions of the Use Classes Order—

(a) Class C1 (hotels) of Schedule 1;

(b) Class C2 (residential institutions) of Schedule 1;

(c) Class C2A (secure residential institutions) of Schedule 1; or
(d) Class E (commercial, business or service) of Schedule 2,
to use as a state-funded school falling within Class F.1(a) of Schedule 2 to that Order.

The established existing use of the building is identified as Class E.

Development not permitted

T.1 Development is not permitted by Class T if—

- (b) the site is, or forms part of, a military explosives storage area;
- (c) the site is, or forms part of, a safety hazard area; or
- (d) the building is a listed building or a scheduled monument.

T.2— (1) Development is permitted by Class T subject to the following conditions—

(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school;

(b) before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development; and
- (iii) contamination risks on the site,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Transport and highways impact of the development

Paragraphs 108 and 109 of the NPPF require that safe and suitable access to a site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the road network would be severe.

The applicant has communicated with the LPA the use of the state funded school will be for a limited number of students who are provided with council-commissioned vehicles to escort them to school. Subsequently a limited number of staff are proposed also. An amended site plan was submitted that shows undercroft parking which accommodates 10 parking spaces including one disabled, is provided.

Highways conclude given the submitted information, and considering the previous use, raise no objections to this Change of Use and would ask for no specific planning conditions. As such, the application would be in accordance with the policies of the NPPF. Following an assessment of the highway impacts, it is concluded that prior approval is required and approved.

Contamination Risks and Implications

Paragraph 170 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 178 of indicates that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

It is noted the Environmental Protection Officer's response details dependent on the business use a PRA may be required. Given the proposed use of a state funded school on this site, it is not considered this change of use of the building would result in a material difference to the existing use in relation to contamination. In accordance with the policies of the NPPF, prior approval is not required.

Impacts of noise

Paragraph 127 of the NPPF states that planning decisions should ensure that developments promote a high standard of amenity for existing and future users.

No Noise Impact Assessment has been submitted with the application. Given the response from the Council's Environmental Health Officer and that there is no outdoor space provided for students, it is not considered the proposed change of use would give rise to unacceptable noise impacts for surrounding residential properties. In accordance with the policies of the NPPF, prior approval is therefore not required.

(2) Subject to sub-paragraph (3), development under Class T must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class T, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class T must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class T.

RECOMMENDATION

Prior Approval Required and Approved

Subject to the following conditions:

1. The development, and any associated operational development, must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Schedule 2 Part 3 Class T.2 (3)

2. The permission relates to the following plans:

Location Plan received by the Council 24/01/2023

Proposed Ground Floor Plan – P-05 received by the Council 02/12/2022

Proposed First Floor Plan – P-06 received by the Council 02/12/2022

Proposed Second Floor Plan – P-07 received by the Council 02/12/2022

And the development shall be carried out in accordance with these drawings hereby approved.

Reason: for the avoidance of doubt, and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Report Author Rosalind Gralton